

 <p>TUCSON UNIFIED SCHOOL DISTRICT</p> <p>GOVERNING BOARD REGULATION</p>	<p>REGULATION TITLE:</p> <p>Complaints under Section 504 and ADA</p>
	<p>REGULATION CODE: IHBA-R</p>

Student Complaints of Disability Discrimination

TUSD has adopted this procedure for internally resolving and processing complaints of discrimination based on disability, and/or that a TUSD school or program did not follow its obligations under Section 504 or the ADA. Title II of the ADA states in part that, "...no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits for, or be subjected to discrimination... in programs or activities sponsored by a public entity". This procedure meets the requirements of the Americans with Disabilities Act of 1990 ("ADA"). (Note: TUSD Policy AC governs employment-related complaints of disability discrimination.)

Informal Resolution (Optional)

The best solutions to concerns often occur at the school level. Therefore, a student, parent or any other individual acting on behalf of the student may seek to resolve the complaint informally with the school principal and the school's 504 Team Leader to come to a mutually acceptable resolution of the concern(s).

Formal Complaint Resolution Process

If the concern(s) cannot be resolved informally or if the complainant elects to bypass the informal process, the complainant may seek formal resolution under the District's complaint process. The informal process does not have to be initiated or completed before the formal process begins.

Contact Information

Any student, parent or any other individual or group acting on behalf of a student, may file a complaint alleging discrimination on the basis of a physical or mental disability with the TUSD's Section 504 Coordinator, who is designated as:

Debie Erickson

Section 504 Coordinator
1010 E. 10th Street
Tucson AZ 85719
Tel. (520) 225-6610
Email: debie.erickson@tUSD1.org

**Complaint
Procedure**

Step One:

The complainant should complete and submit a Section 504 Complaint Form IHBA-E1 to the District 504 Coordinator. The Section 504 Complaint Form IHBA-E1 is available on the District's web site (LINK) and upon request of the Section 504 Coordinator. Alternative means of filing complaints, such as personal interviews or a recording of the complaint will be made available upon request.

Step 2:

Within 15 calendar days after the Complaint is received, the District 504 Coordinator or designee will investigate the complaint in accordance with the procedures described in Regulation AC-R – Discrimination Complaint Procedure, and decide whether to seek to mediate the dispute between the complainant and school or refer the matter for an impartial due process hearing. If requested by the complainant, the District 504 Coordinator will meet with the parent to hear the concerns.

Step 3:

If mediation is not desired by the complainant or is unsuccessful, the District 504 Coordinator will promptly and in writing with a copy to the complainant, refer the complaint for investigation following the procedures described in AC-R, or, if deemed appropriate by the District 504 Coordinator, refer for a due process hearing conducted by an impartial hearing officer. The hearing officer selected by the District 504 Coordinator must have knowledge of Section 504 and must not have an interest in the outcome.

Step 4

The District-appointed hearing officer will schedule a due process hearing to occur as soon as practicable for the complainant and District. The hearing shall be recorded and the hearing officer shall render a written decision with findings of fact and conclusions of law within five business days after the conclusion of the hearing. The complainant may be represented by legal counsel at the hearing. The written decision of the hearing officer will advise the complainant that he or she may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education.

Other Remedies

The foregoing informal and formal resolution processes are not a prerequisite to a complainant pursuing other remedies available under state or Federal law. At any time, a complainant may file a complaint by contacting:

U.S. Department of Education, Office for Civil Rights
1244 SPEER BLVD, SUITE 300
DENVER, CO 80204-3582

Recordkeeping

The Section 504 Coordinator shall maintain records of all 504 complaints and written resolutions/findings.

Adopted: September 26, 2019

Legal Ref.:
29 U.S.C. 706
29 U.S.C. 794
34 C.F.R. § 104.7
28 C.F.R. § 35.107