# ROANOKE CITY PUBLIC SCHOOLS

**SECTION 504 REVIEW PROCEDURE**

Section 504 Review Procedure

1. Any party aggrieved by the hearing officer’s decision may appeal the decision to a review officer. See 34 C.F.R. § 104.36.
2. An appeal may be noted by an aggrieved party by filing a written notice of appeal with the school division’s Section 504 Coordinator (“coordinator”) within thirty (30) calendar days of the date of the decision issued by the hearing officer.
3. An impartial review officer must be appointed by the coordinator from the same list from which the initial hearing officer was appointed and within five (5) school days of the request for review.
4. The review officer will conduct an impartial review of the hearing decision.
5. The review officer shall:
   1. advise the parties of the right to be represented by counsel at their own expense during the review proceedings;
   2. examine the record of the hearing;
   3. determine whether the procedures at the impartial hearing were in accordance with the requirements of due process;
   4. afford the parties an opportunity for written or oral argument, or both, at the discretion of the review officer;
   5. seek additional evidence, if necessary; and
   6. issue a written decision.
6. The review officer shall uphold the initial decision unless it is found to be arbitrary or capricious, contrary to law, or not supported by evidence.
7. The review officer's decision must be issued within thirty (30) calendar days from the date of appointment, unless continued at the request of a party. A continuance can be granted by the review officer upon a showing of good cause. A copy of the decision must be sent to all parties.
8. The record of the administrative hearings shall be sent by the review officer to the coordinator upon the issuance of the decision.
9. The coordinator is responsible for maintaining all records of hearings and transmittal to court in the event of judicial proceedings.
10. Any party aggrieved by the review officer’s decision may file a civil action in a court of appropriate jurisdiction. See 29 U.S.C. § 794a.