

Administrative Regulations
Joel Barlow High School, Region #9
Section 504 of the Rehabilitation Act of 1973

A. IDENTIFICATION AND REFERRAL PROCEDURES:

Any student who needs or is believed to need special education or related 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 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 general education accommodations, 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 reevaluation. 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 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;

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 major life activity;

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.

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utilize assessment materials, tests, and/or evaluation procedures that 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 by the school psychologist 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 accommodations/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
 - 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?
 - Or does the student have a record of an impairment of condition?
 - Is there a history of a disability?
 - Is the student misclassified as disabled or handicapped?
 - Or is the student regarded as having such an impairment of condition? (whether true or not)?
 - Whether true or not, is the student treated as though he/she has a disability or impairment?
 - Or does the student have a physical or mental disability that substantially limits a major life activity simply because of the attitudes of others?

 - Determine whether the impairment or condition substantially limits one or more major life activities.

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- Substantial – relates to the limitation of a major activity, not the condition or handicap (e.g. a substantial limitation to learning)
 - Substantial – is not defined. It is suggested that the evaluation team consider the impact of the impairment on the student's learning and/or educational program. Areas of possible impact might include the following:
 - Grades
 - Accessibility to all aspects of the curriculum (e.g. participating in physical education classes)
 - Academic productivity and performance
 - Social / interpersonal relationships
 - Behavioral / emotional status
 - Extracurricular activities
 - Determine whether the student qualifies as disabled under Section 504:
 - The student has a record of, or is regarded as having, 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, the evaluation team must develop a written Section 504 Education Plan which documents the regular education accommodations and/or related 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.

C. **ACCOMMODATION PLAN**

In making such determination 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 parents or guardian shall be invited to participate in a 504 Team meeting where 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. The plan will specify how the accommodations and modifications or services are to be provided and by whom.

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

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the student as an individual with a disability and will state the basis for the decision that no special 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.

- a. 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 students 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 Accommodation Plan should be referred back to the Planning and Placement Team for consideration of additional evaluation(s) and/or services.

E. PROCEDURAL SAFEGUARDS

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

The parents 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 CT general Statutes.

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The request shall be made in writing to:

Paula Panos
Director of Counseling Services
Joel Barlow High School
100 Black Rock Turnpike
Redding, CT 06896

The school district will appoint an impartial hearing officer. The hearing will be held in accordance with the provisions of sections 4-176e, 4-177, 4-177b, 4-177c, 4-178, and 4-180. The Section 504 Coordinator may suggest that the grievance procedure be attempted prior to a Section 504 due process hearing being held.

F. DESIGNATION OF RESPONSIBLE EMPLOYEE

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

G. GRIEVANCE PROCEDURE

Complaints about facilities or services offered by Joel Barlow High School, Region #9 may be filed with the Director of Special Services. 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 five (5) days to reply.

Level 2: If a satisfactory response is not received within five (5) days from the Section 504 Coordinator, a copy of the complaint may be forwarded to the Superintendent who will have ten (10) days to reply to the complaint.

Level 3: If a satisfactory response is not received within ten (10) days a copy of the complaint may be forwarded to the Board to its consideration. Consideration as to the disposition of the complaint will be given within thirty (30) days.

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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 at any point during the processing of the complaint.

H. PUBLIC NOTICE

Joel Barlow High School, Region #9 shall provide continuing notice to the public and the staff and students that it does not discriminate on the basis of disability to admission or access to, or treatment or employment in programs and activities of Joel Barlow High School. Continuing notification may include the posting of notices, publications 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 Joel Barlow High School, Region #9 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 Joel Barlow High School compliance with the regulations implementing Section 504 is directed to contact

Paula Panos
Director of Counseling Services
Joel Barlow High School
100 Black Rock Turnpike
Redding, CT 06896

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

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PARENT/STUDENT RIGHTS 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 right to:

- Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability;
- Have the school district advise you of your rights under federal law;
- Receive notice with respect to identification, evaluation, or placement of your child;
- 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;
- Have your child educated in facilities and receive services comparable to those provided non-disabled students;
- Have your child receive special education and related services if he/she is found to be eligible under Section 504 of the Rehabilitation Act;
- 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. Section 504 does not provide rights to an independent evaluation;
- 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;
- Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, education, program and placement;
- Obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;

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- Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;
- Request amendment of your child's educational records if there is a reason 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;
- 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;
- 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 parents' receipt of notice of the 504 Team's decision and their right to file for an impartial hearing.

504 coordinator responsible for assuring that the district complies with Section 504:

Paula Panos
Director of Counseling Services
Joel Barlow High School
100 Black Rock Turnpike
Redding, CT 06896

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Section 504 Request for Hearing

Name of person requesting mediation / hearing: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

We request a hearing concerning

Name of Student: _____ Date of birth: _____

Address: _____

City: _____ State: _____ Zip: _____

Date of the Section 504 meeting at which the parties failed to reach agreement: _____

Description of the issue(s) in dispute between the parties: _____

Proposed resolution or corrective action you seek with regard to the stated issue(s): _____

Print Parent Name

Date: _____

Signature of Parent / Guardian

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COMPLAINT: _____

REPRESENTING: _____

DATE OF PRESENTATION: _____

SCHOOL: _____

PRIOR CONTACT WITH 504 COORDINATOR OR TEACHER: _____

STATEMENT OF COMPLAINT AND ACTION REQUESTED: _____

Signature

Date: _____

Send this form to: Paula Panos, Director of Counseling Services, Joel Barlow High School –
Region #9, 100 Black Rock Turnpike, Redding, CT 06896.