



## **Investigation And Grievance Procedures for 504 Discrimination Complaints.**

The Moses Lake School District prohibits discrimination and harassment based on national origin, race, economic status, sex, sexual orientation, pregnancy, marital status, or disability. Section 504 is a Federal law that prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Moses Lake District, which receives Federal money, does not discriminate on the basis of disability. Any student, parent or guardian who believes that they have been discriminated against by within the Moses Lake District has the option of using the complaint procedures outlined below.

There are two complaint processes: The Informal Complaint Process and the Formal Complaint Process.

### **A. INFORMAL COMPLAINT PROCESS**

Anyone may use the informal complaint procedures to report and resolve complaints of disability discrimination. Use of the informal complaint process is not required prior to filing a formal complaint. Informal reports may be made to any staff member. Staff shall direct complaints to the 504 Compliance Officer. Complainant should be informed of the right to file informal and/or formal complaints of disability discrimination. Complaints should be reported to the 504 Compliance Officer, 1318 W. Ivy, Moses Lake, WA 98837, (509) 766-2670.

The Complainant will be provided an opportunity to explain their allegation disability discrimination. Informal remedies include the Complainant agreeing not to pursue a formal complaint until the District does a preliminary investigation of the allegations. The preliminary investigation will be completed within five school days from the date the verbal or written complaint is received by the 504 Compliance Officer. The District and Complainant may identify an agreeable remedy to the dispute during the informal process. Informal complaints may become formal complaints at the request of the Complainant or because the District believes the complaint needs to be more thoroughly investigated.

### **B. Formal Complaint Process**

Anyone may use the formal complaint procedures to resolve complaints of disability discrimination. Written complaints should be submitted to the 504 Compliance Officer, 1318 W. Ivy, Moses Lake, WA 98837, (509) 766-2670. The following process will be followed:

1. The 504 Compliance Officer or other designee of the Superintendent shall receive and investigate all formal, written complaints of disability discrimination or information in the District's possession that the Superintendent or his or her designee believes requires further investigation.

2. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions or circumstances alleged to have occurred and which may constitute disability discrimination. The Superintendent's designee may draft the complaint based upon the report of the complainant, for the complainant to review and sign.
3. The investigation will be adequate to address the allegations raised and conducted in an impartial manner, including providing the Complainant the opportunity to provide witnesses and other information. If the complaint should involve a member of the Equity and Compliance Office, the superintendent will designate an impartial investigator to address the allegations.
4. When the investigation is completed the Superintendent's designee shall compile a full written report of the complaint, the results of the investigation, and corrective measures, if any, deemed necessary based on the record compiled. The report may also conclude that the investigation is incomplete to date and will be completed by a date certain.
5. Corrective measures deemed necessary as a result of the investigation will be instituted as quickly as possible, but in no event more than 30 days after the report is submitted to the Superintendent and Complainant.
6. The written report will be provided to the Complainant within 30 days of the date the complaint was filed with the Manager of Equity and Compliance. If the matter is resolved, the corrective measures will be promptly implemented. If the matters have not been resolved to the satisfaction of the Complainant, within 15 days from the date of receipt of the investigative report, the Complainant may file for a review by the Superintendent.
7. The Superintendent shall respond in writing to the Complainant within 30 days after request for review is received.
8. Corrective measures deemed necessary by the Superintendent will be instituted as quickly as possible, but in no event more than 30 days after the Superintendent's written response, unless staff is appealing the imposition of discipline and the District is prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

# **Procedural Safeguards**

## **A. HEARING RIGHTS FOR PARENTS AND STUDENTS**

### **1. Purpose of A Hearing**

The parent/adult student or an individual school have a right to initiate a 504 hearing to challenge or to show appropriateness of a proposal or refusal by the individual school to initiates or change the following:

- a. The identification of the student;
- b. The evaluation of the student;
- c. The educational placement of the student; or
- d. The provision of FAPE to the student pursuant to these procedures.

### **2. How to Request a Hearing**

A request by the parent/adult student or the school for a hearing pursuant to this section should:

- a. Be in writing; specify the school, explain the concerns of the parents or adult student, or the school in general or specific terms; and provide other information regarding the request for hearing.
- b. The request should be mailed to: Moses Lake District, Attn: 504 Hearing, 920 W. Ivy, Moses Lake, WA 98837. The Administration Office will forward a copy of the parent's request to the individual school and a copy of the school's request to the parent with attachments.

### **3. Selection of Hearing Officer and Expense of Hearing**

- a. The hearing will be conducted by an Independent Hearing Officer at the expense of the Moses Lake School District.
- b. The Moses Lake School District will ensure that the hearing is tape recorded by the hearing officer.
- c. The hearing shall be conducted by a qualified person selected and appointed by the Superintendent or his designee.
- d. The person selected shall not have a personal pr professional interest which would conflict with his or her objectivity in the hearing and will not be a district employee.
- e. A person who otherwise qualifies to conduct a hearing pursuant to this section is not an employee of the school district because she or he is paid to serve as a hearing officer.
- f. The hearing shall be conducted in accordance with the Administrative Procedures Act, RCW 34.05.
- g. The Moses Lake School District will keep a list of persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

#### 4. Independent Hearing Officer's Response

The Hearing Officer should send the parent and the individual school a Notice of Hearing and that Notice of Hearing should include the following information:

- a. The date, time, and place of hearing.
- b. The issue to be addressed at the hearing to the extent the issues have been identified at the time of the notice.
- c. The rights, procedures, and other matters to be discussed.
- d. The forty-five day time line for completing the hearing process shall be from the day the Office of the General Counsel receives the written request for a due process hearing.

#### 5. Hearing Rights

Both parent and individual school have the following hearing rights:

- a. Both parties have the right to be accompanied and advised by persons with special knowledge or training with respect to the problems of Section 504 students.
- b. Both parties have the right to be advised and/or represented by an attorney.
- c. Both parties have the right to present evidence, including the opinions of qualified experts, and to confront, cross-examine, and compel the attendance of school personnel.
- d. Both parties have the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least 5 days before the hearing, or two business days if the hearing is expedited.
- e. Both parties have the right to have all evaluations completed and the recommendations contained in written reports from those evaluations at least 5 days before the hearing, or two business days if the hearing is expedited.
- f. A hearing officer may bar any party that fails to comply with the 5-day rule from introducing relevant evaluation or recommendations at the hearing without consent of the other party.
- g. Both parties have the right to obtain a written decision containing findings of fact, conclusions of law, and a decision.
- h. Parents who are a party to the hearing have the right to have the student who is the subject present at the hearing.
- i. There shall be no cost to the parent for the hearing other than own attorney's fees and related costs.
- j. The hearing will be held at the District Administrative Office at 920 W. Ivy, Moses Lake, WA 98837. By the agreement of both parties the hearing may be held in the evening.
- k. Each hearing shall be conducted at the time and place that is reasonably convenient to the parent and student involved.

## **6 Time Line Hearing Officer's Decision**

No later than 45 days after the date of the receipt of a request for a hearing:

- a. A final decision should be reached in the hearing;
- b. A copy of the decision should be mailed to each party; and
- c. A hearing officer may grant specific extensions of time beyond the period that is allowed in this section.

## **7 Review Procedure**

Review of the decision of the due process hearing officer by the School board or designee may be requested within ten days of the decision on the review will be provided to the parties within 20 days after the School Board has heard the review.

## **8 Final Decision – Appeal to the Court of Law**

A decision made pursuant to these procedures is final unless modified or overturned by a court of law. A parent aggrieved by the findings and decision made in a hearing who does not have the right to appeal under these procedures has the right to bring a civil action. Parent should consult with their legal representative for fuller explanation of their rights under law.

## **B RIGHT TO FILE A COMPLAINT WITH THE OFFICE FOR CIVIL RIGHTS**

Parents have the right to file a complaint with the Office for Civil Rights (OCR), the body that enforces Section 504. OCR resolves disability related complaints but does not address educational disputes. The address of the Regional Office that covers Seattle is:

Gary Jackson, Director  
U.S. Department of Education  
Office for Civil Rights  
Henry M. Jackson Federal Building  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099  
(206) 220-7900  
Facsimile: (206) 220-7887  
[www.ed.gov/OCR](http://www.ed.gov/OCR)  
email address: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)