

APPEAL PROCEDURE - DECISIONS RELATING TO IDENTIFICATION, EVALUATION, PROGRAMMING OR PLACEMENT (FAPE)

This procedure should be used if the parent(s), legal guardian or eligible student intends to challenge actions the District proposes or refuses under 504/Title II regarding the identification, evaluation, programming (provision of FAPE) or placement of a student with a disability. The District also has the right to initiate a 504/Title II due process hearing regarding these same matters.

1. If a parent, legal guardian or eligible student intends to challenge the action proposed or refused by the District, the parent/guardian or eligible student must file a written Request for 504/Title II Due Process Hearing within thirty (30) calendar days from the date of the District's written notice of the proposed or refused action. A copy of this form is attached to these Procedural Safeguards. The Request for 504/Title II Due Process Hearing should be filed with:

Krysty Holt, Special Services Director
P.O. Box 250
Oran, MO 63771
Telephone (573) 262-3435
Email: kholt@oran.k12.mo.us

If the District intends to initiate a Section 504/Title II due process hearing, the District's Section 504/Title II Coordinator must complete the Request for a 504/Title II Due Process Hearing within the same number of calendar days as specified above.

2. The Request for a 504/Title II Due Process Hearing must state the specific circumstances, including all relevant facts, giving rise to the request for due process; the specific issues to be decided at the impartial due process hearing; and the relief being requested. The District will acknowledge, in writing, all parent/guardian requests for a due process hearing within five (5) business days of receipt. If the District initiates the due process hearing, the District will inform the parent or guardian within five (5) days of the District's decision to so initiate.
3. The District will, within fifteen (15) business days of the District's or parent/guardian's receipt of the Request for a 504/Title II Due Process Hearing, appoint and retain a single impartial hearing officer to hear and decide the due

process request. The hearing officer must have knowledge or training in Section 504/Title II and may not be an employee of the District. The hearing officer may not have a personal or professional interest that would conflict with his/her objectivity in the hearing. The District is not required to consult with the parent/guardian or eligible student with respect to the hearing officer appointment.

4. Although nothing prohibits or discourages the District from having an informal resolution process (including but not limited to filing a grievance or submitting to mediation) prior to the hearing, such informal steps cannot be required prior to the hearing and cannot operate in such a manner as to unduly delay the hearing.
5. The parties to the hearing have the following rights:
 - a. The right to inspect all relevant records, including personally identifiable records of the student. The range of records reviewable is the same as under the Family Educational Rights Privacy Act (FERPA);
 - b. The right to participate in the hearing;
 - c. The right to be represented and advised by an attorney;
 - d. The right to present evidence and confront, cross-examine and compel the attendance of witnesses;
 - e. The right to obtain a record of the hearing but at the cost of the party; and
 - f. The right to obtain written findings of fact, conclusions of law, and decision.
6. Section 504/Title II due process hearings will be closed. The parents or guardian may elect to have the student present at the hearing.
7. The hearing officer must hold the hearing within thirty (30) days of his/her appointment as hearing officer. This timeline may be extended upon the request of the party or parties and by agreement and order of the hearing officer.
8. Each hearing must be conducted at a time and place which is reasonably convenient to the District and the parents or guardian. The District's facilities will be presumed to be a reasonably convenient location but the parents or guardian may challenge this presumption with the hearing officer.
9. The party that requested the due process hearing may not raise issues at the due process hearing that were not addressed in the Request for a 504/Title II Due Process Hearing unless the other party agrees.

10. The hearing officer shall render a final, written decision no later than fifteen (15) days following the completion of the hearing. A decision may be rendered after fifteen (15) days, if either party requests an extension of this timeframe, and for good cause shown. The decision of the hearing is final and binding, subject to the procedures outlined below.
11. The Oran R-III School District is responsible for costs directly attributable to the provision of administration hearings described in these procedures, including compensation of the hearing officer, and other related expenses. The District is not responsible for the cost of hearing transcripts requested by the parent. The District is not responsible for the costs of legal counsel or other representative of the parent/guardian or eligible student or for the costs of producing or reproducing the evidence presented by the parent/guardian or eligible student.
12. Any timelines specified herein may be extended by agreement of the District and parent/guardian or eligible student or by order of the hearing officer.
13. Any party aggrieved by the decision of the impartial hearing officer may appeal that decision to any court of competent jurisdiction.

KH 11/20/14

NOTICE OF APPEAL

Request for an Impartial Due Process Hearing Under Section 504/Title II)

Student's Name: _____

Parent/Guardian Name: _____

Address: _____

Phone Number: _____ E-Mail: _____

I am in disagreement with the following decisions made by the District pertaining to my child's identification/evaluation/educational placement under Section 504/Title II:

Please describe the facts and circumstances giving rise to the disagreement: (Please state the background leading to the disagreement and why you disagree with the multidisciplinary team's decision(s):

Please state the specific issues to be decided at the due process hearing:

Please describe the relief you are requesting through the due process hearing (what result you would like the hearing officer to provide if the hearing officer decides in your favor):

Signature of parent/guardian/eligible student

Date of Signature