

**Nondiscrimination and Student Rights****Equal Education Opportunity****APPEAL PROCEDURES UNDER SECTION 504**

These appeal procedures should be used if a parent/guardian of a student with a disability intends to challenge the action proposed by the District regarding the identification, evaluation or educational placement of the student under Section 504. Typically, these procedures are used after a Section 504 Team has made a determination regarding a student's eligibility for Section 504 services or after the Section 504 Team has made particular accommodations for a student under a Section 504 Plan. These procedures are intended to be in harmony with 34 C.F.R. § 104.36. All other complaints/grievances relating to disability discrimination are handled in accordance with the District's separate Section 504 grievance/complaint resolution regulation, Regulation 1310 - Civil Rights, Title IX, Section 504.

**Level One: Superintendent**

1. If a parent/guardian of a child with a disability intends to challenge the action proposed by the District with respect to the identification, evaluation or educational placement of a child with a disability, then the parent/guardian must file a written Notice of Appeal with the District within ten (10) calendar days from the time that the parent/guardian received notice of the proposed action. This Notice of Appeal should be filed with the Superintendent of Schools.
2. The Notice of Appeal must state the circumstances giving rise to the request for a hearing, the issue to be decided at the hearing and the relief requested. Upon receipt, the Superintendent/designee shall promptly send a copy of these procedures to the parent/ guardian.
3. Upon receipt of the Notice of Appeal, the Superintendent/designee shall promptly investigate the circumstances giving rise to the request for a hearing. The investigation shall not delay the District's processing of a request of hearing. Such investigation shall include a conference within six (6) working days with the parent/guardian and the Superintendent/ designee in an attempt to find a solution to the problem. Within three (3) working days of such conference, the Superintendent/designee shall notify the parent/guardian in writing of the decision of the Superintendent. Within three (3) working days of receipt of such decision, the parent/guardian shall notify the Superintendent of acceptance or rejection of such decision. Failure on the part of the parent/guardian to so notify the Superintendent shall be deemed as an acceptance of the decision of the Superintendent.

**Level Two: Impartial Hearing Officer**

1. In the event the parent/guardian rejects the decision of the Superintendent, then within ten (10) days of the District's receipt of the Notice of Appeal, the District shall appoint an impartial hearing officer to hear and decide the complaint. The hearing officer should have some knowledge or training in the area of disability/Section 504 and may not be an employee of the District.

2. The parties to the hearing shall have the right to:

Inspect all relevant records, including individually identifiable education records of the student;

Be represented and advised by an attorney;

Present evidence and confront, cross-examine and compel the attendance of witnesses;

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Obtain a written or electronic record of the hearing; and

Obtain written findings of fact, conclusions of law and decision.

3. The hearing officer shall hold the hearing within thirty (30) days of his/her appointment as hearing officer. If scheduling concerns do not permit a hearing within thirty (30) days, a hearing may be held for good reason, up to ten (10) days outside of this thirty-day period.

4. The hearing officer shall render a final decision no later than thirty (30) days after the hearing. The decision of the hearing officer shall be final and binding on the parties, subject to the review procedures as provided below.

5. The District is responsible for costs directly attributable to provision of administrative hearings hereunder, including compensation of the hearing officer, the cost of transcripts and other related expenses. However, the District is not responsible for the cost of legal counsel or other representative of the parent/guardian.

6. The time periods specified herein may be extended by agreement of the District and the parent/guardian.

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**Level Three: Court Review**

Any party aggrieved by the decision of the impartial hearing officer may appeal the decision to the Circuit Court of the County, in accordance with Chapter 536, Revised Statutes of the State of Missouri, or to the applicable federal court.

**Other Options**

At any time during this grievance process, a grievant may file a complaint with the Missouri Commission on Human Rights or with the United States Department of Education Office for Civil Rights (Kansas City, Missouri).