

GUILFORD COUNTY SCHOOL SYSTEM

Section 504 Grievance Procedure and Due Process Procedures

34 C.F.R. §104.36 provides “a system of procedural safeguards that includes notice, an opportunity for the parent or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person’s parent or guardian and representation by counsel, and a review procedure.”

The GCS Section 504 grievance procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, placement, and/ or provision of educational services and programs to students who, because of their handicaps, need or are believed to need a Section 504 Accommodation Plan.

A parent or guardian disagreeing with the decisions reached by school personnel should first seek an informal resolution of the disagreement by going through the administrative chain of command. All parties are encouraged to reach a resolution at this level.

If a resolution is not reached at the administrative level, parents may appeal the school district’s decision by requesting an impartial hearing with an Administrative Law Judge through the Office of Administrative Hearings. The parent or guardian also has the right, under certain circumstances, to file a complaint with the Office for Civil Rights or file suit in the federal court system.

A) Informal Resolution at the Administrative Level**STEP 1 – PRINCIPAL CONFERENCE**

A parent or guardian wishing to invoke the 504 appeals process for his/ her child shall make a written request for a conference to discuss the grievance and seek resolution within a reasonable time following the acts or omissions giving rise to the grievance.

In addition,

- 1) The written request shall fully describe the grievance.
- 2) The principal shall grant the conference within five school days following receipt of the request.
- 3) The principal shall state in writing his/ her decision on the issue to the parent or guardian within five school days following the conference.
- 4) Only the parent, guardian, or someone acting in *loco parentis* will be permitted to attend or represent the student at the conference with the principal.

STEP 2 – APPEAL TO THE CHIEF STUDENT SUPPORT OFFICER (CSSO)

If the grievance is not resolved at Step 1, the parent or guardian may appeal the principal’s decision to the CSSO. This appeal must be requested in writing and addressed to Chief Student Services Officer at 120 Franklin Blvd., Greensboro, N.C. 27401, within a reasonable time following the receipt of the principal’s decision.

The CSSO and the GCS 504 Coordinator will conduct an investigation of all allegations and will review the procedures and decisions of the school’s 504 team, personnel, and principal.

A written response shall be made to the parent or guardian and principal from the CSSO within 20 school days of the receipt of the appeal. At that time, the parent may request a conference with the CSSO and the GCS 504 Coordinator. Only the parent, guardian, or someone acting in *loco parentis* will be permitted to attend or represent the student at this conference.

B) Formal Appeal Process**STEP 3 – APPEAL FOR A SECTION 504 HEARING**

If the grievance is not resolved at the administrative level, the parent may appeal by requesting an independent, impartial hearing. The request must be made in writing to the CSSO within a reasonable time following the written response from the CSSO in Step 2.

HEARING

Pursuant to N.C.G.S. 7A-758, the school district may apply to the Office of Administrative Hearings for a hearing before an Administrative Law Judge.

Hearing notifications to the parent or guardian will be given at least 20 days prior to the date set for the hearing.

The hearing notification shall contain the following;

- a statement of the time, place, and nature of the hearing;
- a statement of the legal authority and jurisdiction under which the hearing is being held;
- a reference to the particular section of the statutes and rules involved;
- a statement of the availability of relevant records for examination;
- a short and plain statement of the matters asserted; and
- a statement of the right to be represented by counsel.

HEARING PROCEDURES

The Administrative Law Judge shall preside at the hearing and conduct the proceedings in an impartial manner to the end that all parties have the following opportunities:

- to present their evidence,
- to produce testimony from experts and other individuals with knowledge or training with respect to problems of handicapped students, and
- to be represented by legal counsel.

Parents have the following rights at the hearing:

- to have their student present at the hearing,
- to open the hearing to the public, and
- to be provided with an interpreter in cases where there are language differences.

The responsibilities of the Administrative Law Judge include the following:

- to determine whether the Guilford County School System has met all procedural aspects of the Section 504 Accommodation Plan;
- to ascertain that the procedures utilized in determining the student's needs have been appropriate;
- to ascertain that the student's rights have been fully observed by the school district;
- to ascertain that the provision of aids, services, or programs afford a free appropriate public education to 504-qualified students; and
- to render a decision that is binding on all parties, except that in all cases any action taken must comply with current North Carolina Statutes and federal law and court decisions.

DECISION OF THE ADMINISTRATIVE LAW JUDGE

A copy of the Administrative Law Judge's decision will be delivered to the school and to the parent or guardian within ten days following completion of the hearing, which in no event shall be later than 45 days after receipt of the request for a hearing.

The decision of the hearing officer is binding on all parties concerned, with the exception that the decision is subject to review. The decision will include a statement that either party may seek a review.

by another Administrative Law Judge. The law does not contemplate this review to be a *de novo* hearing.

RECORD OF THE HEARING

A written or electronic verbatim recording of the Section 504 due process hearing before the Administrative Law Judge shall be on file at the office of the CSSO and will be available to the parents and/ or any of the involved parties for review upon request. Parents may have a copy of the proceedings in English and in the primary language of the home.

I have received a copy of the *revised* Guilford County Schools' Section 504 Grievance Procedure.

(signature of parent/ guardian)

(date)