

Denver Public Schools

DIVISION OF STUDENT SERVICES

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SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT COMPLAINT RESOLUTION PROCEDURES

Complaints of discrimination on the basis of a disability shall be given prompt and fair consideration. The following procedure may be a parallel process; that is, the parent/student request for informal mediation or District grievance review procedures may be pursued in conjunction with the complaint procedures through the US Department of Education, Office for Civil Rights (OCR). The OCR complaint process is available whether or not the student participates in the District complaint resolution process, which is as follows:

I. INFORMAL MEDIATION PROCEDURES

A request for informal mediation may be initiated by the parent, student (as appropriate) and/or school and submitted to the Section 504 and ADA Compliance Officer.

The Section 504/ADA Compliance Officer will appoint a member of District staff (designee), who has been trained regarding Section 504, to facilitate mediation discussions. Informal mediation procedures allow for the parent(s), the student (as appropriate), relevant members of the Section 504 team and other persons knowledgeable about the student and disability to convene a meeting to discuss and potentially resolve Section 504 issues. Any agreement reached through informal mediation will be provided to the parties in writing.

Informal mediation does not affect the parent's right to initiate other District Section 504 resolution procedures and/or initiate a complaint with the OCR.

II. GRIEVANCE PROCEDURES

A parent/student complaint shall be filed initially with the Section 504 and ADA Compliance Officer.

The Section 504/ADA Compliance Officer will appoint a designee to investigate the matter. The designee shall issue written findings within twenty (20) working days from the receipt of the complaint. The complainant shall be notified of the decision by certified mail.

If the parent/student is dissatisfied with the decision of the designee, he/she may request a review of the written decision by the Section 504/ADA Compliance Officer. Any appeal must be submitted in writing to the Section 504/ADA Compliance Officer within five (5) working days of receipt of the decision stating with specificity the areas of disagreement with the written decision. The Section 504/ADA Compliance Officer shall render a written

decision either affirming the action of the designee, or, alternatively, recommending another resolution within ten (10) days of the receipt of the appeal.

If the complainant is not satisfied with the Compliance Officer's decision, he/she may initiate formal complaint procedures through the Office for Civil Rights, Region VIII, US Department of Education, Federal Building, Suite 310, 08 -7010, 1244 Speer Boulevard, Denver, Colorado, 80204-3582. Telephone (303) 844-5695 and/or request an impartial hearing, inappropriate cases.

Decisions rendered under this resolution process and/or issued by the U.S. Department of Education, Office for Civil Rights will be implemented in a timely manner.

III. SECTION 504 IMPARTIAL HEARING PROCEDURES

Pursuant to the provisions of 34 C.F.R. 104.36, an impartial hearing will be used to resolve differences involving the provision of education and related services to students with disabilities entitled to protection under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and the implementing regulations found in 34 C.F.R. Part 104 Subpart D.

A hearing may be initiated by a parent or guardian on behalf of a student by making a written request for a hearing and sending it to the District's Section 504 Compliance Officer. The District may request a hearing by so notifying the parents in writing.

A request for a hearing must list with specificity the issue or issues that the party wants to have decided in the hearing and the remedy that the party is seeking. Only those issues related to actions regarding the identification, evaluation, or educational placement of students with disabilities under 34 C.F.R. Part 104 Subpart D are appropriate issues for a hearing under these procedures.

Once a request for a hearing is received, the District will select an impartial hearing officer, who has been trained regarding Section 504, to preside over the hearing.

The hearing officer shall send a notice to the parties of the date, time, and place of the hearing and a statement of the legal authority and jurisdiction under which the hearing is being held.

The parties have the right to be represented by counsel at the hearing and each party is responsible for its own attorneys' fees.

During the hearing, each party will have an opportunity to present evidence relevant to the issues being decided in the hearing.

A written or electronic verbatim record of the hearing shall be kept. The decision of the hearing officer shall be in writing and shall be delivered to the District and the parent within ten (10) working days following completion of the hearing. The decision of the hearing officer will be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

Upon conclusion of the hearing and issuance of the decision, the record of the proceedings will be returned to the District.

Either party has the right to request that the decision of the hearing officer be reviewed by the Denver Public Schools, Board of Education or impartial designee. The request for review must be filed within thirty (30) days following the decision of the hearing officer. The request must be in writing and state with specificity the disagreements with the hearing officer's decision. The Board of Education or impartial designee will review the record of the hearing and may request additional written information or oral testimony. The Board of Education or impartial designee will issue a written decision and such decision will be final.