

## **MONETT R-1 SCHOOL DISTRICT**

### **504 APPEAL PROCESS**

Persons who believe that the District is discriminating against eligible persons on the basis of disability may also file complaints with the District's Section 504 Coordinator and/or the Office for Civil Rights, U.S. Department of Education, 601 E. 12<sup>th</sup> St., Kansas City, Missouri 64106.

The District's Section 504 Coordinator is Dolly Johnson and she may be reached at: (417) 235-3411.

#### **DUE PROCESS APPEAL PROCEDURES:**

This procedure should be used if the parent(s), legal guardian or eligible student intends to challenge actions the District proposes or refuses under 504 regarding the identification, evaluation, program or placement of a student with a disability. The District also has the right to initiate a 504 due process hearing regarding these same matters.

1. If a parent, legal guardian or eligible student intends to challenge the action proposed or refused by the District, the parent/guardian or eligible student must file a written Request for 504 Due Process Hearing within 10 business days from the date of the District's written notice of the proposed or refused action. A copy of this form is attached to these Procedural Safeguards. The Request for 504 Due Process Hearing should be filed with: Elaine O'Neal, Compliance Coordinator for the Monett R-1 School District.

If the District intends to initiate a Section 504 due process hearing, the District's Section 504 Coordinator must complete the Request for a 504 Due Process Hearing within the same number of business days as specified above.

2. The Request for a 504 Due Process Hearing must state the specific circumstances, including all relevant facts, giving rise to the request for due process; the specific issues to be decided at the impartial due process hearing; and the relief being requested. The District will acknowledge, in writing, all parent/guardian requests for a due process hearing within 10 business days of receipt. If the District initiates the due process hearing, the District will inform the parent or guardian within 10 business days of the District's decision to so initiate.

3. The District will, within 30 business days of the District's or parent/guardian's receipt of the Request for a 504 Due Process Hearing, appoint and retain a single impartial hearing officer to hear and decide the due process request. The hearing officer must have knowledge or training in Section 504 and may not be an employee of the District. The hearing officer may not have a personal or professional interest that would conflict with his/her objectivity in the hearing. The District is not required to consult with the parent/guardian or eligible student with respect to the hearing officer appointment.

4. The parties to the hearing have the following rights:

- a. The right to inspect all relevant records, including personally identifiable records of the student;
- b. The right to be represented and advised by an attorney;
- c. The right to present evidence and confront, cross-examine and compel the attendance of witnesses;
- d. The right to obtain a record of the hearing;
- e. The right to obtain written findings of fact, conclusions of law, and decision.

5. The parents or guardian have the right to open the hearing to the public; otherwise, it will be closed. The parents or guardian may elect to have the student present at the hearing.

6. The hearing officer must hold the hearing within 20 business days of his/her appointment as hearing officer. This timeline may be extended upon the request of the party or parties and by agreement and order of the hearing officer.

7. Each hearing must be conducted at a time and place which is reasonably convenient to the District and the parents or guardian. The District's facilities will be presumed to be a reasonably convenient location but the parents or guardian may challenge this presumption with the hearing officer.

8. The party that requested the due process hearing may not raise issues at the due process hearing that were not addressed in the Request for a 504 Due Process Hearing unless the other party agrees.

9. The hearing officer shall render a final, written decision no later than 20 business days following the completion of the hearing. A decision may be rendered after 30 business days, if either party requests an extension of this timeframe, and for good cause shown. The decision of the hearing is final and binding, subject to the procedures outlined below.

10. The Monett R-1 School District is responsible for costs directly attributable to the provision of administration hearings described in these procedures, including compensation of the hearing officer, transcripts or recordings of the hearing, and other related expenses. The District is not responsible for the costs of legal counsel or other representative of the parent/guardian or eligible student or for the costs of producing or reproducing the evidence presented by the parent/guardian or eligible student.

11. Any timelines specified herein may be extended by agreement of the District and parent/guardian or eligible student or by order of the hearing officer.

12. Any party aggrieved by the decision of the impartial hearing officer may appeal that decision to any court of competent jurisdiction.