



**Monroe Public
Schools
Section 504
of the
Rehabilitation Act
Manual**

Table of Contents

Acknowledgements	1
District/Building Coordinators/Contacts	2
Introduction	3
District Responsibilities	4
Child Find Responsibilities	5
Referral	6
Identification	6
Administrative Procedures	8
Identification and Referral	8
Evaluation	8
Eligibility	9
Accommodations	11
Review of the Student's Progress	13
Procedural Safeguards	13
Hearing and Appeals Process	14
District Coordinator Contact Information	15
Grievance Procedure	16
Public Notice	16
Student and Educator Support Services	18
Discipline	20
Extra-Curricular Activities	21
Individualized Health Care Plans	22

Section 504 FORMS:

Form A - Parental Rights Under Section 504

Form B - Referral

Form C - Referral Letter

Form D - Meeting Minutes/Eligibility Determination/Accommodation Plan

Form E - Parental Consent to Conduct Evaluations

Form F - Review of 504 Accommodation Plan

Form G - Manifestation Determination

Acknowledgements

Monroe Public Schools

The Monroe Board of Education's Manual was developed to provide educators and parents with general information regarding the implementation of Section 504 of the Federal Rehabilitation Act of 1973, 29 USC SS 791, 793-794 (2006) in the Monroe Public Schools.

With deep appreciation for the many districts whose exemplary plans were reviewed by the committee, most especially the plans of the Brookfield and Norwalk Public Schools.

Thank you also for contributions from Sharon McCloskey, Constellation Agency and Berchem, Moses and Devlin, P.C. for their legal counsel.

Section 504 Compliance Committee

Susan Budris, Assistant Director of Support Services

Mia Cueva, School Counselor, Stepney and Fawn Hollow Elementary School

Kate Fox, School Counselor, Jockey Hollow Middle School

Cathryn Johnson, School Counselor, Jockey Hollow Middle School

Hope Maloney, School Counselor, Masuk High School

Ann Odoy, School Counselor, Masuk High School

Cathy Radlinski, School Nurse, Monroe Elementary School

Traci Sacco, Monroe Elementary School

Mark Schwarz, Assistant Principal, Masuk High School

Pat Severson, School Nurse, Masuk High School

Julia Strong, Assistant Principal, Masuk High School

Beth Young, School Counselor, Monroe Elementary and Masuk High School

District/Building Contacts

Kay Moser - District Section 504 Coordinator

Each school has a school based counselor who is the principal's designee to oversee Section 504 procedures and act as the Section 504 Coordinator for the building.

Masuk High School

Joseph Kobza, Principal
1014 Monroe Turnpike
Monroe, CT 06468
(203) 452-5823

Jockey Hollow Middle School and STEM Academy

Jack Ceccolini, Principal
365 Fan Hill Road
Monroe, CT 06468
(203) 452-2905

Fawn Hollow Elementary School

Becky Kosisko, Principal
345 Fan Hill Road
Monroe, CT 06468
(203)452-2923

Monroe Elementary School

Deb Kovachi, Principal
375 Monroe Turnpike
Monroe, CT 06468
(203) 452-2870

Stepney Elementary School

Bruce Lazar, Principal
180 Old Newtown Road
Monroe, CT 06468
(203) 452-2885

INTRODUCTION

Section 504 of the Federal Rehabilitation Act of 1973 ("Section 504") guarantees equal opportunities in education and employment for all people with disabilities. The Office of Civil Rights (OCR) under guidelines of the Department of Education enforces Section 504, which prohibits public entities and agencies, including school districts which receive federal funds from discriminating against otherwise qualified individuals on the sole basis of a disability. The law calls for federal funds to be withheld if discrimination does occur.

Section 504 protects all persons who:

- have a physical or mental impairment which substantially limits one or more major life activities
- have a record of such an impairment, or
- are regarded as having such an impairment

In addition to school-age children who are eligible for special education services under the Individuals with Disabilities Education Act (IDEA), students with communicable diseases, attention deficit disorders (ADD/ADHD), behavior disorders, chronic asthma, severe allergies, physical disabilities, diabetes and any other physical or mental impairments which substantially limit one or more major life activities are eligible for protection under Section 504.

Some basic educational requirements of this law are:

1. No child with a disability can be excluded from a public education because of his or her disability;
2. Every child with a disability is entitled to a *free appropriate public education* (FAPE) regardless of the nature of his or her disability and must be provided with an equal opportunity to benefit from the school district's programs and activities as those opportunities that are provided to students without disabilities;
3. Children with disabilities must be educated with non-disabled students to the maximum extent appropriate to their needs;

4. Procedural safeguards must be established so that parents and guardians can participate meaningfully in decisions regarding evaluation and the placement of their children and that allow them to object to evaluation and placement decisions regarding their children;
5. State or local educational agencies must identify and locate un-served children with disabilities;
6. The school district has a responsibility to afford students with disabilities an equal opportunity to participate in nonacademic and extracurricular services and activities;
7. The school district must establish nondiscriminatory evaluation and placement procedures to avoid inappropriate education that may result from the misclassification or misplacement of students.

DISTRICT RESPONSIBILITIES

Section 504 guarantees equal opportunities in education and employment for all otherwise qualified people with disabilities. Public school districts are impacted on several levels by the provisions of Section 504, including the employment of disabled persons and providing free and appropriate education (FAPE) to disabled persons who attend school in the Monroe Public School District.

Section 504 requires school districts to develop detailed procedures for identifying and serving children with disabilities. Section 504 is a federal civil rights statute that protects the rights of persons with disabilities in programs and activities which receive federal financial assistance.

The Office of Civil Rights (OCR) monitors compliance under Section 504. Unlike special education laws, Section 504 does not provide financial support to schools. It does; however prohibit public agencies and entities receiving federal funds, including school districts, from discriminating against otherwise qualified individuals on the sole basis of disability.

Under Section 504, each school district is responsible to designate a Section 504 Coordinator. The Monroe Board of Education's Section 504 Coordinator is the Director of Student Support Services.

The Board of Education's Section 504 Coordinator is responsible for ensuring that the district:

- Develops child find procedures
- Provides a free and appropriate public education to each person with a disability regardless of the nature or severity of the disability

- Affords students with disabilities an equal opportunity to participate in nonacademic and extracurricular activities
- Establishes nondiscriminatory evaluation and placement procedures
- Develops a district wide compliance plan
- Develops, implements and disseminates procedural safeguards
- Locates and appoints building level designees
- Communicates district wide procedures to staff and parents
- Develops a system of reviewing 504 plans

CHILD FIND OBLIGATION

Schools are required to locate, identify and evaluate **all children** with disabilities from **birth through age 21**. The Child Find mandate applies to all children who reside within a state, including children who attend private schools and public schools, highly mobile children, migrant children, homeless children, and children who are wards of the state. (20 U.S.C. **SS 1412(a)(3)**)

It is the obligation of the Monroe Board of Education to ascertain whether a student has a disability that would entitle him/her to Section 504 coverage protection. Certain circumstances should trigger at least consideration that a student might be eligible for identification under Section 504:

- Recurrent suspensions or an expulsion
- Return of student after a serious illness, accident, or hospitalization
- Pattern of not benefiting from instruction
- Chronic health condition/disease/disability (can be episodic or in remission)
- High absenteeism
- Pattern of discipline referrals
- ***Suspected drug or alcohol abuse ****

*** Use or abuse of drugs does not warrant eligibility under Section 504; however conditions of addiction and/or alcoholism may constitute physical or mental impairments that substantially limit one or more life activities.**

It is important to note that a medical diagnosis does not automatically render a student eligible under Section 504. Rather medical opinions and diagnoses are just some of the various factors to be considered by the Section 504 team in determining whether a student qualifies for protection under Section 504.

REFERRAL

Anyone, including, but not limited to all staff members, parents, teachers, or school nurses, can refer a student for protection under Section 504. School staff must have reason to believe that the student is in need of services under Section 504 due to a disability in order to refer the student for Section 504. (OCR memorandum, April 29, 1993)

If a parent requests a referral for evaluation and the school district refuses, the school district must provide the parent with notice of their procedural rights under Section 504.

Parents must be provided with notice of the Section 504 meeting and attempts should be made to convene the meeting at a mutually agreeable date and time as parental participation is important in the Section 504 referral and eligibility process. If a parent does not attend the initial eligibility meeting the Section 504 coordinator for the school should ensure that the parents have been given their procedural rights.

IDENTIFICATION

The Monroe Board of Education will seek out and identify students with disabilities who may qualify for services under Section 504 as well as those students who may qualify for services under the IDEA. Unlike the IDEA, which limits eligibility only to students who have an identified disability and require specialized instruction to access their education, Section 504 provides broader coverage to students with disabilities as it protects all students who have a physical or mental impairment that substantially limits one or more life activities.

In determining whether a student qualifies under Section 504, the Section 504 team must conduct the following inquiry:

1. Does the student have a physical or mental impairment which substantially limits one or more of such student's major life activities?
2. Does the child have a physical or mental impairment which substantially limits one or more of such person's major life activities?

Although the Section 504 team only considers eligibility for a Section 504 accommodation plan in regards to the question of whether the student has a physical or mental impairment which substantially limits one or more of such student's major life activities, it is important to note that students who have a record of such an impairment or are regarded as having such an impairment are still protected by Section 504 against discrimination. The Board however, does

not have an obligation to develop an accommodation plan for those students unless the student has a physical or mental impairment which substantially limits one or more of such student's major life activities.

Physical or Mental Impairment includes any physiological disorder or condition, cosmetic disfigurement of anatomical loss affecting a body system or any mental or psychological disorder.

Substantially Limited is not clearly defined in the law. When determining substantially limiting three factors should be taken into consideration: the nature and severity of the impairment, the duration or expected duration of the impairment and the permanent or long range impact of the impairment. Teams should determine if the condition, manner or duration under which a student can perform a major life activity as compared to the average person in the general population can perform that same major life activity.

Major Life Activities include, but are not limited to: learning, hearing, seeing, breathing, walking, speaking, ability to care for oneself, **thinking, concentrating, communicating, reading, sitting, interacting with others, reaching, and working.**

When determining whether a student is eligible under Section 504, the Section 504 team may not consider any mitigating measures. Examples of mitigating measures include: medication, medical supplies, appliances, low-vision devices, prosthetics, hearing aids and mobility devices, assistive technology, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy or physical therapy. Corrective eye glasses are not considered mitigating measures.

Impairments which are determined to be transitory in nature, do not provide eligibility under Section 504. A transitory impairment is defined as an impairment with an actual or expected duration of less than 6 months.

When determining eligibility for an impairment which is episodic or in remission the team must consider whether the impairment would deem the student eligible when the impairment is active. i.e whether the impairment substantially limits a major life activity when the student is having an "episode".

An impairment in and of itself is not a disability. The physical or mental impairment must substantially limit one or more life activities in order to be considered a disability under Section 504.

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 education may be referred by a parent, teacher, or other certified school employee to the Section 504 team for identification and evaluation of the student's individual educational needs.

The Section 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 Section 504 Coordinator will monitor the composition of the Section 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, the school district must evaluate the child.
2. Notification of the parent/legal guardian is required each time the Section 504 team evaluates or re-evaluates for student's eligibility for accommodations *in addition* to sending the Notice of 504 Referral Meeting and a copy of their Parental Rights under Section 504.

Note: Written consent from the parent/legal guardian is required if individual testing-psychological, medical, psychiatric, etc., 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 testing, and/or
- Individual testing measures appropriate for assessing the presenting concern

C. ELIGIBILITY

- The parent/legal guardian *must be invited* to participate in Section 504 Evaluation Meeting where the results of the evaluation, the determination of disability, 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.
- 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 Health Care Providers, physicians or other professionals
- Input from parent/legal guardian and/or persons in the community

- Teacher Log and/or Baseline Data
- Progress Report (Report Card)
- Psychological Evaluation
- Educational Records
- Classroom Teacher Report
- Classroom Observation
- Medical Evaluation
- Language Assessment
- Adaptive Behavior
- Discipline Record
- Developmental History
- Attendance record
- Social/Cultural background Information
- Intervention Strategies

- **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 Health Care Provider or other professional?

- **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). In determining the existence of a substantial impairment, compare the functioning of the student with the impairment to the functioning of the average student of the same age or grade in the general population. There must be a substantial difference in functioning between the student with the impairment and the non-impaired population.

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.

Identify the major life activity that is affected by the student's impairment: For example, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, breathing, speaking, seeing, hearing, walking are all examples of major life activities. 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.

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

▪ **Determine whether the student qualifies as disabled under Section 504**

The student has a physical or mental impairment which substantially limits one or more major life activities for that person.

D. ACCOMMODATION PLAN:

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 Section 504 team must develop a written **Section 504 Plan** which documents the accommodations and/or services that will be provided in order to meet the educational needs of the disabled student.

The parents or guardian shall be invited to participate in a Section 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 Section 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 Section 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 are to be provided and by whom. In developing the plan, the Section 504 team shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the Board of Education's professional staff.

The team may also determine that no accommodations, modifications or services are appropriate. If so, the record of the Section 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 Board of Education with the use of the supplementary aids and services, unless the Board of Education 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 Section 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 or guardians shall be notified of the procedural 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.

E. REVIEW OF THE STUDENT'S PROGRESS

The Section 504 team will monitor the progress of the student with a disability and the effectiveness of the student's 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 student.

Periodic **reevaluation** is required by Section 504 regulations. Reevaluation of the Section 504 Accommodation Plan is recommended once per year, upon significant change in school placement or program or when plan needs to be modified. In addition, re-evaluation in accordance with the IDEA regulations is one means of meeting the Section 504 requirements of periodic re-evaluations. As such, re-evaluations may be conducted at least three year intervals (unless the parent and the Board agree that re-evaluation is unnecessary) or more frequently if conditions warrant, or if the student's parent or teacher requests a re-evaluation, but not more than once a year (unless the parent and the Board agree otherwise).

Any student who the Section 504 team suspects of having a disability under IDEA will be referred to the Planning and Placement Team for consideration of additional evaluation(s), and/or eligibility for special education services.

F. PROCEDURAL SAFEGUARDS

The parents or guardian shall be notified that they may examine relevant educational records concerning their child. In addition, parents will be provided with opportunity for participation by the parents or guardian and their counsel regarding all decisions made by the Section 504 team.

Furthermore, the parents or guardian shall have the right to an impartial hearing (Section 504 due-process hearing) and be provided with the opportunity for participation by the parents or guardians and representation of counsel at such hearing. A request for a Section 504 due-process hearing shall be made in writing by the parent or guardian within twenty (20) calendar days of the parents' receipt of notice of the Section 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 Board of Education shall appoint an impartial hearing officer and schedule a Section 504 due process hearing within twenty (20) calendar days.

The request shall be made in writing to:

Kay Moser
Section 504 Coordinator
375 Monroe Turnpike
Monroe, CT 06468

The Board of Education will appoint an impartial hearing officer. The Section 504 Coordinator may suggest that the grievance procedure be attempted prior to 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 Team with the Section 504 Coordinator. An impartial hearing officer appointed by Board of Education will meet with the complainant and other parties involved as appropriate to hear evidence/facts regarding Section 504 decisions rendered.
- (2) The complaint must be filed in writing within twenty (20) calendar 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 must be an individual who does not have direct interest in the outcome of the hearing and is knowledgeable about Section 504 will conduct the hearing.
- (4) The hearing officer will be appointed and a hearing conducted within a reasonable amount of time following receipt of the written request.
- (5) The hearing officer will give the parent/student and the District reasonable advance notice of the date, time, and place of 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.

G. DESIGNATION OF RESPONSIBLE EMPLOYEE

The Superintendent shall designate a Section 504 Coordinator to coordinate the Board of Education's efforts to comply with Section 504. Currently, the Section 504 Coordinator is:

Kay Moser
Section 504 Coordinator
375 Monroe Turnpike
Monroe, CT 06488

H. GRIEVANCE PROCEDURE

Complaints about discrimination based on disability, including facilities or services offered by the Monroe Board of Education 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

The complaint shall be presented in writing, with a suggested solution, to the Section 504 Coordinator. If assistance is needed in writing the complaint, the complainant may seek assistance from the Section 504 Coordinator. The Section 504 Coordinator will have thirty (30) school days, unless further time is required, to mail a response to the Complainant. The Section 504 Coordinator should interview the complainant and consider all documents offered before rendering a response.

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.

I. PUBLIC NOTICE

The Monroe Board of Education 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 Monroe Board of Education. 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 Monroe Board of Education are hereby notified that this District does not discriminate on the basis of race, color, national origin, sex, gender identity, age, or disability in admission or access to, or treatment or employment in its programs and activities. Any person having inquiries concerning the Monroe Board of Education compliance with the regulations implementing Section 504 is directed to contact:

Kay Moser
Section 504 Coordinator
Monroe Board of Education
375 Monroe Turnpike
Monroe, CT
(203) 452-2860

who has been designed to coordinate the Board of Education's efforts to comply with the regulations implementing Section 504.

Or

Office of Civil Rights
US Department of Education
5 Post Office Square
8th floor, Suite 900
Boston, MA 02109-3921
(617) 289-0111– telephone
(617) 289-0150 – fax
(877) 521-2172 – TDD

<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

STUDENT AND EDUCATOR SUPPORT SERVICES

(Related service personnel such as occupational therapists; physical therapists; school psychologists and speech and language pathologists)

Before developing a Section 504 plan, **the Section 504 Coordinator or the Section 504 Building Coordinator will determine the composition of the Section 504 team**, to ensure that qualified personnel who are either knowledgeable about the child; the child's history; the child's suspected disability; the school context and levels of participation; and/or the history of the child's school performance participate the eligibility process under Section 504 and as applicable the development of a Section 504 accommodation plan. The Section 504 team may include 'Student and Educator Support Service' personnel, which includes, but is not limited to, an occupational therapist, physical therapist, speech and language pathologist or a school psychologist. A well-developed Section 504 plan provides a blueprint of strategies; frames successful implementation of accommodations and modifications; in order to provide the student with an equal opportunity to participate in and benefit from the education as is afforded to non-disabled students. As such, Student and Educator Support Services should be involved in the development of the plan whenever it is appropriate for them to be involved.

Occupational therapy, physical therapy, speech therapy, or school based counseling services, as educational support services, are quite different from therapies delivered in a hospital or clinic as they are educationally based versus medical or clinically based. **School-based therapists focus on identifying barriers to school performance** (e.g. physical; attitudinal; social; cognitive), and assist students to acquire the functional abilities necessary to access educational materials, and the educational environment in order for the student to participate successfully in the academic and school environment. Collaboration with teachers and with school team members is the foundation for promoting the success and participation of students with disabilities in the general educational environment.

Many students have conditions or disorders that are not readily apparent to others. Hidden impairments can result in 'substantial limitations' in school performance, which need to be addressed through a Section 504 accommodation plan for such students.

Student and Educator Support Service personnel can bring **expertise and specific knowledge about the student's disability and impairments. Such impairment and disabilities that Student and Educator Support Service personnel have specific expertise in, include but are not limited to:**

- Orthopedic impairments
- Neuro-muscular impairments
- Mental health impairments
- Specific learning disabilities
- Visual, speech or hearing impairments
- Social and emotional impairments

The Student and Educator Support Service personnel can, and should, contribute to the Section 504 team during the **identification and evaluation process of students**, by completing skilled observations/evaluations, prior to the initial eligibility determination as well as provide valuable information and insight into the development of a student's Section 504 accommodation plan. Under Section 504, no formalized testing is required; however, Student and Educator Support Service personnel can utilize various assessment techniques and tools to look at the child's abilities in the natural context of the classroom and school, and school performance relative to their peers in order to help determine whether the student is eligible under Section 504.. The focus of assessment by Student and Educator Support Service personnel will be the identification of disability and impairments; and **determining if such disability reduces or lessens the student's ability to access learning and/or participation** in the educational setting. Prior to conduction of any evaluations; however, parental consent must be obtained in accordance with federal law.

Once it has been determined that the child does indeed require a Section 504 Accommodation Plan, in order to be afforded equal educational opportunity, depending upon specific disability of the child and his or her specific needs and to the extent that it is appropriate, Student and Educator Support Service personnel should **contribute to determining meaningful accommodations, modifications and/or services**. It is important to note that the purpose of the accommodations, modifications and/or services is not to 'rehabilitate' the student with a disability, but to provide strategies-focused interventions, designed to meet the child's individual educational needs, just as adequately as the educational needs of their non-disabled peers are met in the general education setting.

Sharon McCloskey, Constellation Health Agency

DISCIPLINE

The Monroe Board of Education recognizes these students with disabilities may be disciplined in the same manner as their non-disabled peers. The Board of Education also recognizes that there are specific procedures that must be followed when disciplining a student eligible under Section 504 in certain situations and that the Board will use the discipline procedures consistent with the IDEA when disciplining students who are eligible under Section 504 when these situations arise.

The discipline of students with disabilities does not generally become an issue until the student has been or will be suspended in excess of 10 cumulative days per school year. The reason for the 10 day benchmark is that the exclusion of students receiving special education services for greater than 10 days constitutes a unilateral change in placement in violation of federal law.

When a student receiving Section 504 accommodations and/or services has violated a school policy or rule, and the resulting discipline will result in the student being suspended in excess of 10 school days for the school year, the student's Section 504 team must convene to conduct a manifestation determination Section 504 meeting to determine whether the student's conduct was caused by or had a direct and substantial relationship to the student's disability, or if the conduct in question was a direct result of the district's failure to implement the Student's Section 504 plan. If the Section 504 team determines that the conduct was a manifestation of the student's disability, the Section 504 team shall 1. conduct a functional behavior assessment, and implement a behavioral intervention plan for the student, or if such an assessment has already been developed, review the plan and modify it, as necessary, to address the behavior, and 2. return the student to the placement from which the student was removed, unless the parent and school agree to a change of placement or special circumstances permitting a change of placement or special circumstances permitting a change in placement are established.

If the Section 504 team determines that the student's behavior is not a manifestation of his disability, the Board of Education and school administration may discipline the student as it does the general education population, including suspending the student or expelling the student.

If the parent or the student disagrees with the Section 504 team's manifestation determination, the parents and/or student must be provided with their procedural safeguards under Section 504 and with notice of their right to challenge the decision under Section 504 grievance or hearing procedures.

Expulsion of Section 504 Students

If it is determined that the student's conduct was not a manifestation of the student's disability and the student is subsequently expelled from the school district in accordance with the Board

policy, the student eligible under Section 504 will be provided the same alternative educational opportunities as their non-disabled peers are afforded in accordance with state law.

Individual Behavior Management/Intervention Plans:

For students with disabilities whose behavioral difficulties significantly interfere with his or her ability to benefit for his or her education, OCR has interpreted Section 504 as requiring districts to develop an individualized behavior management/intervention plan for the student.

The purpose of the behavioral management/intervention plan is maintenance of the student's placement that the student's Section 504 or PPT team has determined to be appropriate to meet his or her educational needs in the least restrictive environment. If a student has an individual behavior management/intervention plan, district staff must make sure that the student is being disciplined in accordance with his or her plan. All school officials, administrators and staff need to be aware of what is in the student's behavior plan and the plan must be followed.

EXTRA CURRICULAR ACTIVITIES

The Monroe Board of Education recognizes that when offering extracurricular activities services and programs, it must afford qualified students with disabilities an equal opportunity to participate in such activities and programs as is provided to non-disabled students. This means that the Monroe Board of Education will make reasonable modifications and provide those aids and services that are necessary to ensure that an otherwise qualified person is provided an equal opportunity to participate in the Board's extracurricular programs, including athletic programs, as provided to a non-disabled person, provided that such modification or accommodation do not cause a fundamental alteration to the program.

All decisions regarding what constitutes reasonable modifications and accommodations made to a program will be determined on an individual inquiry. The Monroe Board of Education will also consider whether safe participation by a student with a disability can be assured through the reasonable modification or the provisions of aids and services in order to provide the student with disabilities the same opportunity to participate in the program as his or her non-disabled peers.

The Monroe Board of Education may require a specific level of skill or ability for participation in a competitive program or activity such as specific athletic sports and recognizes that OCR has provided guidance that; equal opportunity does not mean, for example, that every students with a disability is guaranteed a spot on an athletic team or for which the other students must try out. The Monroe Board of Education, however, will ensure that it provides nonacademic

services and activities in such a manner that is necessary to provide students with a disability with an equal opportunity for participation in such extracurricular activities and services.

OCR has provided extensive guidance regarding extracurricular activities in its January 2013 Dear Colleague Letter, located at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>.

INDIVIDUALIZED HEALTH CARE PLANS

In the situation when a student, who previously has had an individualized health care plan in place, becomes eligible for protection under Section 504, the student's individualized health care plan will become the student's Section 504 accommodation plan. For example, if a student has a severe allergy and has an emergency health care plan in place and the student is then found eligible under Section 504, the student's individualized health care plan will become the student's Section 504 plan.

