

## How to Obtain Additional Information on the Nondiscrimination Rights of Students

Contact the following:

- **Your School Principal**
- **Your District Offices:**



### *Honolulu District*

Farrington/Kaiser/ Kalani Complexes .....784-6680

McKinley/Roosevelt/Kaimuki Complexes .....784-6690

### *Central Oahu District*

Aiea/Moanalua/Radford Complexes .....421-4263

Leilehua/Mililani/Waialua Complexes .....622-6432

### *Leeward Oahu District*

Campbell/Kapolei Complexes .....675-0335

Nanakuli/Waianae Complexes .....784-5696

Pearl City/Waipahu Complexes .....675-0384

### *Windward Oahu District*

Castle/Kahuku Complexes .....784-5940

Kailua/Kalaheo Complexes .....784-5940

### *Hawaii District*

Honokaa/Kohala Complexes .....775-8895

Kealakehe/Konawaena Complexes .....323-0015

Hilo/Waiakea Complexes .....974-4401

Kau/Keaau/Pahoa Complexes .....982-4252

### *Maui District*

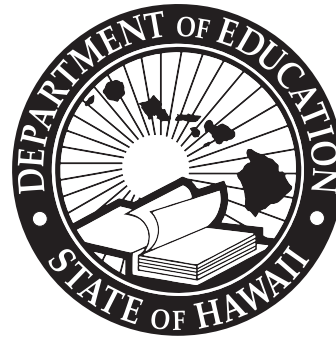
Baldwin/King Kekaulike/Maui/

Hana/Lahaina/Lanai Complexes .....873-3520

Molokai Complexes .....553-1723

### *Kauai District*

Kapaa/Kauai/Waimea Complexes .....274-3504



The HIDOE Section 504 Coordinator:  
Office of Student Support Services  
Exceptional Support Branch  
475 22nd Avenue  
Honolulu, Hawaii 96816  
Phone: (808) 305-9806

Please direct inquiries regarding HIDOE nondiscrimination because of disability to:

Section ADA/504 inquiries  
Krysti Sukita, ADA/504 Specialist  
Civil Rights Compliance Branch  
Hawaii State Department of Education  
P.O. Box 2360  
Honolulu, Hawaii 96804  
(808) 586-3322 or relay  
info@crco.k12.hi.us

Inquiries concerning discrimination and/or harassment may also be referred to the Office for Civil Rights, United States Department of Education.

# Rights of Parents and Students Under Section 504, Subpart D and Hawaii Law and Regulations



Office of Student Support Services  
Exceptional Support Branch  
Department of Education • State of Hawaii

## Rights of Parents and Students Under Section 504, Subpart D and Hawaii Law and Regulations

(Section 504/Subpart D of the Rehabilitation Act of 1973 and Hawaii Law and Regulations)



This brochure describes the rights granted by Federal and State laws to students with disabilities and their parents or guardians. The intent of the law is to provide an equal educational opportunity to all students with disabilities.

### Parent and Student Rights Granted by Federal and State Laws:

1. Have the student take part in, and receive benefits from public education programs without discrimination because of the student's disability.
2. Be advised by the school of parent's rights under Federal and State laws.
3. Receive a prior written notice with respect to any action regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.
4. Provide consent before the school conducts an initial evaluation which includes the administration of tests or other assessments or before the initial provision of special education or related services to the student.
5. Have the student receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate to the needs of the handicapped person. The Department shall place a handicapped person in the regular educational environment operated by the Department unless it is demonstrated by the Department that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. It also includes the right to have the school make accommodations, including transportation, to allow the student an equal opportunity to participate in school and school-related activities.
6. Have the opportunity, during evaluation and reevaluation, to participate in the review of existing information on the student and the determination of eligibility as a student with a disability, participate in developing, reviewing, and revising the student's educational plan and participate in placement decisions.
7. Have the interpretation of evaluation information and educational placement decisions made based upon a variety of information sources. This information must be recent enough to give an understanding of the current educational needs of the student and be carefully considered and documented.
8. Have the student be educated in facilities and receive services comparable to those provided to students without disabilities.
9. Have the student be given an equal opportunity to participate in non-academic and extracurricular activities offered by the school.
10. Examine all relevant records relating to decisions regarding the student's identification, evaluation, or educational placement.
11. Have a surrogate parent appointed by the Department whenever the student is a ward of the state or when the Department cannot identify a parent or cannot find the student's parent and deems that the student requires a surrogate parent. A surrogate parent represents the student in all matters relating to the identification, evaluation and educational placement of the student and the provision of a free appropriate public education to the student.
12. Have the school, within three school days of the Complex Area Superintendent's verbal authorization to suspend student in excess of ten days, mail parent written notification of the school's intent to impose serious discipline upon student, including information regarding the serious discipline incident and the appeal form.
13. Be a member of the team that conducts a review of the relationship between the student's disability and the behavior subject to a disciplinary action involving a change in placement for more than ten consecutive or cumulative school days in a given year. The team must consider all information relevant to the misconduct including any relevant information provided by the parent. The student may only be suspended if the behavior was not a manifestation of the student's disability.
14. Have the Department, upon receipt of a request for due process related to matters involving the identification, evaluation or educational placement of a student or the provision of a free appropriate public education, inform parents of the availability of alternative dispute resolution, including mediation. Use of alternative dispute resolution is encouraged to seek resolution of disputes related to the identification, evaluation or educational placement of a student or the provision of a free appropriate public education, even when a request for due process hearing has not been filed. Use of alternative dispute resolution is voluntary and is not to be used to deny or delay the right to a due process hearing.
15. Request an impartial due process hearing related to decisions or actions regarding the student's identification, evaluation, or educational placement or the provision of a free appropriate public education. As a party in the hearing, the parent has the right to be informed by the Department of the date by which a decision must be rendered and the selection process for the impartial hearing officer. In addition, the parent may be accompanied and advised by counsel and have the hearing conducted at a time and place that is reasonably convenient. Hearing requests must be made to the Complex Area Superintendent in the complex area the student attends. A request form is available at the student's school or complex area office.
16. Appeal the hearing decision to Court within thirty days of receiving the decision.