

SECTION 504 HEARING PROCESS POLICY

Hearing Purpose and Scope

An impartial hearing process is available to students and their parents to resolve differences dealing with educational services available under Section 504 of the Rehabilitation Act (hereinafter Section 504) when such differences cannot be resolved by less formal means.

The District hearing procedures and procedural safeguards are set forth in Section 504 Hearing Procedure and apply to the identification, evaluation, or educational placement of a student, as set forth in 34 C.F.R. (Code of Federal Regulations) 104.36. A student qualifies for a free appropriate public education, including related services, under Section 504 if he/she has a physical or mental impairment which substantially limits one or more major life activities.

Hearing Process

A Section 504 impartial hearing, which shall be closed to the public unless otherwise requested by the parent/guardian, may be requested by the Superintendent or designee, or a parent of an affected student on matters directly related to the following:

1. The identification or eligibility of a student as disabled under Section 504;
2. The evaluation procedures utilized with the student including a decision not to evaluate a student; or
3. The educational placement and/or related aids and services recommended for the student including any change in placement as a result of disciplinary action.
4. The provision of a free appropriate public education (FAPE) to the student pursuant to these procedures.

All requests for a hearing under this policy must:

1. Be submitted in writing addressed to the District's 504 Compliance Officer.
2. Describe the specific nature of the dispute.
3. State the specific relief or remedy requested.
4. Contain any other information the District or parents believe is important to understanding the dispute.

Decision of the Hearing Officer

A copy of the hearing officer's findings of fact and decision shall be delivered to the District and the parent/guardian within sixty (60) days from the date of the assignment of the hearing officer unless a continuance has been granted.

The decision of the hearing officer is binding on all parties concerned. The aggrieved party has the right to request a review of the hearing officer's decision. The request must be filed in writing to the Section 504 Compliance Officer.

DEFINITIONS:

Days: means calendar days.

Parents: means parents or legal guardians

Placement: means the program concerning the educational placement of the student.



LEGAL REFERENCE:

Section 504 of the Rehabilitation Act of 1973

29 USC Chapter 16

29 USC 794

34 CFR Part 104

Family Educational Rights and Privacy Act (FERPA)

20 USC 1232g

34 CFR Part 99

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