

University Schools			
Monitoring: Review: Annually, in August	Descriptor Term: Section 504 and ADA Grievance Procedures	Descriptor Code: 1.802	Issued Date: June 2025
		Rescinds: 440	Issued:

University Schools is committed to maintaining equitable employment/educational practices, services, programs and activities that are accessible and usable by qualified individuals with disabilities.

DEFINITION

Section 504 of the Rehabilitation Act of 1973 provides that: No otherwise qualified individual with handicaps in the United States...solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title II of the Americans with Disabilities Act, 1990 provides that: No otherwise qualified individual with a disability shall be discriminated against in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training and other terms, conditions and privileges of employment.

The University Schools Federal Rights Coordinator shall be responsible for ensuring University Schools' compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, including investigations of complaints alleging non-compliance with the Acts or alleging any actions that would be prohibited by the Acts.

Contact information for the University Schools' Federal Rights Coordinators are as follows:

For Employees:

Chief Policy and Compliance Officer

Mary Honore' Tucker

mhtucker@memphis.edu

For Students

Student Services Director

Dr. Angela Hargrave

lhrgrove@memphis.edu

COMPLAINT PROCEDURE

Complaints of violations of this Policy or the ADA or Section 504 of the Rehabilitation Act shall be submitted orally or in writing to the University Schools Federal Rights Coordinator who will

endeavor to accomplish prompt and equitable resolution of complaints. The Federal Rights Coordinator will respond to all complaints within twenty (20) business days with a written response as well as information on further grievance procedures that may be followed if the complaining party is not satisfied with the coordinator's proposed resolution.

DUE PROCESS HEARING PROCEDURES

If a parent/guardian of a student is dissatisfied with the University Schools Federal Rights Coordinator's response regarding complaints pertaining to Section 504 of the Rehabilitation Act of 1973, the parent/guardian may request an impartial due process hearing. If a parent/guardian requests a Section 504 hearing, the parent/guardian has the right to personally participate and to be represented at the hearing by an attorney or advocate at the parent's expense. Contested actions or omissions that are appropriate for a Section 504 hearing should involve identification, evaluation, or placement issues involving a child who has or is believed to have a disability.

Request for Hearing

A parent/guardian who wishes to challenge an action or omission with regard to the identification, evaluation, or placement of a student who has or is believed to have a disability as defined by Section 504, shall make an oral or written request for a due process hearing to the University Schools Federal Rights Coordinator.

Impartial Hearing Officer

The Vice Provost/Director of Schools or his/her designee shall appoint an impartial hearing officer to preside over the hearing and issue a decision. Such appointment will be made within fifteen (15) days of the date of receipt of a request for a due process hearing. The hearing officer will be hired as an independent contractor at no expense to the parent. The Hearing officer that is appointed shall not be a current employee of the school system and shall not be related to any member of the Board of Education. The hearing officer need not be an attorney but shall be familiar with the requirements of Section 504 and the hearing procedures under Section 504. The choice of an impartial hearing officer is final and may not be presented as an issue at the due process hearing since such an issue would not relate to the identification, evaluation, or placement of a disabled child under Section 504. If a parent/guardian disputes the impartiality of the appointed hearing officer, he/she may raise such an issue in a review of the hearing officer's opinion by a court of competent jurisdiction or in a complaint to the Office for Civil Rights.

Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10

Atlanta, GA 30303-8927

Telephone: 404-974-9406; TDD: 877-521-2172

Email: OCR.Atlanta@ed.gov

Scheduling of Hearing

The appointed hearing officer shall set a date for the hearing within fifteen (15) days of his/her appointment and provide this information in writing to the parent/guardian and the University Schools Federal Rights Coordinator. The hearing shall take place at a mutually agreeable time and place.

Continuances

Upon a showing of good cause, the hearing officer, at his/her discretion may grant a continuance of the hearing date and set a new hearing date.

Legal Representation at Hearing

If a parent/guardian is represented by a licensed attorney at the due process hearing, he/she must inform the University Schools Federal Rights Coordinator. and the appointed hearing officer of that fact, in writing, at least seven (7) calendar days prior to the hearing date, or the hearing can be continued upon the Coordinator's request.

Pre-Hearing Conference

The hearing officer may order a Pre-Hearing Conference during which the parent/guardian or his/her representative will state and clarify the issues to be addressed at the hearing. The Pre-Hearing Conference will also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties' questions regarding the hearing process. The Pre-Hearing Conference can be held via telephone or in person depending on the hearing officer's decision based on the convenience to both parties.

Dismissals

If after the Pre-Hearing Conference, the hearing officer finds that the parent, as a matter of law, alleges and/or raise no factual claims or legal issues that come within his/her jurisdiction as a Section 504 hearing officer, he/she may dismiss the hearing and issue an order to that effect explaining the basis for such finding.

Hearing

The hearing shall be conducted in an informal, non-adversarial manner. The hearing shall be closed to the public unless the parent/guardian requests an open hearing. The hearing officer may reasonably limit testimony and introduction of exhibits for reasons or relevance.

Recording

Instead of a formal written transcript produced by a court reporter, the entire due process hearing will be video recorded. The school system shall provide a copy of the recording to the parent/guardian upon request. In order for an accurate recording to be made, the parties and witnesses shall introduce themselves at the beginning of their presentations. If a parent/guardian appeals the decision of the hearing officer to a court of competent jurisdiction, the school system shall prepare a written transcript of the hearing to be offered to the court as an exhibit.

Witnesses

Witnesses will present their information in narrative form, without the traditional question and answer format of legal proceedings. Cross-examination of witnesses will not be allowed, but a party may request that the hearing officer, at his/her discretion, ask a witness a certain question.

Format of Presentation

Each side will have an equal amount of time to present their positions as determined by the hearing officer. The parent/guardian will present his/her case first by making an opening statement outlining the issues, calling witnesses, and making a closing argument. The school system will present its side next. At the end of the school system's presentation, the parent/guardian may offer a short response. Each side may present personally or through their representatives.

Submission of Exhibits

As part of their presentations and at the discretion of the hearing officer, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions. Exhibits submitted to the hearing officer by either party must be marked. The hearing officer may, in the exercise of his/her discretion, reasonably limit the number of documents to be submitted for his/her review, as well as the number of witnesses and the length and/or scope of their presentations or statements.

Closing Arguments

The hearing officer may allow or request written closing arguments summarizing and characterizing the information presented at the hearing.

Decision

The hearing officer shall issue written findings. Such findings shall address all of the issues raised by the parent/guardian as well as any corrective actions, if any, the school system must take. Any issue or claim raised by the parent/guardian that is left unaddressed by the hearing

officer in his/her decision will be deemed to have been denied. The decision must be issued within forty-five (45) days after the date the Request for a Due Process Hearing is received by the University Schools Federal Rights Coordinator unless the parent agrees otherwise or the hearing officer has granted a continuance at the request of one of the parties. The hearing officer may not award attorneys' fees as a part of the relief granted to a parent/guardian or the district.

Review Procedure/Appeal

If the parent/guardian is not satisfied by the decision of the hearing officer, he/she may seek review of the decision in court of competent jurisdiction.

OCR REVIEW

A parent/guardian may file a complaint with the Office for Civil Rights (OCR) if she/he believes that University Schools has violated any provision or regulation of Section 504.

The OCR may be contacted at:

ATLANTA OFFICE:

Office for Civil Rights
United States Department of Education
61 Forsyth Street, Southwest
Suite 19T10
Atlanta, Georgia 30303-8927
Telephone: (404) 974-9406
Facsimile: (404) 974-9471
E-mail: OCR.Atlanta@ed.gov

NATIONAL HEADQUARTERS:

Office for Civil Rights
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1100
Telephone: (800) 421-3481
Facsimile: (202) 453-6012
TTY# (800) 879-8339
E-mail: OCR@ed.gov