Section 504 Due Process Hearing Procedures

Impartial hearings are available under Section 504 to resolve disagreements between a parent or guardian and the school district/charter over matters related to the identification, evaluation or educational placement of a student with a disability. See 34 - C.F.R. - § - 104.36.

A parent or guardian who wishes to challenge a district's action or omission with regard to the identification, evaluation, or placement of a disabled child must submit a written request for a Due Process Hearing to the district's/charter's §504 Coordinator within ninety (90) calendar days of the dispute giving rise to the hearing request. The term "days" in regards to these procedures shall mean any day that the child's school is open during the regular school year. The written request should include:

- A statement that the parent or guardian is requesting a Due Process Hearing before an impartial Hearing officer
- The name of the student, the address of the student, and the name of the school the student is attending
- A description of the decision(s) in dispute, including facts relating to the decision
- The remedy the parent or guardian is seeking.

Within ten (10) days of the date of receipt of the request, the district/charter will appoint an impartial Hearing Officer to preside over the hearing and issue a decision. The Hearing Officer will be hired by the district/charter as an independent contractor at no expense to the parent or guardian. The Hearing Officer need not be an attorney, but shall be familiar with the requirements of §504 and the District's/charter's Hearing Procedures under §504.

Within ten (10) days, the appointed Hearing Officer shall issue notice to the parent or guardian and the district's §504 Coordinator setting a date, time and location for a hearing to be held within fifteen (15) days of the notice.

The parent or guardian shall notify the Hearing Officer at least seven (7) days prior to the set hearing date of their desire to be represented by an attorney and whether they wish the hearing be open to the public.

The hearing shall be conducted in an informal, non-adversarial manner. The Rules of Evidence and Procedures will not apply. Each party will have an opportunity to present evidence relevant to the dispute. As part of their presentations, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions and that the Hearing Officer will admit at his or her discretion.

The due process hearing will be tape-recorded. The parent or guardian may obtain a copy of the tape recording at his or her request.

At the conclusion of all presentations, the Hearing Officer may make an oral ruling at the conclusion of the hearing or take the case under advisement. In either case, the Hearing

Officer must make a decision within fifteen (15) working days in writing, addressing and ruling on all issues raised by the parent or guardian and indicating what corrective action, if any, the district/charter must take.

If not satisfied by the decision of the Hearing Officer, a parent or guardian may see a review of the hearing decision in a court of competent urisdiction, generally the closest federal district court.

At any time, a parent or guardian may file a complaint with CR if he or she believes that the district/charter has violated any provision or regulation of §504. The filing of a complaint does not affect the hearing process or the time-lines set forth above. CR addresses §504 complaints separately and independently of the local hearing process, in accordance with the guidelines set forth in CR's Compliant Resolution manual.