

HALREM SCHOOL DISTRICT 122 IMPARTIAL HEARING AND REVIEW PROCEDURES

Complaint/Impartial Hearing Procedure

(a) A student or parent/guardian complaint regarding the District's identification, evaluation, or educational placement of a student under Section 504 may be filed with the Section 504 Coordinator by requesting an impartial hearing.

(b) The complaint and request for an impartial hearing must be in writing, signed and dated by the complainant (or, in the case of a student under age 18, his or her parent or guardian). It must include a description of the facts and circumstances of the complaint, as well as a description of the relief being sought. The Coordinator will be available to provide assistance to the complainant as needed in the preparation and processing of the complaint and in the review procedures.

(c) Upon receipt of the complaint, the Coordinator will promptly (i) provide the complainant with a copy of these Procedural Safeguards, and (ii) conduct an investigation, including, but not limited to, interviews with District employees and/or students and a review of all relevant documents. The Coordinator will complete such investigation within ten (10) school days of receipt of the complaint, unless there are extenuating circumstances which warrant an extension of this timeline. "School days" is defined as days, or portions of days, in which students are in attendance for instructional purposes.

(d) The Coordinator will confer with the complainant upon completion of such investigation to determine if the complaint can be resolved informally. If such informal resolution is not possible and the complainant wishes to proceed with a hearing, the Coordinator refer the complaint to a due process hearing conducted by an impartial hearing officer.

(e) 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

(f) A hearing will be scheduled by the hearing officer within fifteen (15) school days after the date that the hearing officer agrees to accept the appointment, unless the complainant and the Coordinator agree otherwise or there are extenuating circumstances which warrant an extension of this timeline.

(f) The District and the complainant will have the right to present evidence relevant to the issue raised in the complaint. The District and the complainant will have the right to be represented by counsel, examine relevant records, and participate in the hearing.

(g) All documents to be used during the hearing and witnesses to be presented at the hearing must be disclosed to the other side at least five (5) days prior to the first day of the hearing. The parent/guardian will present its case first and the District will follow. Both parties have the right to dispute the introduction of any evidence at the hearing and witnesses that have not been disclosed to the other party at least five (5) days before the hearing.

(h) The hearing officer will limit his/her decision to the issue or issues presented by the complainant in the written complaint. The hearing officer's decision must be written and will include a summary of the evidence and the reasons for the decision. The decision is to be based solely on the hearing officer's interpretation of the meaning or application of Section 504.

(i) The hearing officer will send a copy of the decision to the complainant and the Coordinator within five (5) school days after the conclusion of the hearing.

(j) The decision of the hearing officer will be final unless appealed pursuant to Paragraph below regarding Review Procedures.

Review Procedures

(a) Any party aggrieved by the decision of the hearing officer may appeal the decision to the District's Board of Education by making a written request to the Superintendent (address: 605 N 2nd St, Machesney Park, IL 61115). The aggrieved party's request for a review must be in writing, signed and dated, and be filed by mail or personal service no later than ten (10) school days after receipt of the hearing officer's decision.

(b) A request for a review will state that an appeal of the hearing decision is being requested, the reason for the request for review, and the relief being sought.

(c) The Superintendent will gather from the Coordinator and promptly forward all materials relevant to the complaint and appeal to the Board of Education.

(d) Within thirty (30) school days, the Board of Education will affirm, reverse or amend the hearing officer's decision unless there are extenuating circumstances that warrant an extension of this timeline.

(e) Within five (5) school days of the Board of Education's decision, the Superintendent will inform the parties of the Board's action.

(f) The decision of the Board of Education is final.

Right to File Complaint with Office for Civil Rights

A complainant may end his/her complaint process with the Complaint Manager, impartial hearing officer or Board of Education at any time and initiate a formal complaint with the Office for Civil Rights (OCR). A complainant may file a complaint with OCR as an alternative to the District's impartial hearing and review procedures. OCR may be contacted as follows:

U.S. Department of Education
Office for Civil Rights
Midwestern Division, Chicago Office
500 West Madison Street, Suite 1475
Chicago, Illinois 60661-4544
Telephone: (312) 730-1560
Facsimile: (312) 730-1576

Retaliation Prohibited

Retaliation is prohibited against any person who requests an evaluation, reports disability discrimination, utilizes the District's impartial hearing and review procedures, or files a complaint with the OCR.

LEGAL REFERENCES: Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794;
34 C.F.R. Part 104; Americans with Disabilities Act of 1990
(Title II), 42 U.S.C 12132; 28 C.F.R. Part 35.

CROSS REFERENCES: Board Policy [INSERT POLICY NUMBERS HERE]

APPROVED: