

## INSTRUCTION

### Section 504

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

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is an Act that prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. For the purposes of Section 504, the term “disability” with respect to an individual means:

1. a physical or mental impairment that substantially limits one or more major life activities of such individual;
2. a record of such an impairment; or
3. being regarded as having such an impairment.

In order to fulfill its obligation under Section 504, Regional School District 13 recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school sponsored programs. In this regard, Regional School District 13 will not knowingly permit discrimination against any person with a disability in any of the programs operated by the school system. Persons who feel that they may have been discriminated against on the basis of disability should contact Regional School District 13’s Section 504 Coordinator.

The school district also has specific responsibilities under Section 504 with respect to providing access to appropriate educational services for students who qualify under Section 504. These responsibilities include the obligation to identify, to evaluate, and to afford access to appropriate educational services. If the parent or guardian disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation, or educational placement of their child, he/she has a right to an impartial hearing. Additional written information about an impartial hearing is available on request from the Section 504 Coordinator.

Please contact Amy Emory, the Section 504 Coordinator for Regional School District 13, at 860-349-7208 with any additional questions or concerns about this policy.

Legal References: 29 U.S.C. § 794  
34 C.F.R. § 104 *et seq.*  
42 U.S.C. 12101 *et seq.*  
ADA Amendments of 2008, Public Law 110-325

*Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, Office for Civil Rights (March 27, 2009), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

Policy Adopted:       October 25, 1995

Policy Revised:       October 12, 2011

**INSTRUCTION**

**Section 504**

**ADMINISTRATIVE REGULATIONS REGARDING SECTION 504 OF THE  
REHABILITATION ACT OF 1973**

**Regional School District 13 Board of Education Section 504 Complaint Procedures**

Section 504 prohibits discrimination on the basis of disability. For the purposes of Section 504, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment. “Major life activities” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. 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.

- I. *Procedures for Complaints Alleging Discrimination on the Basis of Disability*
  - A. It is the express policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any violation of Section 504. In order to facilitate the timely resolution of such complaints, any eligible person, including any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability should submit a written complaint to the district’s designated Section 504 Coordinator within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Complaints regarding a student’s rights with respect to his/her identification, evaluation, or educational placement shall be addressed in accordance with the procedures set forth below in Section II.
  - B. If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent, who shall investigate or appoint a designee to do so.
  - C. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.

- D. The written complaint should contain the following information:
1. The name of the complainant;
  2. The date of the complaint;
  3. The date(s) of the alleged discrimination;
  4. The names of any witness(es) or individuals relevant the complaint; and
  5. A detailed statement describing the circumstances in which the alleged discrimination occurred.
- E. Upon receipt of the written complaint, the Section 504 Coordinator (or Superintendent, as outlined above), shall:
1. Provide a copy of the written complaint to the Superintendent of Schools;
  2. Meet with the complainant to discuss the nature of the complaint;
  3. Provide the complainant with a copy of the Board's Section 504 Policy and applicable administrative regulations;
  4. Investigate the factual basis for the complaint, including interviews with individuals with information relevant to the complaint;
  5. Attempt to resolve the complainant's concerns, whenever possible;
  6. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
  7. Communicate the findings of the investigation to the complainant, along with intended remedial actions, whenever appropriate, while keeping in mind confidentiality obligations; and
  8. Ensure that appropriate remedial and/or disciplinary action is taken whenever allegations are verified.
- F. If, following the investigation by the Section 504 Coordinator, the complainant is not satisfied with the results of the investigation or the proposed resolution, the complainant may request, in writing, that the Superintendent review the findings of the Section 504 Coordinator. Upon receipt of a written request from the complainant, the Superintendent shall review the investigative results of the Section 504 Coordinator and determine if further action and/or investigation is warranted.

II. *Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation, and/or Educational Placement*

Complaints regarding a student's identification, evaluation, or educational placement shall generally be handled using the procedures described below, **However, at any time, the complainant may request that the Section 504 Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).**

A. Submission of Complaint to Section 504 Coordinator

1. In order to facilitate the prompt investigation of complaints, any complaint regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the District's Section 504 Coordinator within thirty (30) days of the alleged date that the dispute regarding the student's identification, evaluation or education placement arose. Timely reporting of complaints facilitates the resolution of potential educational disputes as it assists the district in gathering current, accurate information and enables the district to take corrective actions when necessary to ensure that a student is provided with an appropriate educational program.
2. The written complaint concerning a student's identification, evaluation or educational placement should contain the following information:
  - a. Full name of the student, age, and grade level;
  - b. Name of parent(s);
  - c. Address and relevant contact information for parent/complainant;
  - d. Date of complaint;
  - e. Specific areas of disagreement relating to the student's identification, evaluation or placement; and
  - f. Remedy requested.
3. Upon receipt of the written complaint, the Section 504 Coordinator shall:
  - a. Forward a copy of the complaint to the Superintendent of Schools;

- b. Meet with the complainant within ten (10) business days to discuss the nature of his/her concerns and determine if an appropriate resolution can be reached;
- c. If, following such a meeting, further investigation is deemed necessary, the Section 504 Coordinator shall promptly investigate the factual basis for the complaint, consulting with any individuals reasonably believed to have relevant information, including the student and/or complainant; and
- d. Communicate the results of his/her investigation to the complainant within fifteen (15) business days from the date upon which the complaint was received by the Section 504 Coordinator.

**B. Review by Superintendent of Schools**

- 1. If the complainant is not satisfied with the findings and/or resolution offered as a result of the Section 504 Coordinator's review, he or she may present the written complaint to the Superintendent for his/her review.
- 2. The Superintendent shall review the complaint and any relevant documents maintained by the Section 504 Coordinator and shall consult with the Section 504 Coordinator regarding attempts to resolve the complaint. The Superintendent shall also consult with the complainant. The Superintendent may attempt to resolve the complainant's concerns alone, or with another appropriate administrator.
- 3. Following the Superintendent's review, he or she shall communicate his/her findings to the complainant within ten (10) business days following his/her receipt of the written request for review by the Superintendent.
- 4. If the complainant is not satisfied with the Superintendent's decision or proposed resolution, he/she may request that the Superintendent submit the matter to a mediator or to an impartial hearing officer. This request for a hearing/mediation should be made within fifteen (15) days of the Superintendent's decision. Mediation shall only occur by mutual agreement of the parties.

C. Mediation Procedures:

1. The mediator must be someone who is knowledgeable about Section 504 and the differences between Section 504 and the regulations and requirements of the Individuals with Disabilities Education Act (IDEA).
2. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant's own expense, if desired.
3. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
4. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

D. Impartial Hearing Procedures:

1. The impartial hearing officer must be someone who is knowledgeable about Section 504 and the differences between Section 504 and the regulations and requirements of the Individuals with Disabilities Education Act (IDEA).
2. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witness(es) and to have legal counsel or other representation at the complainant's own expense, if desired.
3. The impartial hearing officer shall hear all aspects of the complainant's appeal and shall reach a decision within forty-five (45) calendar days of receipt of the request for hearing. The decision shall be presented in writing to the complainant and to the Section 504 Coordinator.
4. A Section 504 impartial hearing officer does not have jurisdiction to hear claims alleging discrimination, harassment or retaliation based on an individual's disability unless such a claim is ***directly related*** to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.

- E. The time limits noted throughout Section II may be extended if more time is needed to permit thorough review and opportunity for resolution.

III. *The Section 504 Coordinator for Regional District 13:*

Amy Emory, Pupil Personnel Director  
Regional School District 13  
135A Pickett Lane  
P.O. Box 190  
Durham, CT 06422  
860-349-7208

IV. *Complaints to State and Federal Agencies*

At any stage in these complaint procedures, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8<sup>th</sup> Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111). Any such complaints must be filed within one hundred and eighty (180) days of the date of the alleged violation of Section 504.

Any employee who believes that he or she has been discriminated against on the basis of disability may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 1229 Albany Avenue, Hartford, CT 06112 (TELEPHONE NUMBER 860-566-7710) and/or the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02114 (TELEPHONE NUMBER 617-565-3200). Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within one hundred and eighty (180) days of the date when the alleged discrimination. Remedies for discrimination include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

Regulation Adopted:            October 12, 2011