

## **GRIEVANCE PROCESS**

### **VII. PROCEDURAL SAFEGUARDS**

#### Informal Conflict Resolution

Parents may contact the district concerning a dispute with respect to the identification, evaluation of a student, or the student's needs for reasonable accommodations. When possible, such disputes shall be resolved informally in a conference. Parents and others are under no obligation to use this informal process to resolve dispute. If they choose to participate in the conference, every effort shall be made to reach an amicable resolution of the dispute. The district encourages parents/guardians to utilize the informal conference step; however, parents always retain the right to request an impartial due process hearing, file a grievance, or file a complaint with the Office for Civil Rights of the U.S. Department of Education.

#### Impartial Due Process Hearing Procedures

If the parent requests to contest an action of the district with regard to the identification, evaluation or placement of a student under Section 504, or other actions allegedly prohibited under Section 504, the parent has the right to an impartial due process hearing. Following are the procedures for the conduct of an impartial due process hearing:

1. The parent must submit a written request for a due process hearing to the district's Section 504 coordinator. The coordinator may contact the parent to clarify the request and any issues that may be presented at the hearing. The coordinator may also ascertain whether the parent intends to be represented by counsel at the hearing.
2. Within 15 days of the date of receipt of a clear and unambiguous request for a due process hearing, the district will appoint an impartial hearing officer to conduct the hearing and render a decision.

Notice of the appointment of the impartial hearing officer shall be provided in a letter to the parent. If the parent believes the hearing officer can not be impartial, within 5 days of the receipt of the letter the parent may, in writing, provide the district with specific facts and other information describing the reasons why the parent believes the hearing officer would not be impartial. The district shall review the matter, make an appropriate determination, and inform the parent of its decision within 10 days of receiving the parent's written objection to the appointment of a certain hearing officer.

The hearing officer will be paid for by the school district, and will not be a current employee of the district. The district's choice of a hearing officer is final and will not be made an issue at the due process hearing, since such an issue would not relate to the identification, evaluation or placement of the student under Section 504. If a parent believes the hearing officer is not impartial, this issue may be raised when requesting a review of the hearing officer's decision in a court of competent jurisdiction, or may be the subject of a complaint to the Office for Civil Rights.

3. The hearing will be scheduled at a mutually agreeable time and place, at the earliest opportunity.
4. The hearing officer may order a pre-hearing conference in order to clarify the issues to be addressed at the hearing. The pre-hearing conference can be used to resolve preliminary

- matters, clarify jurisdictional issues, and answer any questions the parties may have regarding the hearing process.
5. The hearing shall be conducted in an informal, non-adversarial manner. The parent may decide whether the hearing shall be opened or closed to the public. The hearing officer may, in his or her discretion, reasonably limit testimony and the introduction of exhibits, based upon a determination of relevance.
  6. The parent has the right to participate, speak, and present information at the hearing and to be represented by counsel if the parent wishes to hire an attorney.
  7. The hearing will be tape-recorded and the parent may request a copy of the tape recording. A transcript of the tape recording will be prepared in the event the decision is reviewed in a court of competent jurisdiction.
  8. Witnesses may present information in narrative form. The hearing officer may, at his or her discretion, ask a witness a certain question. But generally cross-examination is limited.
  9. In general, the parent presents his/her case first, by making an opening statement outlining the issues, then presenting personally, calling additional witnesses, and making a closing statement. The district makes a presentation, to which the parent may offer a short response.
  10. The parties may submit any reports, evaluations, correspondence, notes, or any other documents that the hearing officer may admit at his or her discretion.
  11. The parties may submit, at the hearing officer's discretion, written closing arguments, summarizing the issues and providing legal authority support their positions. The timelines for submission of such closing arguments shall be established by the hearing office.
  12. At the close of the hearing, the hearing officer shall set a date for issuing the written decision. The written decision must address and rule on all issues raised by the parent and indicate what corrective action, if any, the district must take, and must be issued within 45 days after the date the request for a due process hearing is received by the district. Reasonable extensions of time may be granted at the discretion of the hearing officer.
  13. If either party is not satisfied by the decision of the hearing officer, a review of the hearing decision may be sought in a court of competent jurisdiction, usually the closest federal district court.

### Grievance Procedures

(See Appendix C, "Initiation of Section 504 Grievance.")

Douglas County School District has adopted an internal grievance procedure for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation

Act of 1973 (Section 504) or Title II of the Americans With Disabilities Act (ADA). Both Section 504 and Title II of the ADA prohibit discrimination on the basis of disability.

If a parent or other complainant wishes to allege that the district has taken any action prohibited by Section 504, a grievance may be filed according to the following procedures:

1. 1. The complainant/grievant must complete the form "Initiation of Section 504 Grievance" within sixty (60) days after the grievant becomes aware of the alleged discrimination. One copy is retained by the grievant, one is delivered to the school principal, and one is mailed to the Section 504 Compliance Coordinator, Douglas County School District, Special Services, 1638 Mono Ave., Minden, NV 89423, (775) 265-5262
2. The principal reviews the "Initiation of Section 504 Grievance," gathers additional information as necessary, and within 30 days reaches a conclusion regarding the grievance. The principal completes the "Grievance Disposition" and forwards a copy to the grievant and to the Section 504 Compliance Coordinator. The Section 504 Compliance Coordinator retains the authority, under his or her discretion, to conduct this investigation directly, if by virtue of the nature of the complaint or other relevant considerations, the matter would be more appropriately investigated by the Section 504 Compliance Coordinator than the school principal.
3. If the grievant wishes to appeal the decision, he or she must contact the Section 504 Compliance Coordinator within 10 days of receipt of the "Grievance Disposition." The Section 504 Compliance Coordinator must review the decision and respond to the grievant within 10 days of the request for appeal.

#### Complaints with the Office for Civil Rights

At any time, a parent may file a complaint with the Office for Civil Rights (OCR) in the U.S. Department of Education if the parent believes the district has violated any provision or regulation of Section 504. The filing of a complaint does not affect the hearing process or the timelines set forth above. OCR addresses Section 504 complaints separately and independently of the local hearing process, in accordance with the guidelines set forth in OCR's Complaint Resolution Manual.