

## **SECTION 504 GRIEVANCE PROCEDURES**

Parents/guardians have the right to request mediation, file a local grievance, or a due process hearing to resolve issues relating to the identification, evaluation, or placement of their child. Parents/guardians may also request mediation or involvement by the Office for Civil Rights. These complaint processes are separate, distinct, and voluntary.

### **MEDIATION REQUEST**

When parents/guardians request mediation with respect to the decisions of the Multi-Tiered System of Supports Problem Solving Team (MTSS/PS Team), considering their child for Section 504 eligibility and/or the recommended accommodations, the request should be given in writing to the school principal who will attempt to resolve the issue within ten (10) school days of the receipt of the written grievance. The school principal will consult with District Compliance Officer, Dr. Dena Landry, Coordinator of Psychological Services/Section 504 to help resolve the complaint.

### **DISTRICT GRIEVANCE**

Should an attempt to mediate prove unsuccessful, parents or guardians have the right to a District-level grievance process accomplished by filing a complaint under School Board policy number 9130 at <http://www.neola.com/collier-fl/>. Use of this procedure is not a prerequisite to the pursuit of other remedies, and use of this procedure does not extend any filing deadline related to the pursuit of other remedies.

### **DUE PROCESS HEARING**

Parents/guardians have the right to voluntarily request an impartial due process hearing at any time without seeking mediation or without filing a District-level complaint/grievance pursuant to the Florida Administrative Procedure Act (F.S. Chapter 120). To obtain a due process hearing, a written request should be made to District Compliance Officer, Dr. Dena Landry, Coordinator of Psychological Services/Section 504. Parents/guardians have the right to present evidence relevant to the issues raised under the complaint/grievance, have the right to examine all relevant educational records of the individual, and to be accompanied and advised by legal counsel in any due process proceeding and any related appeals.

Upon receipt of a written request for a due process hearing, the District will contact the Division of Administrative Hearings (DOAH) to appoint an Administrative: Law Judge (ALJ) as a Due Process Hearing Officer. The District will schedule such a hearing with DOAH within thirty (30) school days. The recommended Order of the Hearing Officer will be communicated to all parties within (10) school days of the hearing date.

### **FINAL ADMINISTRATIVE ACTION**

Parents or guardians may request a review of the Due Process Hearing Officer's

Recommended Order by the School Board as final administrative action. The School Board cannot reject or modify the findings of fact made in the recommended order of the ALJ unless it determines that the findings have no basis in fact or that the proceedings on which the findings were based did not comply with essential requirements of law. Any party aggrieved by the findings and decision in the hearing may obtain review by bringing a civil action in any State court of competent jurisdiction or in a District Court of the United States.

### **OFFICE FOR CIVIL RIGHTS ASSISTANCE**

Parents/guardians may at any time also request mediation or involvement by the Office of Civil Rights, the federal agency charged with the enforcement responsibility for Section 504. The Office of Civil Rights may be contacted at:

#### **Region IV - Atlanta (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)**

Timothy Noonan, Regional Manager  
Office for Civil Rights  
U.S. Department of Health and Human Services  
Sam Nunn Atlanta Federal Center, Suite 16T70  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8909  
Voice Phone (800) 368-1019  
FAX (404) 562-7881  
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