

SECTION 504 DUE PROCESS PROCEDURES

Pursuant to the provisions of 34 C.F.R. 104.36, an impartial hearing will be used to resolve differences involving the provision of education and related services, including identification, evaluation and placement for students with disabilities entitled to protection under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and the implementing regulations found in 34 C.F.R. Part 104 Subpart D.

A hearing may be initiated by a parent or guardian on behalf of a student by making a written request for a hearing and sending it to the District's Section 504 Compliance Officer. The District may request a hearing by so notifying the parents in writing.

A request for a hearing must list with specificity the issue or issues that the party wants to have decided in the hearing and the remedy that the party is seeking. Only those issues related to actions regarding the identification, evaluation, or educational placement of students with disabilities under 34 C.F.R. Part 104 Subpart D are appropriate issues for a hearing under these procedures.

Once a request for a hearing is received, the District will select an impartial hearing officer, who has been trained regarding Section 504, to preside over the hearing.

The hearing officer shall send a notice to the parties of the date, time, and place of the hearing and a statement of the legal authority and jurisdiction under which the hearing is being held.

The parties have the right to be represented by counsel at the hearing and each party is responsible for its own attorneys' fees.

During the hearing, each party will have an opportunity to present evidence relevant to the issues being decided in the hearing. Student and student's parents shall have the right to review any and all records in the possession of the District pertaining to the student and/or the issues which are the subject matter of the hearing. The hearing officer may make such provision as is fair and equitable for each side to see the other's exhibits and evidence in advance of the hearing.

A written or electronic verbatim record of the hearing shall be kept. The decision of the hearing officer shall be in writing and shall be delivered to the District and the parent within ten (10) working days following completion of the hearing. The decision of the hearing officer will be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision. Upon conclusion of the hearing and issuance of the decision, the record of the proceedings will be returned to the District.

Either party has the right to request that the decision of the hearing officer be reviewed by the Board of Trustees of the District or its impartial designee. The request for review must be filed

within thirty (30) days following the decision of the hearing officer. The request must be in writing and state with specificity the disagreements with the hearing officer's decision. The Board of Education or impartial designee will review the record of the hearing and may request additional written information or oral testimony. The Board of Education or impartial designee will issue a written decision and such decision will be final.

For discrimination complaints relating to disabilities or 504 other than identification, evaluation, placement or 504 plan operation, see Board/Administration regulation/policy entitled "Discrimination/Harassment Grievance Procedure".

NEW REGULATION
REVIEW DATE: JUNE 8, 2016
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