

IHBA-RB

REGULATION

SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS FOR DISABLED STUDENTS

(Section 504 of the Rehabilitation Act of 1973)

Section 504 Due Process Hearing Procedures

An impartial due process hearing will be utilized to resolve differences involving the education of a Section 504 qualified student with a disability when such differences cannot be resolved by means of a less formal procedure. In this instance, due process is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the committee regarding application of Section 504.

A Section 504 due process hearing may be called at the request of the District or a parent, guardian, or surrogate of an affected student on a matter related to: 1) eligibility and related procedures; 2) procedural safeguards; 3) provision of a free and appropriate public education to the student; or 4) placement of the student.

The proceedings will be presided over and decided by an impartial hearing officer. Impartial hearing officer means a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

The request for a due process hearing must be made within 60 calendar days of the date the parent/guardian or the District knew or should have known about the alleged action that forms the basis of the complaint.

The request for a due process hearing shall be in writing and submitted to the Section 504/ADA Coordinator. Whenever possible, the request should include:

- The name of the child;
- The address of the residence of the child;
- The name of the school the child is attending;
- A description of the nature of the problem, including facts relating to the problem; and
- A proposed resolution of the problem.

The request for a due process hearing shall be made to:

Alissa Krantz, Section 504/ADA Coordinator
7650 North 43rd Avenue
Glendale, Arizona 85301
(623) 435-6067
guhsd_504_coordinators@guhsdaz.org

The hearing should be scheduled within thirty (30) business days after the District received the written request for a hearing, whenever possible. The District shall provide the Parents/Guardians with written notice within ten (10) days of receiving the complaint. Such notice shall contain the following information:

- A statement of the date/time and nature of the hearing. All hearings will be held at the District office or another location in the District that is reasonably convenient to the parents/guardians.
- A statement of the legal authority and jurisdiction under which the hearing is being held.
- A reference to the relevant District Policies.
- A statement of the availability of relevant records for examination.
- A short and plain statement of the matters asserted.
- A statement of the District's and parent/guardian's right to be represented by counsel, at each party's own expense.

All written correspondence shall be provided in English and/or translated or interpreted in the primary language spoken in the home.

Hearing Procedures

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner. The parties shall have an opportunity to:

- Present and cross-examine witnesses.
- Present evidence.

- Be represented by legal counsel or another representative of their choice and at their own expense.
- Parents involved in the hearing will be given the right to:
 - oHave the student present at the hearing.
 - oOpen the hearing to the public.
 - oHave an interpreter provided upon request.

Decision of the Hearing Officer

A copy of the hearing officer's written decision shall be delivered to the District and the parent or legal guardian within 10 business days following completion of the hearing. The decision shall include the hearing officer's findings of fact and conclusions. The decision of the hearing officer shall be final and binding on all parties. The decision of the hearing officer is binding on all parties concerned; it is subject only to judicial review.

Record of Hearing

A written or electronic verbatim recording of the Section 504 due process hearing shall be maintained on file at the District Office in accordance with District Policy for the retention of student records.