

SECTION 504 PROCEDURAL SAFEGUARDS FOR PARENTS

The parent(s) or guardian of a qualified disabled student shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of their child made under this regulation.

The parent(s) or guardian of a qualified disabled student has the right to review relevant records regarding the student. Records may be reviewed at the school site or at the District Office. Copies of student records may be obtained pursuant to Education Code Section 49065 and the Family Educational Rights and Privacy Act 34 C.F.R. Part 99.

The parent(s) or guardian shall have the right to an impartial hearing ("Section 504 due process hearing"), with opportunity for participation by the parent(s) or guardian and representation by counsel, as to District decisions concerning the identification, evaluation, or educational placement of the student. In the notice of any District decision concerning identification, evaluation or placement of a student, the parent(s) or guardian will be advised of:

1. The date on or before which they must file a request for a Section 504 due process hearing, as specified below,
2. The person to whom they shall make such request, as set forth below,
3. The procedures for conduct of the hearing, and (d) the fact that reimbursement of attorney's fees, expert witness fees and other costs is available only as authorized by law.

A request for a Section 504 due process hearing must be filed in the office of the District 504 Coordinator, 375 Reina Del Mar, Pacifica, California, 94044 - (650) 738-6607, within thirty (30) calendar days of the date of notification of the District decision.

A request for a hearing must be in writing. A parent, guardian or student making an oral request will be assisted by the District in making a written request. A request for a hearing shall contain the following:

1. The specific nature of the decision(s) made by the District with which the person disagrees.
2. The specific relief the person seeks.
3. Any other information the person believes will assist in understanding the request.

Within twenty (20) calendar days of receipt of a timely written request for hearing, the District Section 504 Coordinator will select an impartial hearing officer in each case for which a hearing has been requested, unless such time is extended for good cause or by mutual agreement of the parties.

SECTION 504 PROCEDURAL SAFEGUARDS FOR PARENTS – CONTINUED

A hearing officer selected by the District must satisfy the following requirements:

34 Be qualified to review District decisions relating to Section 504.

2. Not be an employee of, or under contract with, the District.

34 Not have any professional or personal involvement that would affect his or her impartiality or objectivity in the matter.

Within forty-five (45) calendar days of the selection of the hearing officer, the hearing shall be conducted and a written decision mailed to all parties, unless such time is extended for good cause or by mutual agreement of the parties.

Any party to the hearing shall be afforded the following rights:

34 The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are qualified disabled within the meaning of Section 504.

2. The right to present evidence, written and oral.

34 The right to question and cross-examine witnesses.

4. The right to written findings of fact, conclusions of law and decision prepared by the hearing officer.

5. The right to a written or electronic verbatim record of the hearing prepared at the expense of the individual requesting such record.

6. The right to prohibit the introduction of evidence at the hearing that has not been disclosed to the other party or parties at least five (5) calendar days prior to the hearing, except for good cause shown.

7. Receipt of notice from the other party or parties at least ten (10) calendar days prior to the hearing that they will utilize the services of an attorney, except for good cause shown.

The hearing officer shall tender a decision pursuant to the legal standards set forth in 35 C.F.R. Part 104.

Either party may seek review of the hearing officer's decision by a court of competent jurisdiction.

Legal Reference:

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504).

34 C.F.R. 104.3(j)(2)(i), Impairments

34 C.F.R. 104.3(j)(2)(ii), Major life activities

EDUCATION CODE

44265 Specialties; bilingual, early childhood, special education

44265.5 Impaired pupils; specific preparation and credentials

44266 Service credentials with specialization in pupil personnel services

51004 Education goals

51011 Education program

51101 Rights of parents and guardians to information; mutually supportive partnership between parents and educators; policy development

56032 Identification and assessment of needs; planning of instructional program; identification procedures

56032.5 Assessment

560303 Referral for instruction and services; consideration and utilization of resources of regular education program

56320 Educational needs, requirements

56322 Persons conducting assessment; competency determination

56324 Psychological