

## Students

### Section 504 Procedural Safeguards

In compliance with Section 504 of the Rehabilitation Act of 1973, it is the policy of the New Milford Board of Education to establish and implement a system of procedural safeguards with respect to the identification, evaluation and placement of students with disabilities. This includes notice, an opportunity for the parents or guardian of a student with a disability to examine relevant records, an impartial hearing with opportunity for participation by the student's parents or guardians and representation by counsel, and a review procedure.

The Assistant Superintendent shall serve as the district's 504 Coordinator and will be responsible for coordinating compliance with Section 504.

In order to provide students with disabilities with equal access to programs and services the following procedures shall apply:

**Identification:** The Office of Special Services annually conducts child find activities to identify any person between the ages of 0-21 who is, or may be in need of special services. This is accomplished by communication through the media, direct mailing to social service agencies and dissemination to staff.

**Notification:** Parents and guardians will be provided with notice regarding referral, evaluation, identification, and placement in a manner comparable to the notice requirements of IDEA. The Office of the Assistant Superintendent shall take appropriate steps to notify students with disabilities and their parents or guardians of the school system's legal obligations under Section 504. (Appendix A, "Section 504 Parental Rights")

**Evaluation:** Referrals for evaluation are made by the Section 504 Team. Such evaluations will be conducted promptly, with every effort for the evaluation period to be the same as for referrals under IDEA.

**Periodic Reevaluation:** All students receiving services under Section 504 are generally reevaluated at least every three years following procedures of IDEA.

**Placement/Program Development:** Placement decisions will be made by a "504 Team," a group of persons knowledgeable about the child, the meaning of the evaluation data and program options. Each Section 504 Team will reconvene at the conclusion of the evaluation to consider evaluation results, determine eligibility and develop appropriate programming.

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**Placement/Program Development:** cont'd.

A written 504 Service Plan is developed and maintained by the primary service provider. The plan is reviewed and/or updated throughout the school year as the child's needs warrant. All students who have undergone special education evaluations are automatically considered for eligibility under Section 504, i.e. for students who are not eligible for Special Education under IDEA, the PPT may consider eligibility under Section 504. Discussions of eligibility must be included in the record of the PPT meeting, including clearly delineated recommendations.

**Least Restrictive Environment:** The school system shall make reasonable accommodations to allow a student with disabilities to be placed in the regular education environment unless it is demonstrated that the education of the student in the regular environment with the use of supplementary aids and services, cannot be achieved satisfactorily.

**Access to Records:** The parents or guardian of a student with a disability shall have an opportunity to examine relevant records in a manner consistent with the rights afforded to students who receive special education pursuant to IDEA.

**Non-Discrimination:** The 504 Team is responsible for ensuring that, to the extent required by law, students with disabilities are afforded an opportunity to participate in non-academic and extracurricular services and activities. The 504 Team shall consider the impact of any modifications on other non-disabled classmates.

**Grievance Procedures for Complaints of Discrimination:** Any student who feels he or she has been denied an equal opportunity to participate in or benefit from the activities, programs or courses of study offered by the school district on the basis of his/her disability should immediately bring his or her complaint to the attention the district's 504 Coordinator pursuant to Board Policy 5000. Complaints will be investigated promptly and corrective action will be taken when warranted. Such grievance procedures shall not apply to complaints regarding the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special instruction or related services.

**Complaints Re: Identification, Evaluation or Placement:** Disputes regarding the identification, evaluation or placement of a student with a disability may be resolved informally, by requesting a meeting with a school administrator, or formally, by requesting an impartial hearing in writing to the Superintendent of Schools. The written request must state the child's name, school, the nature of the problem, the relevant facts related to the problem, and a proposed solution. The student's parents or guardian and/or legal counsel shall have an opportunity to participate in the hearing. The

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#### **Complaints Re: Identification, Evaluation or Placement: cont'd.**

school district will select an impartial hearing officer who is knowledgeable about Section 504 claims. The parents or guardian will be provided with adequate notice of the hearing. There is no requirement that cross examination of witnesses be allowed or that the hearing be recorded. The hearing officer may only review issues related to the identification, evaluation or placement of a student with a disability.

Legal References: Connecticut General Statutes

10-15c Discrimination in public schools prohibited  
United States Code

20 U.S.C. 1400 Individuals with Disabilities Education Act

29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1973

42 U.S.C. 12101 Americans with Disabilities Act

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NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut