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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