

## **ADMINISTRATIVE PROCEDURES**

### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

#### **A. IDENTIFICATION AND REFERRAL PROCEDURES:**

Any student with a disability who needs or is believed to need accommodations, modifications, or services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certified school employee to the 504 Team for identification and evaluation of the student's individual educational needs.

The 504 Team will be composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The 504 Coordinator will monitor the composition of the 504 Team to ensure that qualified personnel participate.

The 504 Team will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation is required and will inform the parents or guardian of this decision and of their procedural rights.

#### **B. EVALUATION:**

1. If a child needs or is believed to need special education, related services, and/or supplemental aids under Section 504 of the Rehabilitation Act of 1973, the school district *must evaluate* the child.
2. *Notification*, not consent, of the parent/legal guardian is required for Section 504 evaluation or re-evaluation. The person responsible for the Section 504 referral should communicate in-person or by telephone with the parent/legal guardian in addition to sending the **Receipt of Section 504 Referral Notice**, the **Parent/Student Rights in Identification, Evaluation, Accommodation and Placement** and a copy of the **Referral for Section 504 Services**.

**Note:** Written consent from the parent/legal guardian is required if *psychological testing* is to be part of the Section 504 evaluation process.

3. The Section 504 evaluation
  - should be based on information from a variety of sources: e.g. teacher(s), other school staff members, parent/legal guardian, physician, nurse, other professionals, or persons in the community;
  - should *document* and consider all available pertinent information: e.g. records, assessment data, medical reports related to the suspected physical or mental impairment which may be substantially limiting a major life activity;
  - should be conducted by a *team or group of persons* including those who are knowledgeable about the child, the suspected handicapping condition, evaluation procedures, the meaning of evaluative data, and accommodation/placement options;
  - should utilize assessment materials, tests, and/or evaluation procedures which are tailored to assess specific areas of educational need, are not racially or culturally discriminatory, and are validated for the specific purpose for which they are used.

4. Section 504 evaluation procedures may include:
  - review of school records,
  - interviews with persons knowledgeable about the child's functioning,
  - observations in the school, home or community environments,
  - administration of educational, and/or
  - psychological measures appropriate for assessing the presenting concern.
  
5. The parent/legal guardian *must be invited* to participate in the Section 504 Evaluation Meeting where the results of the evaluation, the determination of handicap, and possible accommodation/services will be discussed. Every effort should be made to hold this meeting at a time when the parent/legal guardian is able to attend.
  
6. In order to determine Section 504 eligibility during the evaluation meeting, the team should consider the following steps:
  - ***Discuss evaluation material*** {which may include the following}:
    - statements and information from teachers and other school staff members
    - social and cultural background information
    - assessment and/or testing information (e.g. behavioral observations, adaptive behavior, academic achievement, cognitive functioning)
    - statements and information from physicians or other professionals
    - statements and information from parent/legal guardian and/or persons in the community
    - school attendance information
  
  - ***Determine whether a physical or mental impairment can be identified***
    - Does the student *currently have* a mental and/or physical impairment that can be verified by reference to documentation by a physician or other professional?
  
    - A *record* of an impairment of condition or being regarded as having an impairment (when in fact the student does not currently have an impairment) are important for purposes of ensuring that the school does not discriminate against the student on that basis, but would not lead to the creation of an accommodation plan for the student.
  
  - **Determine whether the impairment or condition substantially limits one or more major life activities.**

***“Substantial”*** relates to the *limitation* of a major life activity, not the condition or handicap {e.g. a substantial limitation to learning}.

    - ***“Substantial”*** is not defined, but has been interpreted to have the ordinary, dictionary meaning of the word. As compared to the average person in the general population, is the student substantially limited in the major life activity identified as impacted by the disability?

***Identify the major life activity that is affected by the student's impairment:*** For example, learning, breathing, speaking, seeing, hearing, walking, eating, caring for oneself, working, performing manual tasks, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating. This list is exemplary and not exhaustive. A major life activity also includes the operation of a major bodily

function, including but not limited to functions of the immune, system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies and equipment, prosthetics, hearing aids or cochlear implants, mobility devices, assistive technology, reasonable accommodations, auxiliary aids and services, learned behavior or adaptive neurological modifications. Mitigating effects of ordinary eyeglasses or contact lenses may be considered in determining whether there exists a substantial limitation.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

Close calls concerning whether a student has a disability or a substantial impairment should be resolved in favor of finding that the student has a disability and determining whether any accommodations are needed in the school setting as a result of that condition.

*Ask the question: "Is the student afforded an equal opportunity to participate and/or benefit from education when compared to non-disabled, age-appropriate peers?"*

- **Determine whether the student qualifies as disabled under Section 504:**

- the student has a physical or mental impairment;
- the impairment *substantially limits* one or more major life activities for that person.

7. If the student is determined to be disabled under Section 504 and requires accommodations, modifications, or services to be provided with an equal educational opportunity, the 504 Team must develop a written **Section 504 Education Plan** which documents the regular education accommodations and/or services that will be provided in order to meet the educational needs of the disabled student.
8. Periodic **reevaluation** is required by Section 504 regulations. Reevaluation of the Section 504 Education Plan is recommended once per year or upon significant change in school placement or program, as well as change from one building to another, from one grade level to another.

## **C. ACCOMMODATION PLAN**

The parents or guardian shall be invited to participate in a 504 Team meeting where accommodations, modifications and/or services for the student will be determined, and the parents shall be given an opportunity to examine all relevant records concerning the student.

The 504 Team will develop a written plan describing the disability and the accommodations and modifications needed to provide the student with an educational opportunity equal to that provided to non-disabled students. The 504 Team should ask the question, "What reasonable accommodations, modifications and/or services are needed to ensure that the student with a qualifying disability under Section 504 receives an educational opportunity equal to that afforded to non-disabled students?" The plan will specify how the accommodations and modifications or services to be provided and by whom. In developing the plan, the 504 Team shall consider all

available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff.

The team may also determine that no accommodations and modifications, or services are appropriate. If so, the record of the 504 Team proceedings will reflect the identification of the student as an individual with a disability and will state the basis for the decision that no accommodations, modifications or services are presently needed.

A student with a disability shall be placed in the regular education environment of the District with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who are not handicapped to the maximum extent appropriate to the individual needs of the student.

The 504 Team shall notify the parents or guardian in writing of its final decision concerning the accommodations and modifications or services to be provided and the parents shall be notified of the safeguards available to them, including the right to an impartial hearing.

If a plan for providing accommodations, modifications, or services is developed, all school personnel who work with the student shall be informed of the plan and a case manager will be assigned to monitor student progress.

#### **D. REVIEW OF THE STUDENT'S PROGRESS**

The 504 Team will monitor the progress of the student with a disability and the effectiveness of the student's education plan at least once every year to determine whether accommodations, modifications, or services are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

Any student who needs or is believed to need additional services beyond the scope of the Section 504 Student Accommodation Plan should be referred to the Planning and Placement Team for consideration of additional evaluation(s), and/or eligibility for special education services.

#### **E. PROCEDURAL SAFEGUARDS**

The parents or guardian shall be notified that they may examine relevant educational records concerning their child.

The parents or guardian shall have the right to an impartial hearing (Section 504 due-process hearing) with opportunity for participation by the parents or guardian and their counsel regarding all decisions made by the 504 Team.

A request for a Section 504 due-process hearing shall be made by the parent or guardian within twenty (20) calendar days of the parents' receipt of notice of the 504 Team's decision and their right to file for an impartial hearing.

Upon receipt of a parent's request for Section 504 due-process hearing, the school district shall appoint an impartial hearing officer and schedule a due process hearing within 10 days. Decisions will be rendered in accordance with Section 4-180 of the Connecticut General Statutes.

The request shall be made in writing to:

Section 504 Coordinator  
Name: Brian Farrell

The Section 504 Coordinator may suggest that the grievance procedure be exhausted prior to a Section 504 due process hearing being held.

#### **Hearing and Appeals Process**

(1) The parent/student may file a request for review of the decisions of the Section 504 Committee with the Section 504 Coordinator. An impartial hearing officer appointed by the district will

meet with the complainant and other parties involved as appropriate to hear evidence/facts regarding 504 decisions rendered.

- (2) An alleged complaint must be filed in writing within ten (10) school days with the Section 504 Coordinator. The complaint must fully set out the circumstances, specifically the complaint and how the student is adversely affected by the decision.
- (3) A hearing will be conducted by an impartial hearing officer. The hearing officer will be appointed and a hearing conducted within a reasonable amount of time following receipt of the written request.
- (4) The hearing officer will give the parent/student and the District reasonable advance notice of the date, time, and place of the hearing.
- (5) An individual who does not have a direct interest in the outcome of the hearing and is knowledgeable about Section 504 will conduct the hearing.
- (6) The hearing officer will give the parent/student and the District a full and fair opportunity to present evidence relevant to the issue raised. The parent/student may, at their own expense, be assisted or represented by an attorney.
- (7) The hearing officer will make a decision in writing and present it to the District and the complainant within fifteen days after the hearing. Such decision shall include findings of fact and order, if necessary, which will be binding on all parties. The dated decision shall be sent by mail to the complainant and the District and shall contain notice of the right to appeal the decision.
- (8) The decision of the hearing officer shall be based solely on the evidence presented at the hearing and the applicable law and shall include a summary of the evidence and the reason for the decision.
- (9) The decision shall be implemented no later than twenty (20) days following the date of the decision, unless either party seeks review.
- (10) A petition to review (appeal) the decision of a hearing officer may be made by either the complainant or the District. The request for appeal must be filed in writing to the Section 504 Coordinator, with a copy to the opposing party if applicable, and must contain specific objections to the findings of fact and/or conclusions of law believed to be erroneous. The request for appeal must be filed within fifteen (15) days of receipt of the hearing officer's decision.
- (11) Upon filing of a petition to review the hearing officer's decision, an impartial Review Committee will be appointed by the District, consisting of three (3) individuals who do not have a direct interest in the outcome of the decision and who are knowledgeable about Section 504. The impartial review committee shall not hear additional evidence except in the case of a showing of extraordinary circumstances necessitating an additional hearing, but shall review the evidence and the record of the hearing conducted by the impartial hearing officer and the objections of the appealing party and any responses thereto, and shall render a decision within fifteen (15) days following the review as to whether the impartial hearing officer's decision shall stand or shall be overturned. If a hearing and/or argument are necessary to the Review Committee in order to conduct its review of the proceedings, the Review Committee shall give reasonable notice to both parties of the date and time and location of the hearing. The parent/student may be represented by counsel at any proceedings required by the Review Committee, at the expense of the parent/student. The written decision of the Review Committee shall be based solely on the evidence presented and the applicable law, and shall contain reasons for the decision. If the decision of the Review Committee is not unanimous, two (2) votes shall be needed to sustain or overturn the impartial hearing officer's decision.

## **F. DESIGNATION OF 504 COORDINATOR**

The Superintendent shall designate a Coordinator to coordinate the District's efforts to comply with Section 504. The District's 504 Coordinator is: Director of Special Services.

## **G. GRIEVANCE PROCEDURE**

Complaints about facilities or services offered by the Redding Public Schools may be filed with the Section 504 Coordinator. A form is provided for this purpose.

The following information is required when completing a complaint.

- Name(s) of person(s) or group making the complaint.
- Whether the person(s) represents an individual group.
- Whether the person(s) making the complaint has discussed the problem with the site administrator.
- A summary of the complaint and suggested solution(s).

Processing of the Complaint:

Level 1: The complaint shall be presented in writing, with a suggested solution, to the Section 504 Coordinator. The Section 504 Coordinator will have TEN (10) school days to mail a reply to the Complainant.

Level 2: If the Complainant is not satisfied with the response received from the Section 504 Coordinator, or if no response is mailed by the 504 Coordinator within ten (10) business days, the Complainant may request an impartial due process hearing to review the Complaint, under section (E) above.

If the issues in the complaint relate to provision of a free and appropriate public education for an individual student, the student may be referred to a Section 504 Team or Planning and Placement Team at any point during the processing of the complaint.

## **H. PUBLIC NOTICE**

The Redding Public Schools shall provide continuing notice to the public, and the staff and students that it does not discriminate on the basis of disability with regard to admission or access to, or treatment or employment in programs and activities of the Redding Public Schools. Continuing notification may include the posting of notices, publication in local newspapers, placement of notices in school district publications and student/parent handbooks and distribution of memoranda or other written communication.

### **NOTICE OF NON DISCRIMINATION**

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the Redding Board of Education are hereby notified that this District does not discriminate on the basis of race, color, national origin, sex, age, or disability in admission or access to, or treatment or employment in its programs and activities. Any person having inquiries concerning the Redding Board of Education compliance with the regulations implementing Section 504 is directed to contact:

Section 504 Coordinator

who has been designated to coordinate the District's efforts to comply with the regulations implementing Section 504.

**SECTION 504 OF THE REHABILITATION ACT OF 1973**  
**COMPLAINTS ABOUT FACILITIES OR SERVICES**

NAME:

ADDRESS:

TELEPHONE NUMBER:

NAME AND AGE/GRADE OF STUDENT:

SCHOOL:

PRIOR CONTACTS WITH THE 504 COORDINATOR, ADMINISTRATION OR  
TEACHER:

**STATEMENT OF COMPLAINT:**

**ACTION REQUESTED:**

SIGNATURE \_\_\_\_\_

SEND TO: BRIAN FARRELL  
DIRECTOR OF SPECIAL SERVICES  
SECTION 504 COORDINATOR  
Redding Public Schools  
33 Lonetown Rd  
Redding CT 06896

**PARENT/STUDENT RIGHTS IN IDENTIFICATION,  
EVALUATION AND PLACEMENT  
UNDER  
SECTION 504 OF THE REHABILITATION ACT OF 1973**

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits, from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students;
6. Have your child receive accommodations, modifications and/or related services if he/she is found to be eligible under Section 504 of the Rehabilitation Act;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement;
11. Obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;

14. File a grievance related to decision(s) or action(s) regarding your child's identification, evaluation, educational program or placement; grievance requests must be made to the Section 504 Coordinator;
15. Request a due process hearing related to decisions or actions made by the Section 504 team. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to the 504 Coordinator within 20 calendar days of the parent's receipt of notice of the 504 Team's decision and the right to file for an impartial hearing.

The person in this district who is responsible for assuring that district complies with Section 504 is:

BRIAN FARRELL  
DIRECTOR OF SPECIAL SERVICES  
SECTION 504 COORDINATOR  
Redding Public Schools  
33 Lonetown Rd  
Redding CT 06896

Please make all requests to utilize either the grievance procedure or the due process hearing procedure in writing to the above address.