

1 Joint School District No. 2, Meridian
2 Meridian Technical Charter High School, Inc. has adopted West Ada's (Joint School District No. 2) policy.
3 EDUCATIONAL PROGRAM
4

5 Series 600
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7 Policy Title Section 504 of the Rehabilitation Act of 1973 Code No. 602.63
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10 It is the responsibility of the district to ensure that students who are disabled within the
11 definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and
12 provided with appropriate educational services. For those students who need or are
13 believed to need special instruction and/or related services under Section 504 of the
14 Rehabilitation Act of 1973, the district will establish and implement a system of
15 procedural safeguards. The safeguards will cover students' identification, evaluation,
16 and educational placement. This system will include: notice, an opportunity for the
17 student's parent or legal guardian to examine relevant records, an impartial hearing with
18 opportunity for participation by the student's parent or legal guardian, and a review
19 procedure.
20

21 The Meridian Joint School District No. 2 does not discriminate on the basis of disability
22 with regard to admission, access to services, treatment, or employment in its programs
23 or other activities. If any person believes that Meridian Joint School District No. 2 or any
24 of the District's staff has violated the principles and/or regulations of Section 504 of the
25 Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act, a complaint
26 may be filed with the district. If discrimination is determined to have occurred, the district
27 will take prompt steps to correct any effects of the discrimination and prevent further
28 occurrence. This complaint procedure does not preclude informal solutions or restrict
29 the right of the complainant to file formal complaints with state and federal agencies or
30 seek private counsel for complaints alleging discrimination at any time.
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32 Section 504 Hearing
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34 A. Purpose and Scope
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36 An impartial hearing process is available to students and their parents to resolve
37 differences dealing with educational services available under Section 504 of the
38 Rehabilitation Act (hereinafter Section 504) when such differences cannot be
39 resolved by less formal means. Students and their parents are encouraged to use
40 the district's Civil Rights Grievance Policy for resolution of differences whenever
41 possible.
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43 The hearing procedures and procedural safeguards set forth in this policy apply to
44 the identification, evaluation, or educational placement of a student, as set forth in 34
45 C.F.R. (Code of Federal Regulations) 104.36. A student qualifies for a free
46 appropriate public education, including related services under Section 504 if he/she
47 has a physical or mental impairment which substantially limits one or more major life
48 activities.
49

50 B. Hearing Process
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52 A Section 504 impartial hearing, which shall be closed to the public unless otherwise
53 requested by the parent/guardian, may be requested by the Superintendent or
54 designee or a parent of an affected student on matters directly related to:

- 55
- 56 i. The identification or eligibility of a student as disabled under Section 504;
- 57 ii. The evaluation procedures utilized with the student including a decision not to
58 evaluate a student; or
- 59 iii. The educational placement and/or related aids and services recommended
60 for the student including any change in placement as a result of disciplinary
61 action.

62

63 In the event a hearing has been held, or is pending, pursuant to the provisions of the
64 Individuals with Disabilities Education Act (IDEA) on any of the issues currently being
65 alleged by the parent/guardian, no hearing officer will be appointed, and no hearing
66 will be held on like issues pursuant to this policy. An IDEA hearing that is resolved
67 by a decision or dismissed with prejudice shall resolve any like issues for which a
68 504 hearing has been requested.

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70 All requests for a hearing under this policy must be submitted in writing addressed
71 to the Superintendent. The written request for a hearing must contain:

- 72
- 73 i. The specific nature of the dispute;
- 74 ii. The specific relief or remedy requested; and
- 75 iii. Any other information the District or parents believe is important to
76 understanding the dispute.

77

78 The hearing process shall be presided over and decided by an impartial hearing
79 officer. The Superintendent or designee shall select an impartial hearing officer
80 within fifteen (15) days of receipt of the request for a Section 504 hearing. The
81 selected impartial hearing officer shall:

- 82
- 83 i. Be qualified to review school district decisions relating to Section 504;
- 84 ii. Be impartial and unbiased; and
- 85 iii. Not be an employee of the District.

86

87 The selected hearing officer, prior to the hearing, will review the District's actions and
88 notify the parties in writing of the date of the hearing. The parents and the
89 Superintendent or designee shall be given at least ten (10) days notice of the date of
90 the hearing. The notice from the appointed hearing officer shall contain:

- 91
- 92 i. A statement of the time, place, and nature of the hearing;
- 93 ii. A statement of the legal authority and jurisdiction under which the hearing is
94 being held;
- 95 iii. A statement of the availability of relevant records for examination;
- 96 iv. A short and plain statement of the issues in dispute;
- 97 v. A statement setting forth the right of the student's parent/guardian to
98 participate in the hearing procedure; and
- 99 vi. A statement of the rights of students to be represented by counsel.

100

101 All written correspondence shall be provided in English and/or interpreted in the
102 language of the parent/guardian.

103 The hearing shall be conducted and a written decision shall be mailed by the hearing
104 officer to all parties within 45 days from the date of the hearing assignment.
105 However, either party to the hearing may request a continuance. The continuance
106 may be granted by the hearing officer upon a showing of good cause. Any
107 continuance(s) granted by the hearing officer shall extend the time for rendering a
108 final hearing decision for a period equal to the length of the continuance(s).

109
110 The appointed hearing officer shall preside at the hearing and shall conduct the
111 hearing proceedings in a manner that allows all parties the following rights:

- 112
- 113 i. The right to be accompanied and advised by counsel and by individuals with
114 special knowledge or training relating to the problems of disabled children;
 - 115 ii. The right to present evidence and oral arguments;
 - 116 iii. The right to an electronic verbatim record of the hearing;
 - 117 iv. The right to written findings of fact and a decision on the matter.
- 118

119 Parents involved in the hearing process shall have the right to:

- 120
- 121 i. Have the student present at the hearing; and
 - 122 ii. Open the hearing to the public.
- 123

124 In cases where there are language differences, an interpreter shall be provided by
125 the District. The appointed hearing officer shall review all relevant facts presented at
126 the hearing and shall determine whether the student's rights have been fully
127 observed. The hearing officer shall have the authority to uphold, reverse, or modify
128 the District's determination with regard to the:

- 129
- 130 i. Identification of the student as disabled;
 - 131 ii. Evaluation procedures utilized with the student including a decision not to
132 evaluate a student; and
 - 133 iii. Educational placement and/or services and accommodations recommended
134 for or provided to the student.
- 135

136 C. Decision of the Hearing Officer

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138 A copy of the hearing officer's findings of fact and decision shall be delivered to the
139 District and the parent/guardian within 45 days from the date of the assignment of
140 the hearing officer unless a continuance has been granted.

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142 The decision of the hearing officer is binding on all parties concerned and may be
143 appealed to a court of competent jurisdiction.

144

145 D. Record of the Hearing

146 An electronic verbatim recording of the Section 504 hearing shall be on file at the
147 District administration office and will be available for review upon request by the
148 parent/guardian and/or any of the involved parties.

149

150 DEFINITIONS:

- 151
- Days: means calendar days.
 - Parents: means parents or legal guardians.
- 152

153 • Placement: means the program concerning the educational placement of the
154 student.

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156 Date of Adoption:

157 03/17/09;10/25/11

158

159

Legal Reference:

Rehabilitation Act of 1973,

Section 504, 29 U.S.C. § 794

34 C.F.R. 104.36