

KENTUCKY PUBLIC SCHOOL DISTRICT SECTION 504 IMPARTIAL HEARING AND REVIEW PROCEDURES

1. The **KPSD** or a parent may request an impartial due process hearing on any issue regarding evaluation, identification, or educational placement under Section 504 of the Rehabilitation Act.

2. A parent requests an impartial due process hearing by filing a written request with the Section 504 Coordinator/Compliance Officer at:

3. The superintendent, with Board approval, arranges for a hearing officer.

4. The **KPSD** Section 504 Coordinator, or the hearing officer, gives notice of the time and place of the hearing to the parent, or adult student, at least 15 calendar days in advance of the hearing.

5. The hearing officer, or review officer, may extend any timelines in this procedure, except for the timeline for requesting review of the hearing officer's decision.

6. At least 10 calendar days before the hearing, the hearing officer shall hold a telephone conference with the parties to clarify issues.

7. At least 5 calendar days before the hearing, each party shall provide to the other party a witness list (stating the subject matter and substance of each witness's expected testimony) and documents it intends to present at the hearing.

8. Any party to the hearing has the right to legal counsel.

9. The parents, or adult student, present arguments and evidence first. The school district then presents arguments and evidence.

10. Parents of the parties to the hearing, or adult students who are parties to the hearing, shall have the right to open the hearing to the public.

11. The hearing officer's decision shall be made upon consideration of the record, or such portions of the record as are supported by relevant, reliable, and substantial evidence.

12. The hearing shall be recorded by mechanized means, or by a certified court reporter, at the **KPSD's** discretion. Any party to a hearing has the right to obtain, upon request and at its own expense, a record of the hearing.

13. Parties, or their representatives, shall not communicate directly or indirectly in connection with any issue of fact or law with the hearing officer or review officer, except upon notice and opportunity for all parties to participate.

14. The hearing officer's decision shall be in writing and made available within 45 calendar days after the hearing officer's receipt of the official record of the hearing, unless the time is extended by the hearing officer for good cause.

Review Procedure

The decision of the hearing officer may be appealed to another 504 hearing officer (a review officer with whom the **KPSD** contracts) by either party in writing within 30 calendar days after receipt of the hearing officer's decision. The timeline to file a request for review of a hearing officer's decision may not be extended. The request for review shall be filed with the **KPSD** Section 504 Coordinator. The review officer shall make a decision solely upon the record and shall either affirm or overturn the hearing officer's decision within 45 calendar days of receipt of the record. The review officer may extend the timeline for making a decision for good cause. The review officer's decision shall be final and appealable. The review officer's decision may be appealed to court.