

What are the roles and responsibilities of the Department of Education and the Office for Civil Rights (OCR)?

The U.S. Department of Education maintains Regional Civil Rights Offices to enforce Section 504 and other civil rights laws. All parents have the right to directly contact the Office for Civil Rights in Denver, Colorado, if they believe their child is being discriminated against based on a disability. Most differences with schools can be resolved before contacting the Office for Civil Rights. It is suggested you follow the procedures outlined below:

1. Try to resolve your differences at the teacher or school level. Set up a meeting to discuss your concerns.
2. If mediation is unsuccessful, set up a meeting with the school's Section 504 Coordinator.
3. If unsuccessful, call the Educational Equity Specialist (801- 538-7828) or the Utah Parent Center (801-272-1051 or 1-800-468-1160) for guidance.
4. If available, ask for mediation. This is a free service for parents. A neutral individual will work with you and the school to help resolve your differences.
5. If mediation is unsuccessful and you believe your child has been discriminated against, ask the Section 504 Coordinator how to file a grievance.
6. If this is also unsuccessful, contact the Office for Civil Rights in Denver to express your concerns (303-844-5695, TTY 303-844-3417). See <http://www.schools.utah.gov/equity/Civil-Rights-Information/OCR-Complaint-Form.aspx>.
7. In addition to the normal grievance procedure required by Section 504/ADA, Title IX, and Title VI, the U.S. Department of Education has an administrative rule for regulating due process hearings under Section 504.

The Section 504 hearing is to resolve differences involving the education of Section 504/ADA-qualified students with

disabilities when such differences cannot be solved by means of a less formal procedure.

The Section 504 hearing is an opportunity to present objections and reasons for these objections to the decisions and/or procedures used by the school under Section 504/ADA.

OFFICE FOR CIVIL RIGHTS (OCR) COMPLAINT PROCESS

Sometimes, even when we do our best, we cannot come to agreement. Every effort must be used to resolve differences at the school level, including requesting free mediation services. If all else fails, you have the right to file a complaint with the Office for Civil Rights.

An individual person or an organization may file a complaint with the Office for Civil Rights of the U.S. Department of Education. An OCR complaint must be filed, in writing, within 180 days after the violation has occurred.

Anyone wishing to file a formal complaint (i.e., in a letter) with OCR should submit in writing the following information or use the Discrimination Complaint Form available from OCR regional offices (www2.ed.gov):

- Your name and address (a telephone number where you may be reached during business hours is helpful but not required).
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required).
- The name and location of the school that committed the alleged discriminatory act(s).
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, national origin, sex, disability, or age).