

COLOGNE ACADEMY
MANUAL OF SCHOOL POLICIES APPROVED BY THE BOARD

SECTION 504 STUDENT GRIEVANCE AND HEARING PROCEDURES

I. Grievance Procedures

A. Grievance Policy

Any parent who believes that the Cologne Academy School District ("District") has discriminated on the basis of a disability or otherwise violated Section 504 may file a grievance with the District. A grievance is a complaint alleging that the District has a policy, procedure or practice, or has made a decision with respect to a student, which is prohibited by Section 504.

B. Informal Grievance Procedure

Many problems can be resolved by an informal meeting between the parties involved. An individual with a complaint is encouraged to first discuss the concern with the appropriate teacher, counselor, building administrator, or the District's Section 504 Coordinator with the objective of resolving the concern promptly and informally.

C. Formal Grievance Procedure

Step 1

1. A written statement of the grievance signed and dated by the Complainant shall be submitted to the District's Section 504 Coordinator within thirty (30) days of the alleged violation. The Complainant may submit the grievance using a Grievance Filing Form. The form can be obtained from the District's Section 504 Coordinator.
2. The statement must include the Complainant's name, address, telephone number, the student's name, the name of the student's school, a full description of the nature of the grievance, and the remedy requested.
3. The Section 504 Coordinator shall:

- a. Investigate the matters in the grievance and discuss the grievance with the parent(s)/guardian(s) or adult student and appropriate school and or District employees;
- b. Prepare a written response to the grievance; and
- c. Notify the Complainant of the decision within ten (10) school days of receiving the grievance and provide the Complainant with a copy of the written response.

Step 2

1. If the Complainant wishes to appeal the decision of Section 504 Coordinator, she/he may submit a signed and dated statement of appeal to the Executive Director within five (5) school days after receiving the Compliance Officer's response.
2. The Executive Director shall meet with all parties involved, formulate a conclusion, and respond in writing to the Complainant within ten (10) school days of receiving the statement of appeal. The Executive Director may affirm, modify, or reverse the decision of the Section 504 Coordinator.

Step 3

1. If the Complainant is not satisfied with the disposition of the grievance after Step 2, the Complainant may request review of the grievance by the School Board.
2. A request for review by the School Board must be submitted by the Complainant in writing within five (5) school days after receipt of the Executive Director's decision.
3. The School Board will meet to review the complaint in a reasonable time period following the request for review but in any event no later than fifteen (15) school days or the School Board's next regularly scheduled meeting after receipt of the appeal, whichever occurs later. The School Board will review the complaint in a meeting closed to the public pursuant to Minnesota Statute Section 130.05, subdivision 2(a)(3). The School Board will provide the Complainant with its decision within fifteen (15) days of its review. The School Board may affirm, modify or reverse the Superintendent's decision. The School Board's decision shall constitute the final decision issued for any grievance.

II. Independent Hearing Process

A. Hearing Request

1. Parent(s)/guardian(s) or an eligible student may request an impartial hearing to resolve current disputes pertaining to the identification, assessment, discipline, or educational placement for a student entitled to the protections of Section 504.
2. The request for a hearing must be submitted to the Section 504 Coordinator within a reasonable period of time after the alleged violation occurred.
3. The request for a hearing must:
 - a. be in writing;
 - b. state the name, address, and telephone number of the student and the student's parent(s)/guardian(s).
 - c. describe the nature of the dispute including facts relating to the dispute;
and
 - d. state, to the extent known, the relief sought.

B. Hearing Officer Selection

1. Following receipt of the request for a hearing, the District will select an impartial hearing officer to preside over the dispute.
2. The District will notify the parent(s)/guardian(s) or eligible student of the appointment of the hearing officer and the date, time and place of hearing within ten (10) school days of receipt of the hearing request.

C. Hearing Procedures

1. The hearing will be recorded at the District's expense.
2. A transcript of the hearing may be obtained by either party at their own expense.

3. Upon request and prior to the hearing, the parent(s)/guardian(s) or eligible student will have the opportunity to examine the student's records in accordance with applicable state and federal law.
4. The hearing officer may order a prehearing conference at which the parent or his or her representative will state and clarify the issues to be addressed at the hearing. The prehearing conference can be used to resolve preliminary matters, jurisdictional issues, and answer the parties' questions regarding the hearing process.
5. If, after the prehearing conference, the hearing officer finds the parent, as a matter of law, alleges and raises no factual claims or legal issues that come within his or her jurisdiction, the hearing officer may dismiss the hearing and issue an order to that effect explaining the basis for such finding.
6. The hearing officer will conduct the hearing within forty-five (45) calendar days of the request for the hearing. The hearing date may be continued by agreement of the parties. If the parties cannot agree to a continuance, the hearing officer may extend the date of the hearing upon request by either party for good cause shown.
7. The student and his or her parent(s) and the School District may be assisted or represented, at their own expense, by individuals of their own choice, including an attorney.
8. The hearing officer shall give the parent, student or their representative and the District a full and fair opportunity to present evidence relevant to the issues raised in the hearing request.
9. The party filing the request for hearing bears the burden of proof.
10. The parties may submit, at the hearing officer's discretion, post-hearing briefs or written arguments summarizing and characterizing the information presented at the hearing, and providing legal authority in support of their position. Timelines for the submission of post-hearing briefs or written arguments shall be set by the hearing officer at the conclusion of the hearing.
11. The hearing officer shall make his/her decision in writing within thirty (30) calendar days of the last hearing date. The decision of the hearing officer must be based solely upon the evidence presented at the hearing.

12. The hearing officer must confine his or her orders and ruling to those matters which involve the identification, assessment, discipline, or educational placement of children under Section 504. A hearing officer may not award attorneys' fees as part of relief granted to a parent.

D. Appeal Procedures

If the parent(s)/guardian(s) or eligible student or District disagrees with the decision of the hearing officer, such party may seek review of the hearing decision in a court of competent jurisdiction, generally the closest federal district court.

E. Record Review

A parent/guardian or eligible student may request and will be granted the right to review the student's educational records in accordance with applicable federal and state laws.

III. Time Periods

The time periods set forth in the grievance/hearing procedures may be extended by mutual agreement. Failure at any step in this process by the District to communicate the decision on the grievance or hearing process within the specified time limits shall permit the Complainant to proceed to the next step. Failure at any step of this procedure by the Complainant to appeal a grievance to the next step shall be deemed acceptance of the decision rendered at that step.

IV. Section 504 Coordinator

Any questions regarding the District's 504 policies or procedures should be directed to the District's Section 504 Coordinator. The District's Section 504 Coordinator is the Executive Director, Cologne Academy, 1221 S. Village Parkway, Cologne, MN 55322, (952) 466-2276.

V. Complaints to the Office for Civil Rights ("OCR")

At any time, a parent may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR") if he or she believes that the District has violated any provision of Section 504. The filing of a complaint does not affect the grievance/hearing process or the timelines set forth above. OCR addresses Section 504 complaints independently of the local grievance/hearing process, in accordance with the OCR's standard operating procedures. The Complainant may file a complaint with the Office of Civil Rights, Midwestem Division, U.S. Department of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, (312) 730-1560.