

# Chattahoochee County School System

## Section 504 Hearing Procedures

**Right to Due Process.** In the event a parent or guardian wishes to contest an action or omission on the part of the Chattahoochee County School District with regard to the identification, evaluation, or placement of a disabled child under §504 of the Rehabilitation Act of 1973 (§504), the parent has a right to an impartial hearing before an impartial hearing officer.

**Initiation of Due Process Procedures.** A parent who wishes to challenge the Chattahoochee County School District's action or omission with regard to the identification, evaluation, or placement of a disabled child must submit a written request for a hearing to the Chattahoochee County School District's Special Student Services Division. Such written request must make clear that the parent is seeking a hearing under §504 before an impartial §504 hearing officer. If an intent to seek a hearing under §504 is not clear, a Chattahoochee County School District representative may contact the parent to clarify the request and the issues to be resolved. A Chattahoochee County School District representative may also contact the parent to ascertain if the parent is interested in participating in mediation.

**Parent Participation and Representation.** A parent has the right to participate, speak, and present information at the hearing and to be represented by legal counsel or any type of advocate of his or her choice at his or her expense. If a parent is to be represented by an attorney at the hearing, he or she must inform the Chattahoochee County School District's Special Student Services Division of that fact in writing at least seven (7) calendar days prior to the hearing date. Failure to notify the §504 Coordinator in writing shall constitute good cause for continuance of the hearing date. (See "Continuances," below.)

**Appointment of a Hearing Officer.** The Chattahoochee County School District will appoint an impartial Hearing Officer to preside over the hearing and issue a decision. The Hearing Officer shall not be a current employee of the Chattahoochee County School District.

**Scheduling of Hearing.** The Chattahoochee County School District's §504 Coordinator shall set the hearing date and time in writing. Such hearing date shall be within thirty (30) days after the parent's hearing request is received by the Chattahoochee County School District, unless a continuance is granted for good cause. (See "Continuances", below)

**Continuances.** Upon a showing of good cause, the Hearing Officer, at his or her discretion, may grant a continuance of the hearing date and set a new hearing date.

**Conduct of Hearing.** The hearing shall be closed to the public. The parties are free to provide the Hearing Officer with information or opinions as to the validity and weight to be given the information presented to him or her. As part of their presentation, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions and that the Hearing Officer will admit at his or her discretion.

**Recording.** The entire due process hearing will be audio recorded. The parent may obtain a copy of the audio recording at his or her request. If a parent proceeds to appeal the hearing decision (See

“Appeal Procedure” below), the Chattahoochee County School District will prepare a written transcript of the hearing tape recording to be offered to the court as an exhibit.

**Witnesses.** Witnesses will be questioned directly by the party who calls them. Cross-examinations of witnesses will be allowed. The Hearing Officer, at his or her discretion, may ask questions of the witnesses. As moving party, the parent may present his or her case first.

**Closing of Hearing.** The Hearing Officer may make an oral ruling at the conclusion of the hearing or take the case under advisement, but must in all cases issue a written opinion addressing and ruling on all issues raised by the Parent and indicating what corrective action, if any, the Chattahoochee County School District must take. The decisions must be issued to both parties within fifteen (15) days after the hearing.

**Remedies and Relief.** The Hearing Officer must confine his or her orders and rulings to those matters which involve identification, evaluation, or placement of children under Section 504 and to the provisions or the regulations implementing Section 504. A Hearing Officer may not award attorneys’ fees as part of a relief granted to a parent.

**Appeal Procedure.** If not satisfied by the decision of the Hearing Officer, any party may appeal the hearing decision to a court of competent jurisdiction.

**Complaints to the Office for Civil Rights (OCR).** At any time, a parent may file a complaint with OCR if he or she believes that the Chattahoochee County School District has violated any provision or regulation of Section 504. The filing of a complaint does not affect the hearing process or the timelines set forth above. OCR addresses Section 504 complaints separately and independently of the local hearing process, in accordance with the guidelines set forth in OCR’s Complaint Resolution Manual.

**Section 504 Coordinator.** For general questions or concerns, the Chattahoochee County School District’s Section 504 Coordinator may be contacted as noted below:

Gina Cox  
Section 504 Coordinator  
326 Broad Street  
Cusseta, GA 31805  
(706) 989-3775

**Submission of Written Documents.** Initiation of a hearing, notification of the intent to be represented by an attorney, or submission of any other written documents pertinent to a hearing request should be sent to

Gina Cox  
504 Coordinator  
Special Education Services Department  
326 Broad Street  
Cusseta, GA 31805

