



## Appendix B: Required Elements of an Office of Civil Rights Complaint

A student's rights under Section 504 may be enforced through administrative complaints to the Department of Education's Office for Civil Rights (OCR) through an impartial hearing or through a private lawsuit in state or federal court. The OCR will only investigate complaints filed within 180 days of the discriminatory action.<sup>132</sup>

In addition, schools must provide for impartial hearings (sometimes know as "due process" hearings) to address Section 504 complaints and violations. The hearing officer must be impartial and cannot be employed by or have a significant business relationship with the school district or the Department of Public Instruction.

An OCR complaint may be filed by mail, fax, online, or in person at an OCR office. No special form is required, but must be in writing.<sup>133</sup> The complaint should contain the following elements:

- Person filing the complaint: name, contact information (address, day and evening phone numbers, fax number, and e-mail address), and relationship to student (unless student is an adult)
- Identity of attorney or advocate (if applicable): name, contact information, and relationship to person complaining, if any
- Identity of person or entity discriminating: name of person or institution (school and school district), name of school or program attended by student, and school or program contact information
- Basis of the claim: state type of rights violation (e.g., discrimination on basis of diabetes or retaliation for filing a complaint)
- Facts supporting the claim of discrimination, for each action, provide:
  - Date(s) action or inaction occurred
  - Name(s) of individual(s) who took that action or inaction
  - Witness(es) (if any)
  - Why the actions were discriminatory or retaliatory

If the allegations concern a failure to provide diabetes care to a student, include medical information showing that the care requested is appropriate and necessary for the student to attend school safely. This can include statements by the student's doctor and position statements of the American Diabetes Association and other organizations. Also, state any basis for believing that the refusal to provide care or other discriminatory action was the result of district policy.

- All written information or documentation available related to the complaint
- Date of the last act of discrimination (also state whether the act is continuing)
- Identify other efforts made to resolve the complaint

<sup>132</sup> A complaint may also address earlier matters where continuing discriminatory policies or practices are alleged. See OCR Case Resolution and Investigation Manual, Section 107.

<sup>133</sup> See <http://www.ed.gov/about/offices/list/ocr/complaintprocess.html>

## Appendix B: Required Elements of an Office of Civil Rights Complaint

Provide information on any grievance procedure, due process hearing, or other efforts made to resolve the issues, including the name of the agency with which these efforts were pursued, when they were pursued, what position was taken by the agency, the current status of the grievance or complaint, and information on any procedural or legal deficiencies in the process. Where the process is not comparable to the OCR's, identify these differences. Also identify instances where proper legal standards were not followed.

- Identify remedy being sought (be as specific as possible) and why the remedy sought is necessary, appropriate, and reasonable.