


ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

DECEMBER 6, 2007

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LESLIE VANDERGAW, EXECUTIVE DIRECTOR, MIDDLE SCHOOL
EDUCATION
PATRICIA MCRAE, EXECUTIVE DIRECTOR, ELEMENTARY SCHOOL
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DIANA POAGE, DIRECTOR, RELATED SERVICES
BURL OLIVER, COMPLIANCE COORDINATOR
SCHOOL PRINCIPALS, SECTION 504 COORDINATORS, SCHOOL
COUNSELORS

FROM: JERRY SJOLANDER, EXECUTIVE DIRECTOR
SPECIAL EDUCATION



SUBJECT: Grievance Procedures for Parents in Disagreement with 504 Team Decisions

The intent of this memorandum is to advise school personnel and parents of grievance procedures available to parents and surrogate parents who disagree with a 504 team decision, including decisions such as eligibility, evaluations and those decisions related to the provision of a free appropriate public education for his or her student.

Grievance Options for Parents who Seek Review of a 504 Team Decision

Parents should utilize the following informal options if they disagree with a 504 team decision.

1. Request additional meeting with team members to reconsider the decision;
2. Request additional meeting with team members to provide additional information that is relevant to the decision with which the parents disagree;
3. Informal complaint to building level administrator or principal to discuss parent disagreement;

Formal options for resolving grievances are addressed by the following options:

4. Mediation may be available if both parties agree to mediation;
5. Impartial Due Process Hearing;
6. Complaint to Office for Civil Rights.

Mediation

Mediation is a no-cost, voluntary process through which an impartial third party helps parties experiencing a conflict reach a suitable agreement. Mediation is appropriate whenever a dispute arises in the identification, evaluation, placement, or provision of an appropriate program of a child with a disability. The ultimate goal of mediation is to seek a written agreement that is mutually acceptable to both parties.

Due Process Hearings

To resolve disputes between parents and school districts, both parties have the right to an impartial due process hearing. A due process hearing may be requested by the parent or by a student who is at least 18 years old. A hearing can be sought because of a disagreement concerning certain aspects of the student's educational program – that is, if the district proposes or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education. Complaints must allege violations that occurred not more than one year prior to the filing of the complaint, unless the violation is continuing or the parent is not requesting compensatory services for a violation that occurred not more than three years ago.

Additional information regarding the hearing process is available from Compliance Coordinator Burl Oliver (oliver_burl@asdk12.org or 742-4293) and the Memorandum entitled "Due Process Hearings" located at:

<http://www.asdk12.org/depts/sped/504/resources/>.

OCR Complaints

OCR enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive Federal financial assistance from the Department of Education. These laws prohibit discrimination on the basis of race, color, and national origin, sex, disability, and on the basis of age. These laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds. OCR also has responsibilities under Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination by public entities, whether or not they receive federal financial assistance). In addition, as of January 8, 2002, OCR enforces the Boy Scouts of America Equal Access Act (Section 9525 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001).

Information regarding the OCR complaint process and access to their online complaint form is located at the OCR website:

<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.