

PROGRAMS FOR STUDENTS WITH DISABILITIES EXHIBIT*Procedures for Hearing and Appeal*

The Board of Education shall arrange for a hearing to be conducted in accordance with the following rules:

1. The Board of Education or trustees shall appoint an impartial hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in connection with the administrative proceedings.
2. A written or electronic verbatim record of the proceedings before the hearing officer shall be maintained and made available to the parties.
3. At all stages of the proceeding, where required, interpreters of the deaf, or interpreters fluent in the dominant language of the student's parent, shall be provided at district expense.
4. The impartial hearing officer shall preside at the hearing and shall provide all parties an opportunity to present evidence and testimony.
5. The parties to the proceeding may be represented by legal counsel or individuals with special knowledge or training with respect to the problems of children with disabilities, and may be accompanied by other persons of their choice.
6. In the event the hearing officer requests an independent evaluation as part of a hearing, the cost of the evaluation must be at public expense.
7. In the event the impartial hearing officer determines that the interest of the parent are opposed to or inconsistent with those of the student, or that for any other reason the interests of the student would best be protected by appointment of a guardian *ad litem*, the impartial officer shall appoint a guardian *ad litem* to protect the interests of such student, unless a surrogate parent shall have previously been assigned. The impartial hearing officer shall ensure that the procedural due process rights afforded to the student's parent pursuant to this section are preserved throughout the hearing whenever a guardian *ad litem* is appointed.
8. The hearing shall be conducted at a time and place which is reasonably convenient to the parent and student involved and shall be closed to the public unless the parent requests an open hearing.
9. The parents, school authorities and their respective counsel or representative, 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 days before the hearing.
10. The parent shall have the right to determine whether the student shall attend the hearing.

11. The impartial hearing officer shall render a decision, and mail a copy of the decision to the parents, to Board of Education, not later than 45 calendar days after the receipt by the Board of a request for a hearing or after the initiation of such a hearing by the Board. The decision of the impartial hearing officer shall be based solely upon the record of the proceeding before the impartial hearing officer, and shall set forth the reasons and the factual basis for the determination. The decision shall also include a statement advising the parents and the Board of the right to obtain a review of such decision by a court of competent jurisdiction. The decision of the impartial hearing officer shall be binding upon binding upon both parties unless appealed.
12. If the parent or the Board is not satisfied by the decision of the hearing officer, review of the decision may be sought in a court of competent jurisdiction, generally federal district court.
13. The parent may file a complaint with the Office for Civil Rights (OCR) at any time the parent believes that the district has violated Section 504.

Adoption date: April 17, 2007