

Section 504 Due Process Appeal Procedures

1. The District has designated the following person as its Section 504 Compliance Officer:

Tiffany Hazlewood, Director of School & Student Services
710 Encinitas Blvd, Encinitas, CA 92024
760-753-6491 ext. 5556 or via email at Tiffany.Hazlewood@sduhsd.net

The Section 504 Compliance Officer is responsible for coordinating the District's compliance with Section 504, including addressing complaints regarding the identification, evaluation, or educational placement of a student with a disability under Section 504 and complaints alleging discrimination or harassment of a student based on his/her actual or perceived disability.

2. Parents/guardians shall be notified in writing of final District decisions regarding the identification, evaluation, or educational placement of students with disabilities or suspected disabilities, along with the Section 504 Procedural Safeguards. This notice and the Safeguards will also be provided to students who are entitled to these rights at age 18.
3. If a parent/guardian disagrees with the identification, evaluation, or educational placement of a student with a disability under Section 504, he/she may request to initiate due process procedures by requesting a hearing. The parent/guardian shall set forth in writing his/her request for a hearing and include all of the following:
 - The circumstances giving rise to the request for hearing, including all relevant facts;
 - The specific issues to be decided at the impartial due process hearing; and
 - The relief requested.
4. Parent requests for a due process hearing shall be made to the District's Section 504 Compliance Officer, Tiffany Hazlewood, Director of School & Student Services, 710 Encinitas Blvd, Encinitas, CA 92024, and 760-753-6491 ext. 5556 or via email at Tiffany.Hazlewood@sduhsd.net
5. Parent or District requests for a due process hearing must be made **in writing and within 60 calendar days from date of the District's written notice of proposed or refused action**. Parents may utilize **District Form K** (Notice of Request for Impartial Section 504 Due Process Hearing) but are not required to do so as long as the written request provides all relevant information indicated above.
6. The Section 504 Compliance Officer shall maintain a list of impartial hearing officers who are qualified to conduct hearings, knowledgeable about Section 504, and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract within the District or the County Office of Education in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.
7. **Within 15 calendar days** of receiving the parent/guardian's request for hearing or initiating a District filed due process request, the District may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing, outlined below, shall remain in

effect unless it is extended by mutual written agreement of the parent/guardian and the District. Alternative dispute resolution options include:

- Mediation by a neutral third party.
- Review of the Section 504 Plan by the District's Section 504 Compliance Coordinator.

8. Hearing Timeline

a. **Within 10 calendar days** of receiving the parent's/guardian's request, the District's Section 504 Compliance Officer shall appoint and retain a single impartial hearing officer to hear and decide the case. The District is not required to consult with the parent/guardian with respect to the hearing officer appointment. The **10 calendar day** timeline to appoint and retain a single impartial hearing officer may be extended for good cause or by mutual agreement of the parent/guardian and the District.

Within **35 calendar days** of the selection of the hearing officer, the due process hearing shall be conducted. These **35 days** may be extended for good cause or by mutual agreement of the parent/guardian and the District.

Cite hearing officer shall issue a written decision **within 30 calendar days** of the hearing unless the District and parent/guardian agree otherwise.

9. The hearing shall be conducted at a time and place mutually agreeable to the District and parent/guardian. The District's facilities are presumed to be a mutually agreeable location; however, the parent/guardian may challenge that presumption with the hearing officer and at the parent/guardian expense (if any), may elect to have the hearing at another location.
10. The issues for the hearing shall be limited to those raised in the due process complaint unless the other party agrees.
11. The parent/guardian and the District shall be afforded the rights to:
 - Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as disabled under Section 504.
 - Present written and oral evidence.
 - Question and cross-examine witnesses.
 - Receive written findings by the hearing officer.
12. The parent/guardian shall, in his or her discretion alone, elect whether to have the hearing open to the public or closed to the public. The parent/guardian shall also, in his or her discretion alone, elect whether the student shall be present at the hearing.
13. The District is responsible for costs related to the impartial hearing, including compensation of the hearing officer. The District is not responsible for the costs of parent/guardian's legal counsel or any other parent representative or parent secured witness.
14. If desired, either party may seek a review of the hearing officer's decision by any court of competent jurisdiction. The decision shall be implemented unless the decision is stayed, modified, or overturned by a court.