

Informal & Formal Hearing Processes for Section 504 of the Rehabilitation Act

1. Parents or guardians or the student (if 18 or older) who disagree with the decision made at the school regarding the identification, evaluation, or educational placement of a student may access the informal hearing process as a means of dispute resolution.
2. The parent/guardian or student must contact the district 504 director to explain the facts of the dispute and their proposed remedy. The 504 director will make every possible effort to mediate the issue. If the concern is resolved in this manner, the director will document the resolution and provide written copies of that documentation to both parties.
3. If the parents/guardian or student filing the complaint is not satisfied with the resolution or if no resolution is reached, the complaining party may request an impartial Section 504 Due Process Hearing. This request must be submitted in writing to the Equal Opportunity Office within APS and include in that request specific information regarding the dispute.
4. In the event that a parent/guardian or student (if 18 or older) has cause to believe that there is discrimination based on disability, they may request an impartial Section 504 Due Process Hearing by making a formal written request director to the Equal Opportunity Office.
5. In the situations described in items 3 and 4 above, the Equal Opportunity Office staff is charged with convening an impartial panel to hear the complaint within 10 working days of receipt of the complaint. The panel must be made of at least 3 individuals without a direct association with the school but individuals who are knowledgeable about school settings and 504 regulations and requirements.
6. The hearing officer is responsible for reviewing with the panel members the regulations around Section 504, the protocol of the hearing and for presiding over the hearing.
7. Parents, guardians, or students have the right to representation and are expected to provide evidence of their claim as well as proposed remedies. The district may have representation at this hearing.
8. The EOS staff will provide a written decision within 10 working days of the final day of the hearing.
9. At any time during this process parents, guardians or students over the age of 18 may file a formal complaint with the Office for Civil Rights of the US Office of Education.