

Discrimination Grievance

Date: _____

Name of Grievant: _____ Parent Employee Student _____

Address: _____

Phone: _____

School: _____

Please return this form to the following person who can also help you complete it:

Name: _____ Title: _____

Address: _____

Phone: _____

Summary of your grievance:

If others are affected by the possible violation, please give their names and/or positions:

Your suggestions for resolving the complaint and any corrective action you feel should be taken. You may also provide any other information relevant to this grievance:

***IMPORTANT:** Attached is a statement of your right to request an impartial hearing and the procedures that must be followed. Please read the attached and check one of the following:*

____ I request an impartial hearing.

____ I do not request a hearing but understand I have the right to do so at any time.

Signature of Grievant: _____ Date: _____

Signature of Person Receiving Grievance: _____ Date: _____

OFFICE USE ONLY			
Student ID #:	Date Received:	<input type="checkbox"/> Impartial hearing requested <input type="checkbox"/> Impartial hearing not requested at this time	

Section 504 Impartial Hearing Rights and Procedural Safeguards

Any student, parent or guardian (referred to as “grievant”) may request an impartial hearing due to the school district’s actions or inactions regarding your child’s identification, evaluation, or educational placement under Section 504. Request for an impartial hearing must be in writing to the school district’s Section 504 Coordinator; however, failure to request a hearing in writing does not remove the school district’s obligation to provide an impartial hearing if the request for a hearing is made orally to the school district’s Section 504 Coordinator. The school district’s Section 504 Coordinator will assist the grievant in completing a written request for hearing.

Hearing Request: A request for a hearing must include the following:

1. Name of the student.
2. Address of the residence of the student.
3. Name of the school the student is attending.
4. Action or inaction that is the reason for the grievance.
5. Proposed remedy sought by the grievant.
6. Name and contact information of the grievant.

Within 10 business days from receiving a request for hearing, the Section 504 Coordinator will acknowledge the request for hearing in writing and schedule a time and place for a hearing. If a written request for hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until a request for hearing contains the necessary information noted above.

Mediation: The school district may offer mediation to resolve the issues detailed in a request for hearing. Mediation is voluntary and both the grievant and school district must agree to participate. The grievant may terminate the mediation at any time. If the mediation is terminated without an agreement, the school district will follow the procedures for conducting an impartial hearing without an additional request for hearing.

Hearing Procedures:

1. The Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the grievant’s request for hearing unless agreed to otherwise by the grievant or a continuance in granted by the impartial review official.
2. Upon a showing of good cause by the grievant or school district, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.
3. The grievant will have an opportunity to examine the child’s educational records prior to the hearing.
4. The grievant will have the opportunity to be represented by legal counsel at his or her own expense at the hearing and participate, speak, examine witnesses, and present information at the hearing. If the grievant is to be represented by legal counsel at the hearing, he or she must inform the Section 504 Coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.
5. The grievant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the impartial hearing officer may require the school district to defend its position/decision regarding the claims. One or more representatives of the school district, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony and answer questions posed by the review official.
6. The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue pre-hearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.

7. The impartial review official shall determine the weight to be given any evidence based on its reliability and probative value.
8. The hearing shall be closed to the public.
9. The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
10. Witnesses will be questions directly by the party who calls them. Cross-examination or witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.
11. Testimony shall be recorded by court reporting or audio recording at the expense of the recipient. All documentation related to the hearing shall be retained by the recipient.
12. Unless otherwise required by law, the impartial review official shall uphold the action of the school district unless the grievant can prove that a preponderance of the evidence supports his or her claim.
13. Failure of the grievant to appear at a scheduled hearing, unless prior notification of absence was provided and approved by the impartial review official or just cause is shown, shall constitute a waiver of rights to a personal appearance before the impartial review official.

Decision: The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney’s fees.

Review: If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal rules or regulations.

The school district does not discriminate on the basis of race, color, national origin, sex, age, or disability in matters affecting employment or in providing access to programs and services and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries and complaints regarding nondiscrimination policies and to coordinate compliance efforts:

Name: _____ Title: _____
 Address: _____
 Telephone: _____ Email: _____

Inquiries or complaints may also be directed to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue S.W., Washington D.C. 20202, or by calling (800) 421-3481 or (877) 521-2172 (TTY).