



## **SECTION 504 PROCEDURAL SAFEGUARDS**

- I. RIGHTS OF PARENTS OR GUARDIANS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 ("Section 504") – Federal regulations implementing Section 504 (34 CFR 104.36) require that procedural safeguards be made available regarding the evaluation, eligibility, or determination of a Section 504 educational placement for students with disabilities.

As a parent or guardian, you have the right to:

1. Notice: Parent 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.
2. Examination of Records: A parent or guardian of a qualified disabled student has the right to review relevant records regarding their child. Records may be reviewed at the school site or at the District office.
3. Impartial Review Hearing: A parent or guardian may appeal decisions made by the District relating to identification, evaluation procedures, or education placement/services.
4. Receive all information in the parent/guardian's native language and primary mode of communication.
5. Periodic re-evaluation and an evaluation before any significant change in program/service modification.
6. File a complaint under the district's uniform complaint procedure over an alleged violation of Section 504 regulations.

- II. IMPARTIAL REVIEW HEARING – In accordance with regulations under Section 504, the parent or guardian who disagrees with: (a) the evaluation procedures utilized to assess the student; (b) the eligibility of the student as disabled pursuant to 34 CFR 104.3(j); or (c) the 504 educational placement recommended for the student, may request an impartial hearing.

Impartial Hearing Process:

1. A written request for an impartial review hearing must be filed with the District's Section 504 Coordinator within twenty (20) days of the Section 504 committee's decision.
2. Within ten (10) school days of the receipt of a timely written request for a hearing, the Section 504 Coordinator or designee will meet with the parent/guardian in an attempt to resolve the dispute.
3. If the dispute is not resolved, the Parent may request, in writing, a due process hearing by an impartial hearing officer. The request shall include:
  - a. The specific nature of the decision with which the parent/guardian disagrees;
  - b. The specific relief the parent/guardian seeks; and
  - c. Any other information the parent/guardian believes will assist in understanding the appeal.
4. Within 20 school days of receiving the parent/guardian's request, the Superintendent or designee shall select an impartial hearing officer. These 20 school days may be



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- extended for good cause or by mutual agreement of the parties. The Superintendent or designee shall represent the district at this hearing.
5. A hearing officer selected by the District must satisfy the following requirements:
    - a. Be qualified to review District decisions relating to Section 504.
    - b. Not be an employee of the District or be a person who has a professional or personal involvement that would affect his or her objectivity in the case.
  6. The hearing officer shall give written notice to the student and parent/guardian of the time and place of the hearing and the procedures that will be followed at the hearing (including when he/she expects a decision to be rendered).
  7. Any party to the hearing shall be afforded the following rights:
    - a. The right to be accompanied and advised by legal counsel and by individuals with special knowledge or training relating to the problems of students who are disabled within the meaning of Section 504.
    - b. The right to present documentary and testimonial evidence.
    - c. The right to question and cross-examine witnesses.
    - d. The right to written findings of fact, conclusions of law and a decision from the hearing officer.
  8. The written decision of the hearing officer shall be mailed to all parties. The student and parent/guardian shall be advised that the decision may be appealed to a court of appropriate jurisdiction.

**Withdrawal of the Request for an Impartial Hearing:** The request for an impartial hearing may be withdrawn by the parent and/or guardian at any time during the process. The request for withdrawal must be submitted in writing to the District Section 504 Coordinator.

**Resolution during the Impartial Hearing:** If, during the impartial hearing process, a resolution is reached, a settlement agreement shall be reduced to writing. The written settlement agreement must include the signatures of the parent/guardian and the District's Section 504 Coordinator.

Any inquiries about this procedure or the District's compliance with the provisions of Section 504 should be directed to:

Director of Student Services and District 504 Coordinator  
Dixon Unified School District  
180 South 1<sup>st</sup> Street  
Dixon, CA 95620

[Board Policy BP 6164.6]

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