

**POLICY TITLE: Section 504 of the  
Rehabilitation Act Hearing Procedure**

**POLICY NO: 296**

**PAGE 1 of 4**

**SECTION 504 HEARING PROCEDURE—PURPOSE AND SCOPE**

1. An impartial hearing procedure is available to students and their parents to resolve differences dealing with educational services available under Section 504 of the Rehabilitation Act (hereinafter “Section 504”) when such differences cannot be resolved by means of a less formal procedure. Students and their parents are encouraged to use this school district’s Civil Rights Grievance Procedure for resolution of differences whenever possible.

The hearing procedures and procedural safeguards set forth in this policy apply to the identification, evaluation, or educational placement of a student, as set forth in 34 CFR 104.36. A student qualifies for a free appropriate public education, including related services, under Section 504 if he/she has a physical or mental impairment which substantially limits one or more major life activities.

The following definitions shall apply to all related hearing matters:

1. “Days” means calendar days;
2. “Parents” means parents or legal guardians;
3. “Placement” means the program concerning the educational placement of the student.

**HEARING PROCEDURES**

A Section 504 impartial hearing may be requested by the school district or a parent of an affected student on matters directly related to:

1. The identification or eligibility of a student as disabled under Section 504;
2. The evaluation procedures utilized with the student; or
3. The educational placement and/or services and accommodations recommended for the student.

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

1. The specific nature of the dispute;

2. The specific relief or remedy requested; and
3. Any other information the school district or parents believe is important to understanding the dispute.

The hearing procedure shall be presided over and decided by an impartial hearing officer. The Superintendent of Schools, or his/her designee, shall select an impartial hearing officer within fifteen (15) days of receipt of the request for a Section 504 hearing. The selected impartial hearing officer shall:

1. Be qualified to review school district decisions relating to Section 504;
2. Be impartial and unbiased; and
3. Not be an employee of the school district.

The selected hearing officer, prior to the hearing, will review the school district's actions and notify the parties in writing of the date of the hearing. The parents and the school district shall be given at least 10 days notice of the date of the hearing. The notice from the appointed hearing officer shall contain:

1. A statement of the time, place, and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is being held;
3. A statement of the availability of relevant records for examination;
4. A concise statement of the issues in dispute;
5. A statement setting forth the right of the student's parents or guardian to participate in the hearing procedure; and
6. A statement of the right to be represented by counsel.

All written correspondence shall be provided in English and/or interpreted in the parents' primary language.

Either party to the hearing may request a continuance. The continuance may be granted by the hearing officer upon a showing of good cause. Any continuance(s) granted by the hearing officer shall extend the time for rendering a final hearing decision for a period equal to the length of the continuance(s). The hearing shall be conducted and a written decision shall be mailed by the hearing officer to all parties within forty-five (45) days from the date of the hearing assignment.

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

1. The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of disabled children;
2. The right to present evidence and oral arguments;
3. The right to an electronic verbatim record of the hearing; and
4. The right to written findings of fact and a decision on the matter.

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

1. Have the student present at the hearing; and
2. Open the hearing to the public.

In cases where there are language differences, an interpreter shall be provided by the school district.

The appointed hearing officer shall review all relevant facts presented at the hearing and shall determine whether the student's rights have been fully observed. The hearing officer shall have the authority to uphold, reverse, or modify the school district's determination with regard to the:

1. Identification of the student as disabled;
2. Evaluation procedures utilized with the student; and
3. Educational placement and/or services and accommodations recommended for the student.

### **DECISION OF THE HEARING OFFICER**

A copy of the hearing officer's findings of fact and decision shall be delivered to the school district and the parents within forty-five (45) days from the date of the assignment of the hearing officer.

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

**RECORD OF THE HEARING**

An electronic verbatim recording of the Section 504 hearing shall be on file at the school district administration office and will be available for review upon request by the parents and/or any of the involved parties.

YYYYYYYY

**LEGAL REFERENCE:**

29 USC Chapter 16

34 CFR Part 104

**ADOPTED:** April 22, 1998

**AMENDED:** January 19, 2021

Wendell School District #

**PURPOSE:** This form should be used to report conduct that could constitute sex discrimination, including complaints of sexual harassment or sexual violence, in violation of Title IX of the Education Amendments of 1972 (“Title IX”), and as defined in Board Policy 296, in order to ensure prompt and equitable resolution of such complaints. This form **only applies** to complaints alleging discrimination prohibited by Title IX (including sexual harassment and sexual violence).

**INSTRUCTIONS:** Individuals alleging Title IX discrimination and requesting review are required to complete this form and submit it to the appropriate administrator as soon as possible after the occurrence of the alleged discrimination. When this form has been completed and signed by a Complainant or the Title IX Coordinator, the alleged sex discrimination, including sexual harassment or sexual violence, will be investigated by the District in accordance with Board Policy 296P1. A copy of this completed form, as well as information about the District’s Title IX grievance process, will be provided to the Complainant and Respondent.

**TITLE IX COORDINATOR:** Tim Perrigot  
208-536-2418  
tperrigot@wendellschools.org  
150 E. Main St. Box 300 Wendell, ID 83355

**1. Complainant Information.**

Name of Complainant \_\_\_\_\_ School \_\_\_\_\_  
Address \_\_\_\_\_  
Student Grade (if complainant is a student) \_\_\_\_\_  
Employee school and position (if complainant is an employee) \_\_\_\_\_

**2. Respondent Information.**

Name of person(s) whose conduct is complained of \_\_\_\_\_  
Student Grade and school (if respondent is a student) \_\_\_\_\_  
Employee school and position (if respondent is an employee) \_\_\_\_\_

**3. Nature of Grievance.**

Date(s) and time(s) of alleged sexual harassment or incidents \_\_\_\_\_  
Place(s) where conduct occurred (could include school or at home if conduct includes online/electronic mail/social media conduct) \_\_\_\_\_

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Describe the conduct/incident(s) \_\_\_\_\_

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**4. Witnesses.**

Identify any witnesses to the conduct/incident(s) (include name, phone number and email, if known, and the relationship of the witness to you) \_\_\_\_\_

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**5. Response to Conduct.**

What action, if any, did you take to respond to the conduct/incident(s) (include name(s) of witnesses or school personnel you talked to, the date(s) of such communication, and the method(s) of communication) \_\_\_\_\_

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Describe the result of the action(s) and communication(s) described above \_\_\_\_\_

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**6. Prior Conduct.**

Identify other incidents, if any, with this person, including the date(s), time(s), and place(s) of the incident and describe the conduct/incident(s) \_\_\_\_\_

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**PLEASE ATTACH ANY STATEMENTS, REPORTS OR OTHER DOCUMENTS WHICH YOU FEEL ARE RELEVANT TO YOUR COMPLAINT.**

**I certify that the foregoing information is true and correct.**

Signature of complainant \_\_\_\_\_ Date \_\_\_\_\_

Signature of Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_

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**FOR SCHOOL DISTRICT USE:**

Complaint taken by (Print Name) \_\_\_\_\_ Date \_\_\_\_\_

Position: \_\_\_\_\_



**WENDELL SCHOOL DISTRICT #232**

P.O. Box 300  
Wendell, Gooding County, Idaho 83355  
Phone (208) 536-2418 Fax (208) 536-2629

Tim Perrigot  
*Superintendent*  
Krissy Messick  
*Business Manager*

Carol Case  
*District Clerk*  
Laurie Lancaster  
*Personnel Clerk*

CONFIDENTIAL

[Date]

**Via U.S. mail and email to:** [email address]

Name of Complainant (include name of parents/guardians if known)

Address

**Re: Notice of Title IX Complaint, Allegations of Sexual Harassment and  
Grievance Process**

Dear [Addressee]:

I am the Title IX Coordinator for the Wendell School District #232. In that capacity, on [date] I [received OR signed] a formal complaint (the "Complaint") that includes allegations of sex discrimination under Title IX of the Education Amendments of 1972 ("Title IX") [made by OR pertain to] [name of complainant] (the "Complainant"). Pursuant to Title IX, sex discrimination may include allegations of sexual harassment or sexual violence. The purpose of this letter is to provide you with notice of the District's grievance procedures. I am sending a similar written notice to [insert name], the "Respondent."

In particular, the District has been notified of the following allegations: [insert summary of allegations constituting sexual harassment, including identity of parties involved, if known; conduct allegedly constituting sexual harassment; date and location of the alleged incidents, if known].

Enclosed for your reference is a copy of the District's grievance procedures as set forth in Board Policy 296P1, which explains the formal grievance process [and the District's informal

*resolution process, if any*]. Please be sure to review this document as it contains important information about your rights.

In connection with the grievance process, you may have an advisor of your choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence, as well as accompany you during interviews that are part of the grievance process.

Please be aware that the Respondent is considered “not responsible” for violating District policy relating to Title IX sexual harassment (Board Policy 296), unless and until [a *preponderance of the evidence* OR *clear and convincing evidence* (*Note: it should be the same as the standard identified in your procedure*)] proves that a violation of policy has occurred. The burden is on the District to gather evidence, investigate the allegations, summarize all relevant evidence in a final investigation report, and make a final determination of responsibility. In accordance with federal regulations and District policy, a final determination of responsibility will not be made until the conclusion of the investigatory process and after the parties have been given an opportunity to inspect, review, and respond to all directly related and/or relevant evidence obtained by the District. A final determination of responsibility is subject to appeal by either party, and you will be provided with additional written notice of your appeal rights upon the District’s final determination of responsibility.

If, during the investigation of the allegations identified above, additional evidence should emerge that necessitates a modification of the allegations, this office will provide you with an updated and revised Notice of Investigation.

[*I* OR *name of investigator*] will be conducting the investigation of this matter. [*My* OR *The investigator’s*] contact information is:

Address  
Phone number(s)  
Email

[*I wish* OR *The investigator wishes*] to conduct an initial interview with you on [*Date*] at [*location*]. The available interview times are [*include at least two options*]. If you cannot attend the interview at that time, please let [*me* OR *the investigator*] know promptly to schedule a different time. If you have any questions about the interview process, including any concerns about [*my qualifications* OR *the qualifications and training of the investigator*] please contact me directly at [*phone number*] or [*email*]. In addition, should you have concerns about bias or conflict of interest relating to the assigned investigator, you must raise such concerns to me prior to your scheduled interview.

In accordance with Board Policy 296P1, the District will conduct this investigation confidentially, except as may be permitted by law or regulations relating to the conduct of any investigation. *See, e.g.,* 20 U.S.C. §1232g; 34 CFR Parts 99, 106; Board Policy 296P1. To that end, you are requested to maintain confidentiality regarding your status as a party, the identity of other parties, and the identity of any witnesses, provided that you may discuss this matter with your advisor or others as necessary within the context of this investigation.



You are reminded that you are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, including, among other things, making a report or formal complaint of sexual harassment. You are also reminded that Board Policy 296 provides that individuals who knowingly file a false or misleading complaint alleging sexual harassment, discrimination or retaliation are subject to appropriate disciplinary action including, but not limited to, dismissal of the complaint and discipline under applicable Board policy.

In addition to District resources and supportive services that we may have already discussed, I also wanted to encourage you to avail yourself of any of the following resources to help you through this process:

*[Examples include: counselor, including name, contact information, services provided; other internal or external supportive services, including names, contact information and description of services]*

To ensure you are able to fully participate in the grievance process, please let [*me OR other office, e.g. business office, HR office, etc.*] know, prior to your scheduled interview, if you, your advisor, or parent/guardian need reasonable accommodations due to a qualifying disability. [*If another office: The contact person is [name], who can be reached at [phone number].*]

Thank you in advance for your anticipated cooperation in this process. Should you have any questions about the process or your interview, please contact [*me OR your assigned investigator*] at [*phone number*] or [*email*].

Sincerely,

[*name*]  
[*Title IX Coordinator*]  
[*Contact Information*]



**LEGAL REFERENCE:**

**ADOPTED:** January 19, 2021

**AMENDED:**



**WENDELL SCHOOL DISTRICT #232**

P.O. Box 300  
Wendell, Gooding County, Idaho 83355  
Phone (208) 536-2418 Fax (208) 536-2629

Tim Perrigot  
*Superintendent*  
Krissy Messick  
*Business Manager*

Carol Case  
*District Clerk*  
Laurie Lancaster  
*Personnel Clerk*

[Date]

**Via U.S. mail and email to: [email address]**

Name of Respondent (include name of parents/guardians if known)  
Address

**Re: Notice of Title IX Complaint, Allegations of Sexual Harassment and  
Grievance Process**

Dear [Name of Respondent and Parents/Guardians]:

I am the Title IX Coordinator for the Wendell School District #232. In that capacity, on [date] I [received OR signed] a formal complaint (the "Complaint") that includes allegations of sex discrimination under Title IX of the Education Amendments of 1972 ("Title IX") against you, the "Respondent," that were [made by OR pertain to] [name of complainant] (the "Complainant"). Pursuant to Title IX, sex discrimination may include allegations of sexual harassment or sexual violence. The purpose of this letter is to provide you with notice of the District's grievance procedures. I am sending a similar written notice to the Complainant.

In particular, the District has been notified of the following allegations, as contained in the formal complaint: [insert summary of allegations constituting sexual harassment, including identity of parties involved, if known; conduct allegedly constituting sexual harassment; date and location of the alleged incidents, if known].

Enclosed for your reference is a copy of the District's grievance procedures as set forth in Board Policy 296P1, which explains the formal grievance process [and the District's informal resolution process, if any]. Please be sure to review this document as it contains important information about your rights.

In connection with the grievance process, you may have an advisor of your choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence, as well as accompany you during interviews that are part of the grievance process.

Please be aware that you are considered “not responsible” for violating District policy relating to Title IX sexual harassment (Board Policy 296), unless and until [a *preponderance of the evidence* OR *clear and convincing evidence* (Note: it should be the same as the standard identified in your procedure)] proves that a violation of policy has occurred. The burden is on the District to gather evidence, investigate the allegations, summarize all relevant evidence in a final investigation report, and make a final determination of responsibility. In accordance with federal regulations and District policy, a final determination of responsibility will not be made until the conclusion of the investigatory process and after the parties have been given an opportunity to inspect, review, and respond to all directly related and/or relevant evidence obtained by the District. A final determination of responsibility is subject to appeal by either party, and you will be provided with additional written notice of your appeal rights upon the District’s final determination of responsibility.

If, during the investigation of the allegations identified above, additional evidence should emerge that necessitates a modification of the allegations, this office will provide you with an updated and revised Notice of Investigation.

[I OR name of investigator] will be conducting the investigation of this matter. [My OR The investigator’s] contact information is:

Address  
Phone number(s)  
Email

[I wish OR The investigator wishes] to conduct an initial interview with you on [Date] at [location]. The available interview times are [include at least two options]. If you cannot attend the interview at that time, please let [me OR the investigator] know promptly to schedule a different time. If you have any questions about the interview process, including any concerns about [my qualifications OR the qualifications and training of the investigator] please contact me directly at [phone number] or [email]. In addition, should you have concerns about bias or conflict of interest relating to the assigned investigator, you must raise such concerns to me prior to your scheduled interview.

In accordance with Board Policy 296P1, the District will conduct this investigation confidentially, except as may be permitted by law or regulations relating to the conduct of any investigation. See, e.g., 20 U.S.C. §1232g; 34 CFR Parts 99, 106; Board Policy 296P1. To that end, you are requested to maintain confidentiality regarding your status as a party, the identity of other parties, and the identity of any witnesses, provided that you may discuss this matter with your advisor or others as necessary within the context of this investigation.

You are reminded that you are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege

secured by Title IX, including, among other things, making a report or formal complaint of sexual harassment. You are also reminded that Board Policy 296 provides that individuals who knowingly file a false or misleading complaint alleging sexual harassment, discrimination or retaliation are subject to appropriate disciplinary action including, but not limited to, dismissal of the complaint and discipline under applicable Board policy.

In addition to District resources and supportive services that we may have already discussed, I also wanted to encourage you to avail yourself of any of the following resources to help you through this process:

*[Examples include: counselor, including name, contact information, services provided; other internal or external supportive services, including names, contact information and description of services]*

To ensure you are able to fully participate in the grievance process, please let [*me OR other office, e.g. business office, HR office, etc.*] know, prior to your scheduled interview, if you, your advisor, or parent/guardian need reasonable accommodations due to a qualifying disability. [*If another office: The contact person is [name], who can be reached at [phone number].*]

Thank you in advance for your anticipated cooperation in this process. Should you have any questions about the process or your interview, please contact [*me OR your assigned investigator*] at [*phone number*] or [*email*].

Sincerely,

*[name]*  
*[Title IX Coordinator]*  
*[Contact Information]*



**LEGAL REFERENCE:**

**ADOPTED:** January 19, 2021

**AMENDED:**

NOTE: All items in brackets and italics should be filled in with the appropriate information and the brackets removed. The form can be placed on district letterhead and formatting changed to accommodate placement on district or charter school letterhead.
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Laurie Lancaster  
*Personnel Clerk*

CONFIDENTIAL

[Date]

**Via U.S. mail and email to:** *[email address]*

Name of Witness (include name of parents/guardians if known)

Address

**Re: Notice of Title IX Complaint, Allegations of Sexual Harassment and Investigation**

Dear *[Name of Witness and Parents/Guardians]*:

I am the Title IX Coordinator for the *[name]* School District (“District”). In that capacity, on *[date]* I *[received OR signed]* a formal complaint (the “Complaint”) that includes allegations of sex discrimination under Title IX of the Education Amendments of 1972 (“Title IX”) *[made by OR pertain]* to *[insert name]* (the “Complainant”) against *[insert name]* (the “Respondent”). Pursuant to Title IX, sex discrimination may include allegations of sexual harassment or sexual violence. I have been informed that you are a potential witness to the conduct or actions relevant to this matter; accordingly, the purpose of this letter is to provide you with notice of the allegations and the District’s grievance process.

In particular, the District has been notified of the following allegations, as contained in the formal complaint: *[insert summary of allegations constituting sexual harassment, including identity of parties involved, if known; conduct allegedly constituting sexual harassment; date and location of the alleged incidents, if known]*.

*[I OR name of investigator]* will be conducting the investigation of this matter. *[My OR The investigator’s]* contact information is:

Address  
Phone number(s)  
Email

[*I wish OR The investigator wishes*] to conduct an initial interview with you on [*Date*] at [*location*]. The available interview times are [*include at least two options*]. If you cannot attend the interview at either of these proposed times, please let [*me OR the investigator*] know promptly to schedule a different time. If you have any questions about the interview process, please contact me directly at [*phone number*] or [*email*]. Please bring any evidence you might have relating to the allegations to the interview. Evidence can include documents, audio or video recordings or other materials.

Please be aware that the District's grievance process requires an investigation before any determination of responsibility is made. At the conclusion of the investigation, an appointed decision-maker will make a final determination of responsibility, based upon the evidence received during the investigation. Until the final determination of responsibility is made, the Respondent is considered "not responsible" for violating District policy relating to Title IX sexual harassment (Board Policy 296).

In accordance with Board Policy 296P1, the District will conduct this investigation confidentially, except as may be permitted by law or regulations relating to the conduct of any investigation. *See, e.g.*, 20 U.S.C. §1232g; 34 CFR Parts 99, 106; Board Policy 296P1. To that end, you are requested to maintain confidentiality regarding your status as a witness, the identity of the parties, and the identity of any other witnesses.

You are reminded that you are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, including, among other things, making a report or formal complaint of sexual harassment. You are also reminded that Board Policy 296 provides that individuals who knowingly file a false or misleading complaint alleging sexual harassment, discrimination or retaliation are subject to appropriate disciplinary action including, but not limited to, dismissal of the complaint and discipline under applicable Board policy.

Should you need accommodations for the interview due to a disability, please let [*me OR other office, e.g. business office, HR office, etc.*] know prior to your scheduled interview. [*If another office: The contact person is [name], who can be reached at [phone number].*]

Thank you in advance for you anticipated cooperation in this process.

Sincerely,

[*name*]  
[*Title IX Coordinator*]  
[*Contact Information*]



**LEGAL REFERENCE:**

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*District Clerk*  
Laurie Lancaster  
*Personnel Clerk*

CONFIDENTIAL

[Date]

**Via U.S. mail and email to:** [email address]

Name of Party (include name of parents/guardians if known and applicable) [Note: send one to the Complainant and one to the Respondent]

Address

**Re: Title IX Grievance – Notice of Delay/Continuance**

Dear [Name of Party and Parents/Guardians]:

I am writing in regard to the pending Title IX grievance relating to allegations of sexual harassment. As set forth in Board Policy 296P1, and pursuant to applicable federal regulations, the District has established reasonably prompt timeframes for resolving formal complaints of sexual harassment. It has become apparent that some of the established timeframes require adjustment, and good cause exists to allow for a temporary delay or limited continuance.

In particular, a temporary delay is necessary because [insert discussion of reason(s) for delay. NOTE: Under applicable regulations, “good cause” for delay may include, but is not limited to, considerations such as: (1) the absence of a party, a party’s advisor or witness; (2) concurrent law enforcement action; or (3) the need for language assistance or accommodation of disabilities.] In light of these factors, I have determined that good cause exists for an extension of the required timeframes.

Based on my conclusion that an extension/continuance is necessary, you should anticipate the following: [describe what will happen next, which could include waiting for a party or witness to be available, describing the time period necessary to accommodate a



*disability, or the time needed to accommodate law enforcement activities.]* I will follow up with you no later than [date] to give you an update on the status of the investigation.

You are reminded that you are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX. In addition, you are again directed to maintain confidentiality regarding your status as a party in this matter, the identity of the parties, and the identity of any witnesses, except as may be permitted by law or regulations relating to the conduct of any investigation. Should you have any concerns about this notice, please report them to me.

Sincerely,

[*name*]  
[*Title IX Coordinator*]  
[*Contact Information*]



**LEGAL REFERENCE:**

**ADOPTED:** January 19, 2021

**AMENDED:**

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