

SECTION 504 IMPARTIAL HEARING

Under section 504, the parent/guardian(s) of a student who disagree with the District's identification, evaluation, provision of service, or a change in service has the right to request an impartial hearing. The proceedings of the hearing shall be presided over and receive a decision rendered by an impartial hearing officer.

The request for an impartial hearing shall be made in writing within thirty (30) calendar days of the District's action or decision. The written request shall identify the specific reason(s) why the hearing is being requested. The request shall be submitted to the District's Section 504 Coordinator.

Within ten (10) calendar days of receipt by the District of the hearing request, the District's Section 504 Coordinator shall provide written notice to the parent/guardian that: a) identifies the hearing officer; b) states the date, time and place of the hearing; c) states the issue(s) raised in the request; d) states that the parent/guardian has the right to be represented at the hearing by legal counsel; and e) states the right of the parent/guardian to examine relevant records/information.

The hearing shall be scheduled for a date, time, and location that is reasonably convenient to the student's family.

The parent/guardian and the District shall have the right to present evidence relevant to the issue(s) raised by the request at the hearing. Both parties shall have the right to be represented by legal counsel. Witnesses, evidence, and records presented by either party may be examined and questioned by either party.

At the hearing, the hearing officer shall begin the proceedings with an opening statement that identifies the parties and explains the hearing process. The parent/guardian shall have the opportunity to present an opening statement of a general nature that identifies the issue(s) and the type and nature of evidence to be presented.

The District will then be afforded the opportunity to present a general opening statement. The parent/guardian will then present his/her case. Upon conclusion of the presentation of evidence, the District may present other evidence. During a hearing, the hearing officer may ask questions of witnesses, the parent, or the District. Before concluding the hearing, each party shall be provided the opportunity to present a final argument. Time limits for opening statements and final arguments are to be established by the hearing officer.

The hearing officer's decision formed after the hearing shall be limited to the issue(s) presented in the written request for the hearing. The decision must be written and shall include a summary of the evidence and the reason(s) for the decision. The decision shall be based solely on the hearing officer's interpretation of the meaning or application of Section 504 of the Rehabilitation Act of 1973.

The hearing officer's written decision shall be provided to the student's family and the District's Section 504 Coordinator within ten (10) calendar days of the hearing. The decision of the hearing officer is final and is binding on all parties involved.

The impartial hearing shall be provided at no cost to the student's family. However, the District is not responsible for providing legal counsel for the family or paying for the related costs of the witnesses appearing on behalf of the family.

Reviewed 02/17/09
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