

## SECTION 504

### of the Rehabilitation Act of 1973

#### PROCEDURES FOR IMPARTIAL HEARING AND REVIEW

Parents or the Jamesville-Dewitt Central School District (the "District") may initiate complaints regarding the identification, evaluation, or educational placement of persons who, because of a Section 504 disability, need or are believed to need special instruction or related services by requesting an impartial hearing. The request must be made in writing and must be received by the Superintendent within ten (30) calendar days of the date of the challenged decision. The hearing shall be conducted within sixty (60) calendar days after the Superintendent's receipt of the hearing request. The hearing shall be conducted in accordance with the following rules:

- (1) The Board of Education shall select and appoint an impartial hearing officer who is qualified to review District decisions relating to Section 504, and is not an employee of the District. The hearing officer shall be authorized to administer oaths and to issue subpoenas in connection with the hearing.
- (2) The party requesting the hearing shall have the burden of production and the burden of proof.
- (3) A record of the proceedings before the hearing officer shall be maintained and made available to the parties.
- (4) A party to the proceeding may be represented by legal counsel at his or her expense.
- (5) The parties (or their respective counsel) shall have an opportunity to present evidence and to confront and question all witnesses at the hearing. Each party shall have the right to prohibit the introduction of any evidence the substance of which has not been disclosed to such party at least five (5) school days before the hearing.
- (6) The impartial hearing officer shall render a decision, and mail a copy of the decision to the parents and to the Superintendent, not later than fifteen (15) school days after the completion of the impartial hearing.

The impartial hearing officer's decision may be appealed to the Board of Education. Such appeals shall be made in writing within thirty (30) calendar days of the date of the decision of the impartial hearing officer. The Board of Education shall act on the appeal within thirty (30) calendar days of receipt of the appeal request. The impartial hearing officer's decision may also be appealed in federal court.