

NEBO SCHOOL DISTRICT

COMPLAINT RESOLUTION PROCEDURES

- Step 1.** The parent/legal guardian should complete and submit a Section 504 Complaint (see page 30 of this manual) to the District 504 Coordinator.
- Step 2.** The District 504 Coordinator or designee will review the complaint and meet with the parent/legal guardian to hear their concerns. The District 504 Coordinator or designee will decide whether to seek to mediate the dispute between the parent/legal guardian and school or render a decision regarding the complaint and submit it in writing to the parent/legal guardian. If the mediation was unsuccessful or if the parent/legal guardian is not satisfied with the decision rendered by the District 504 Coordinator or designee, the parent/legal guardian may either: (a) give written notice to the District 504 Coordinator requesting a meeting with the Superintendent (Step 3); or (b) give written notice to the Superintendent requesting an impartial hearing (Step 4).
- Step 3.** The Superintendent or designee will review the complaint and meet with the parent/legal guardian to hear their concerns. The Superintendent or designee will render a decision regarding the complaint and submit it in writing to the parent/legal guardian. If the parent/legal guardian is not satisfied with the decision rendered by the Superintendent or designee, the parent/legal guardian may give written notice to the Superintendent requesting an impartial hearing (Step 4).
- Step 4.** Upon receiving a written request for an impartial due process hearing, the Superintendent or designee will promptly refer the complaint to a due process hearing conducted by an impartial hearing officer. The hearing officer will be selected by the District. The hearing officer shall meet the following criteria: (a) must be knowledgeable about Section 504; (b) must not be an employee of the District; (c) must not be from another school district that shares a contractual arrangement for special education services; (d) must not have a personal or professional conflict of interest; and (e) must not participate in the formulation of state policy affecting students with disabilities. If the parent/legal guardian can demonstrate that the selected hearing officer does not meet the above criteria, the parent/legal guardian may then request the District to select another hearing officer who meets the above criteria. The District-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the parent/legal guardian and District. The parent/legal guardian and District may be represented by legal counsel at the hearing, may examine relevant records, and participate in the hearing. Within ten (10) business days after the conclusion of the hearing, the hearing officer will render a written decision. The written decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and to the Board of Education of Nebo School District. The decision of the hearing officer shall constitute the final administrative decision on the Section 504 matter.
- Step 5.** If either the parent/legal guardian or the District is not satisfied with the decision rendered by the hearing officer in Step 4, the parent/legal guardian or District may initiate federal legal proceedings in the United States District Court, District of Utah, or other court of competent jurisdiction.

The Utah State Office of Education (“USOE”) and the United States Department of Education, Denver Office for Civil Rights (“OCR”) investigates complaints against school districts within their jurisdiction and monitors and enforces compliance of Section 504 laws and regulations.