

Section 504 Due Process Procedure

The best solutions to parent and student concerns occur at the school level. Therefore, the first step in resolving a complaint involves the parent or guardian contacting the building principal and discussing the issue with the principal and other appropriate building staff. If the issue is not resolved through these discussions, the parent or guardian can file a Section 504 Complaint Form with the school principal. A sample Complaint form is included in this handout. The form is also available at your local school.

If the issue is not resolved at the building level, the parent or guardian can continue the complaint process by forwarding a copy of the complaint to the district's Section 504 Coordinator. The Section 504 Coordinator will work with the Section 504 Compliance Officer in reviewing and responding to the parent concern. If the concern is still not resolved, the Superintendent or designee will review the decision to determine if all district and 504 policies have been followed. Information on how to contact Section 504 Coordinators and the Section 504 Compliance Officer is provided on the last page of this document.

As noted above, you also have the right to request an impartial hearing related to any decisions regarding your child's identification, eligibility, and educational placement. Request for hearings shall be submitted to the District 504 Compliance Officer. Upon receiving a written request for a hearing, the District 504 Compliance Officer will contact a Resolution Facilitator from Grant Wood Area Education Agency who hears cases pursuant to the Individuals with Disabilities Education Act and who has been trained regarding Section 504. The hearing officer will schedule a due process hearing to occur as soon as reasonably possible for the parent/legal guardian and district. The parent/legal guardian and district may be represented by legal counsel at the hearing, may examine relevant records, and participate in the hearing. Within ten (10) school days after the conclusion of the hearing, the hearing officer will render a written decision. The written decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and to the Board of Education. The decision of the hearing officer shall constitute the final administrative decision on the Section 504 matter.

Finally, note that the Office for Civil Rights (OCR) is the federal agency responsible for enforcing Section 504 compliance. While we believe that the best resolutions occur at the school level, parents/guardians always have the right to initiate a complaint with the OCR.

If you have general questions about your student and Section 504 or would like information about the grievance procedure please contact your principal, building 504 coordinator, or district-level support personnel.