



## Section 504 Complaint/Grievance Procedures

The Dickson County Board of Education acknowledges that it is desirable to resolve employee allegations of discrimination through free and informal communications. A request for an informal conference must be made by the grievant within 10 calendar days after an alleged violation has occurred. A conference must be convened within five calendar days after receipt of the request.

If the informal process fails to satisfy the grievant, a grievance may be processed as follows:

**Step 1:** Within five calendar days following the informal conference, the grievant shall file a grievance on the form provided by the central office. The grievant should present the grievance orally or in writing to the Section 504 Coordinator, Mr. Steve Sorrells. Oral complaints will be reduced to writing. Within 20 calendar days of the receipt of the grievance, the coordinator shall conduct a hearing regarding the complaint. All parties involved in the grievance shall be given a five calendar day notice of the date, time and place of the hearing. The parties shall be granted appropriate due process rights as required by law including the right to be represented by counsel, offer testimony, present evidence, cross examine witnesses, and appeal rulings. Within 15 calendar days of the adjournment of the hearing, the coordinator shall render a written decision regarding the grievance.

**Step 2:** If the grievant is not satisfied at Step 1, the grievant may refer the grievance to the Director of Schools, Dr. Danny Weeks within 10 calendar days after receipt of the Step 1 answer. The director or his designee shall hold a de novo hearing following the same procedures as in the previous hearing.

**Step 3:** If the grievant is not satisfied at Step 2, the grievant may within 10 days request a Due Process Hearing. This hearing shall follow the same procedures as required in the cases involving parents and students.

**Definitions:** A "grievance" shall mean any claim by an employee that there has been a violation, misinterpretation, or misapplication of the terms of Section 504.

**No Reprisals:** No reprisals shall be taken by the Board or its agents against any individual because of participation in this process.

**Withdrawal:** A grievance may be withdrawn at any level without establishing a precedent.

**Advanced Step Filing:** Grievances may be initially filed at Step 1 thereby eliminating the informal conference.

**Time Limitations:** An extension of the time limits is permissible by mutual consent of the parties at any level



## Dickson County Board of Education Section 504 Complaint/Grievance Form

Date \_\_\_\_\_ School \_\_\_\_\_

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Person(s) who discriminated against you/student (Please include the individual's title):

\_\_\_\_\_

Please provide a brief description of what happened, when it happened, and who was involved. (Please attach additional pages, if necessary).

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Explain what steps, if any, you have already taken to resolve this matter:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe how you would like to see this matter resolved:

\_\_\_\_\_

\_\_\_\_\_

Parent/Guardian/Authorized Representative

Signature Date



## Section 504 Due Process Hearing Request

Student's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Student's Address: \_\_\_\_\_

School: \_\_\_\_\_

Parent/Guardian's Name: \_\_\_\_\_

Parent/Guardian's Address: \_\_\_\_\_

Parent/Guardian's Phone Number(s): \_\_\_\_\_

I am requesting that a Section 504 Due Process Hearing be scheduled regarding the following issues:

Section 504 identification: \_\_\_\_\_

\_\_\_\_\_

Section 504 evaluation: \_\_\_\_\_

\_\_\_\_\_

Section 504 placement: \_\_\_\_\_

\_\_\_\_\_

Parent/Guardian/Authorized Representative

Signature Date

Return this form by FAX or MAIL to:  
Steve Sorrells, Director of Student Services  
Dickson County Board of Education  
817 N Charlotte Street  
Dickson, TN 37055  
Phone 615-446-7571  
Fax 615-441-1375



## Dickson County Schools

# 504 Due Process Hearing Procedures

Section 504 of the Rehabilitation Act of 1973 provides parents with the right to an impartial due process hearing to contest any action of the Dickson County Board of Education with regard to a student's identification, evaluation or placement. *34 CFR §104.36*. The parent has the right to personally participate and to be represented by at the hearing by an attorney at the parent's expense.

### **Request for Due Process**

A parent who wishes to challenge the Dickson County Board of Education's action or omission with regard to the identification, evaluation or placement of a student who has or is believed to have a disability, shall make an oral or written request for a due process hearing to the Dickson County Board of Education's Section 504 coordinator, Mr. Steve Sorrells. If a request is received orally, it should be reduced to writing or the parent/guardian should be provided a form for such purpose. The written request must clearly state that the parent is seeking a Section 504 due process hearing. The Dickson County Board of Education cannot refuse a parent's due process hearing request. The Dickson County Board of Education cannot unilaterally determine whether a due process hearing is warranted, as such decisions are reserved to the impartial hearing officer.

### **Hearing Officer**

The Dickson County Board of Education will appoint an impartial hearing officer to preside over the hearing and issue a decision. Such appointment will be made within 15 calendar days of the date of receipt of a request for a due process hearing. The hearing officer will be hired by the Dickson County Board of Education as an independent contractor at no expense to the parent. The hearing officer cannot be a current employee of the Dickson County Board of Education, and cannot be related to any member of the Dickson County Board of Education. The hearing officer need not be an attorney, but must be familiar with the requirements of Section 504 and the Dickson County Board of Education's hearing procedures. The Dickson County Board of Education's choice of an impartial hearing officer is final and may not be presented as an issue at the due process hearing, since such an issue would not relate to the identification, evaluation, or placement of a student. If a parent disputes the impartiality of the hearing officer, the parent may raise such issue in a review of the hearing officer's written opinion by a court of competent jurisdiction or in a complaint to the Office for Civil Rights. The regional office which covers Tennessee is: U.S. Department of Education Office for Civil Rights – Atlanta, 61 Forsythe Street, SW, Suite 19T70, Atlanta, GA 30303, (404) 974-9406.

### **Scheduling of Hearing**

The appointed hearing officer must issue a written order setting hearing date. The date for the hearing must be within 15 calendar days of the date of the hearing officer's appointment. The order must set a mutually agreeable time and place for the hearing.

### **Continuances**

Upon a showing of good cause the hearing officer may grant a continuance of the hearing date and set a new hearing date.

## **Legal Representation at Hearing**

The Dickson County Board of Education and parent may be represented by an attorney at each party's expense.

## **Pre-Hearing Conference**

The hearing officer may order a pre-hearing conference during which the parent or the parent's attorney will state and clarify the issues to be addressed at the hearing. The pre-hearing conference will also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties' questions regarding the hearing process. The pre-hearing conference can be held via telephone.

## **Dismissals**

If, following the pre-hearing conference, the hearing officer determines that the parent, as a matter of law, alleges no claims or issues within the jurisdiction of Section 504, the hearing officer may dismiss the hearing request and issue an order to that effect explaining the basis for such finding.

## **Hearing**

The hearing should be conducted in an informal manner. The hearing should be closed or open to the public at the parent's request. The hearing officer may reasonably limit testimony and introduction of documentary exhibits.

### Recording

The due process hearing may be audio or video tape-recorded. The parent may obtain a copy of the tape-recording. The parties and witnesses should introduce themselves at the beginning of their presentations. If a parent or Dickson County Board of Education appeals the due process hearing decision to a court of competent jurisdiction, the Dickson County Board of Education will prepare a written transcript of the hearing for the court at no expense to the parent.

### Format of Presentation

Each side will have an equal amount of time to present their positions to the hearing officer, who will make the determination as to time constraints based upon the issues involved. The parent will present its case first. The Dickson County Board of Education will present its case next. All of the preceding may be done either personally or through an attorney. At the conclusion of the Dickson County Board of Education's case, the parent may offer a brief rebuttal.

### Submission of Documentary Exhibits

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 /her discretion. Exhibits submitted to the hearing officer by either party must be marked. The hearing officer may, in the exercise of discretion, reasonably limit the number of documents to be submitted for review, as well as the number of witnesses and the length and/or scope of their presentations or statements.

### Closing Argument/Briefs

The hearing officer may allow or request written briefs summarizing and characterizing the information presented at the hearing including legal authority in support of each party's position. The hearing officer will set time lines for the submission of briefs at the conclusion of the hearing.

**Decision**

The hearing officer may make an oral ruling at the conclusion of the hearing or take the case under advisement, but, in all cases, the hearing officer shall issue a written opinion addressing and ruling on all issues raised by the parties, indicating what corrective action, if any, the Dickson County Board of Education must take. Formal findings of fact and conclusions of law are required. Any issue or claim raised by the parent that is left unaddressed by the hearing officer will be deemed to have been denied. The written decision must be issued within 45 calendar days of the date the request for a due process hearing is received by the Dickson County Board of Education. The hearing officer may award attorneys' fees to the prevailing party.

**Review Procedure/Appeal**

Parties not satisfied by the decision of the hearing officer may appeal the decision to state or federal court.

**Complaints to the Office for Civil Rights (OCR)**

A parent may file a complaint with the Office for Civil Rights (OCR) if the parent alleges that the Dickson County Board of Education violated any provision or regulation of Section 504. The filing of a complaint does not affect the hearing process or the time lines set forth above. OCR addresses Section 504 complaints separately and independently of the local hearing process, in accordance with the guidelines set forth in OCRs Case Processing Manual. A parent should contact OCR or consult its Case Processing Manual concerning timeframes for filing OCR complaints.

The OCR office for Tennessee is:

Atlanta Office Office for Civil Rights

U.S. Department of Education

61 Forsyth St. S.W., Suite 19T10

Atlanta, GA 30303-8927

Telephone: 404-974-9406 FAX: 404-974-9471; TDD: 877-521-2172 Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

The OCR National Headquarters is:

U.S. Department of Education Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481 FAX: 202-453-6012; TDD: 877-521-2172 Email: [OCR@ed.gov](mailto:OCR@ed.gov)