

PROCEDURAL SAFEGUARDS FOR SECTION 504

- The parents shall be notified in writing of all County decisions concerning the identification, evaluation, or educational placement of their child.

- As to such County decisions, parents shall have the right to a Section 504 due process hearing with participation by the parents and their counsel.

- A list of hearing and review officers who are qualified and willing to conduct Section 504 hearings shall be maintained along with reviews of hearing officers' decisions. The list will include a statement of each hearing and review officer's qualifications. A hearing or review officer is to be designated from the list whenever a hearing is requested.

- Each hearing and review officer on the County list must be impartial, i.e., not employed by or under contract with the County in any capacity other than that of a hearing or review officer in the last three (3) years, or by any cooperative program in which the County participates, or by any other agency or organization that is directly involved in the diagnosis, education, or care of the student. The County is responsible for paying the hearing or review officer and for all costs of the hearing and review.

- In instances where a due process hearing has been held under the IDEIA concerning issues relevant to the Section 504 proceeding, the Section 504 Hearing Officer shall, at the request of either party, accept into the record as evidence copies of the transcript of testimony and documents submitted in the due process hearing. The Hearing Officer shall then provide opportunity for the submission of additional evidence by the parties that is relevant to a determination of the issues under Section 504. The Section 504 Hearing Officer's jurisdiction shall be limited to Section 504 issues and shall not extend to a determination of eligibility for special education or special education assessment or placement under the IDEIA.

- If both the parents and the County agree that the student is not eligible for special education under the IDEIA, neither party is required to exhaust administrative proceedings under the IDEIA prior to the holding of a Section 504 due process hearing.

- The Section 504 Hearing Officer shall render a decision de novo pursuant to the legal standards set forth in Section 504, 34 C.F.R. Part 104, and court decisions interpreting those provisions. The parents shall be notified in writing of the decision.

- The parties shall abide by the decision of the Section 504 Hearing Officer unless the decision is appealed.

Time Frames

- The County will adhere to the time frames established in the State Rules for Special Education regarding the identification, evaluation, and placement of students who, because of disability, need or are believed to need a special education or related services under the County's Section 504 Guidelines.
- The County will also adhere to the time frames established in State Rules for the conduct of hearings and reviews.