

504
Policies and Procedures
Manual

WESTBROOK PUBLIC SCHOOLS



2018-2019

Bureau of Special Education
Division of Teaching and Learning Programs and Services
Connecticut State Department of Education

**ADMINISTRATIVE REGULATIONS REGARDING STUDENTS
AND SECTION 504 OF THE REHABILITATION ACT OF 1973
AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Reference to ADA is also included in these regulations because there is overlap between § 504 and the ADA.

Westbrook Board of Education Section 504/ADA Grievance/Complaint
Procedures Regarding Discrimination Against Students on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) (collectively, “Section 504/ADA”) prohibit discrimination on the basis of disability. For the purposes of Section 504/ADA, 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.

I. Definitions

Free appropriate public education (FAPE): for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

Major life activities: include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

Mitigating Measures: include, but are not limited to, (a) medication, medical supplies, equipment, appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies; (b) use of assistive technology; (c) reasonable modifications or auxiliary aids or services; (d) learned behavioral or adaptive neurological modifications; or (e) psychotherapy, behavioral therapy, or physical therapy.

Physical or Mental Impairment: (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine or (b) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. Physical or mental impairment

includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability

- A. 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 may submit a written complaint to the district's designated Section 504/ADA Coordinator within thirty (30) school days of the alleged occurrence. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If the complaint is made verbally, the individual taking the complaint will reduce it to writing.
- B. At any time, when a complaint involves discrimination that is directly related to a claim regarding the identification, evaluation or educational placement of a student under Section 504, the complainant may request that the Section 504/ADA Coordinator submit the complaint directly to an impartial hearing officer and request a hearing in accordance with Section III.D. 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 III.
- C. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting or complaint of disability-based discrimination or as a result of an individual's participation or cooperating in the investigation of a complaint. The district will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.

NOTE: Section 504 does not provide a statute of limitations for filing grievances/complaints with the district. We recommend that districts encourage prompt reporting by suggesting that complaints be filed within thirty (30) school days in order to facilitate timely resolution of potential disputes.

- D. If the Section 504/ADA Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation in accordance with these procedures.
- E. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- F. The 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 witnesses or individuals relevant the complaint;
5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
6. The remedy requested.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- G. Upon receipt of the complaint, the individual investigating the complaint shall:
1. Provide a copy of the written complaint to the Superintendent of Schools;
 2. Meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complainant may have;
 3. Provide the complainant with a copy of the applicable Board Section 504/ADA Policy and these administrative regulations;
 4. Conduct an investigation that is adequate, reliable, and impartial. Investigate the factual basis for the complaint, including conducting interviews with individuals with information and review of documents relevant to the complaint;
 5. Maintain confidentiality to the extent practicable throughout the investigative process in accordance with state and federal law;
 6. Communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator or Superintendent. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the district will remedy any identified violations of Section 504/ADA;
 7. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint. If fixed timeframes cannot be met, complainant will receive notice and interim measures may be implemented as necessary (see sub-paragraph 6);
 8. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that measures to remedy the effects of the discrimination are appropriately considered, and offered, when appropriate. Corrective action should include steps to avoid continuing discrimination.

9. In the event the investigator concludes that there is no violation of Section 504/ADA, the district may attempt to resolve the complainant's ongoing concerns, if possible.
- H. If the complainant is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for the complainant to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the complainant must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the review.

Upon review of a written request from the complainant, the Superintendent shall review the investigative results of the investigator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant of his/her decision within ten (10) school days following the receipt of the written request for review.

III. Grievance/Complaint Resolution Procedures for Complaints Involving a Student's Identification, Evaluation 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/ADA Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).**

Drug/Alcohol Violations

If a student with a disability violates the Board's policies relative to the use or possession of illegal drugs or alcohol, the Board may take disciplinary action against such student for his/her illegal use or possession of drugs or alcohol to the same extent that the Board would take disciplinary action against nondisabled students. Such disciplinary action is not subject to the complaint or due process procedures outlined below.

A. Submission of Complaint to Section 504/ADA 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/ADA Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation and/or education placement arose. Timely reporting of complaints facilitates the resolution of potential educational disputes.

NOTE: Section 504 does not provide a statute of limitations for filing complaints. We recommend that districts encourage prompt reporting by suggesting that complaints be filed within thirty (30) days in order to facilitate timely resolution of educational disputes.

2. The 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 and/or placement; and
 - f. Remedy requested.

However, all complaints will be investigated to the extent possible even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

3. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances.
4. Upon receipt of the complaint, the Section 504/ADA Coordinator shall:
 - a. Forward a copy of the complaint to the Superintendent of Schools;
 - b. Meet with the complainant within ten (10) school days to discuss the nature of his/her concerns and determine if an appropriate resolution can be reached. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and other individuals who may have information relevant to the complaint;
 - c. If, following such a meeting, further investigation is deemed necessary, the Section 504/ADA 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 in writing to the complainant and any persons named as parties to the complaint (to the extent permitted by state and federal confidentiality requirements) within fifteen (15) school days from the date the complaint was received by the Section 504/ADA Coordinator.
 - e. In the event that that the Section 504/ADA Coordinator has a conflict of interest that prevents him/her from serving in this role, the

complaint shall be forwarded to the Superintendent who shall appoint an investigator who does not have a conflict of interest.

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/ADA Coordinator's review, the complainant may present the complaint and the written statement of findings to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for complainants to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the complainant must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this information would change the investigator's determination in the case. Failure to provide all such information may result in the denial of the review.
2. The Superintendent shall review the complaint and any relevant documents maintained by the Section 504/ADA Coordinator or other investigator and shall consult with the Section 504/ADA Coordinator or other investigator regarding attempts to resolve the complaint. The Superintendent also shall 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) school days following his/her receipt of the written request for review.
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 neutral mediator or to an impartial hearing officer. This request for mediation or a hearing should be made within fifteen (15) school days of the Superintendent's decision. Mediation shall only occur by mutual agreement of the parties.

C. Mediation Procedures:

A parent/guardian or student aged 18 or older may request mediation with a neutral mediator to attempt to resolve a disagreement with the decisions made by the professional staff of the school district with respect to the identification, evaluation or educational placement of the student.

1. A request for mediation regarding a student's identification, evaluation or educational placement under Section 504 should be forwarded to the district's Section 504/ADA Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation, and/or education placement arose or within fifteen (15) school days of the Superintendent's decision in reviewing a complaint handled through the grievance/complaint procedure described in Section III.B, above.

2. The request for mediation concerning a disagreement relating to 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 and/or placement; and
 - f. Remedy requested.
3. Upon receipt of a request for mediation, the Section 504/ADA Coordinator shall:
 - i. Forward a copy of the request for mediation to the Superintendent of Schools;
 - ii. Retain a neutral mediator who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education ("FAPE") under Section 504 and the distinctions between and among Section 504, the ADA and the Individuals with Disabilities Education Act ("IDEA").
4. 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.
5. 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.
6. All statements, offers, or discussions and/or information shared during the mediation process, but not available from other means, shall be confidential, and may not be used in a subsequent hearing or other administrative or judicial proceeding related to the disagreement that is the subject of the mediation.
7. 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:

An impartial due process hearing is available to a parent/guardian of a student, or a student aged 18 years of age or older who disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation or educational placement of the student, or otherwise makes a claim of discrimination relating to the identification, evaluation or educational placement of the student.

1. The request for mediation concerning a disagreement relating to 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 and/or placement; and
 - f. Remedy requested.
2. Upon receipt of a request for an impartial due process hearing, the Board shall retain an impartial hearing officer. The impartial hearing officer must be someone who is knowledgeable about the requirements of Section 504/ADA and has an understanding of a free appropriate public education ("FAPE") under Section 504 and the distinctions between and among Section 504, the ADA and the Individuals with Disabilities Education Act ("IDEA").
 3. The impartial hearing office shall schedule a pre-hearing conference with the District and the parent(s) or student aged 18 years of age or older (or legal counsel for the student) to identify the issue(s) for hearing, set the hearing schedule and address other administrative matters related to the hearing, including the option for mediation.
 4. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witnesses, other evidence and to be represented by legal counsel at each party's own expense, if desired.
 5. The impartial hearing officer shall hear all aspects of the complainant's complaint concerning the identification, evaluation or educational placement of the student and shall reach a decision within forty-five (45) school days of receipt of the request for hearing. The decision shall be presented in writing to the complainant and to the Section 504/ADA Coordinator.
 6. An impartial hearing officer under Section 504 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.
 7. The time limits noted herein may be extended for good cause shown for reasons including, but not limited to, permitting more time for thorough review of the record, presentation of evidence or opportunity for resolution.

IV. The Section 504/ADA Coordinator for this district is:

**Madeline Illinger, Director of Special Education and Student Support Services,
105 Goodspeed Drive, Westbrook, CT 06498, 860-399-7925**

V. Complaints to Federal Agencies

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-

0111 (TELEPHONE NUMBER (617) 289-0111);
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

School districts are required by law to provide notice of parent/student rights under § 504. Reference to ADA is also included in this notice because there is overlap between § 504 and the ADA. This suggested notice is not part of the model policy, but must be disseminated annually to parents. We recommend inclusion of this notice within your student handbook.

WESTBROOK PUBLIC SCHOOLS

NOTICE OF PARENT/STUDENT RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability by recipients of federal funds. Title II of the Americans with Disabilities Act (“ADA” or “Title II”) also prohibits discrimination on the basis of disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”) as an individual with a disability, an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

Under Section 504, the school district has specific responsibilities to identify, evaluate and provide an educational placement for students with a disability. The school district’s obligation includes providing such eligible students a free appropriate public education (“FAPE”). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents).

A student is eligible for regular or special education and related services under Section 504 if it is determined that he/she has a mental or physical disability that substantially limits one or more major life activity such as (but 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 may also include the operation of a major bodily function, such as an individual’s immune, digestive, respiratory or circulatory systems.

A student can have a disability and be covered by Section 504/ADA even if he/she does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students 18 years of age or older with information regarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the Westbrook School District’s education programs without discrimination based on his/her disability.

3. For your child to have equal opportunities to participate in academic, nonacademic and extracurricular activities in your school without discrimination based on his/her disability;
4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;
5. If you suspect your child may have a disability, to request an evaluation, at no expense to you and to have an eligibility determination under Section 504 (and if eligible, placement decisions made) by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;
6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met;
7. For your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school, extra-curricular and school-related activities;
8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child, to have your request and related information considered by the team, a decision made by the team, and if denied, an explanation for the team's decision/determination;
13. To request an impartial due process hearing if you disagree with the school district's decisions regarding your child's Section 504 identification, evaluation or educational placement. The costs for this hearing are borne by the local school district. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense;
14. To file a local grievance/complaint with the district's designated Section 504/ADA Coordinator to resolve complaints of discrimination including, but not limited to, claims of discrimination directly related to the identification, evaluation or placement of your child; and
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504/ADA Coordinator for this district is:

Madeline Illinger, Director of Special Education and Student Support Services, 105 Goodspeed Drive, Westbrook, CT 06498, 860-399-7925

For additional assistance regarding your rights under Section 504 and Title II of the Americans with Disabilities Act, you may contact:

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-0111
(617) 289-0111.

This form is intended to be used if a parent or guardian or student 18 years of age or older wishes to pursue mediation or an impartial hearing with respect to the identification, evaluation, or educational placement of the student. It is not intended to be used a general complaint or grievance form for all parties eligible under Section 504.

WESTBROOK PUBLIC SCHOOLS
Section 504 Request for Mediation/Hearing

This form is intended to be used if a parent or guardian or student 18 years of age or older wishes to pursue mediation or an impartial hearing with respect to the identification, evaluation, or educational placement of the student.

Name of person requesting mediation/hearing: _____

Relationship to student: _____

Address: _____

Phone #: _____

Fax #: _____

I/we request a **MEDIATION / HEARING** (please circle) concerning:
_____, _____, who resides at
(Name of student) (Date of birth)

_____ and attends _____.
(Address of student) (Name of school)

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

Description of the issues in dispute between the parties regarding the identification, evaluation or educational placement of the student:

Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

Signature of Parent/Guardian

Date

**WESTBROOK PUBLIC SCHOOLS
SECTION 504/ADA DISCRIMINATION
GRIEVANCE/COMPLAINT FORM FOR ISSUES REGARDING STUDENTS**

(This form is intended to be used if an individual has grievance/complaint under Section 504/ADA alleging discrimination on the basis of a disability, including in the identification, evaluation or educational placement of a student).

1. Name of Complainant: _____ Date: _____

2. Contact Information for Complainant:

(Address)

(Home Tel. #)

(Cell # or Work #)

3. Name of the Student: _____

4. Address of Student (if different from above):

5. Age/Grade Level/School/ (if applicable):

6. Please describe the nature of your complaint:

7. Proposed resolution or corrective action you wish to see taken with regard to the stated issues:

8/18/18

**Westbrook Public Schools
158 McVeagh Road
Westbrook, CT 06498**

Section 504 Request for Agreement to Amend Accommodation Plan without a Meeting

Date:

To the Parent/Legal Guardian of
Westbrook, CT 06498

Dear Parent/Legal Guardian of:

RE:
DOB: ID#:

Please be advised that you and the district may agree that it is not necessary to convene a section 504 Team meeting for the purpose of amending the student's Section 504 Accommodation Plan.

Enclosed please find a Section 504 Accommodation Plan Amendment Agreement and Consent Form which indicates the proposed changes to the student's Accommodation Plan and indicates your consent to not convene a Section 504 Team meeting for the purpose of making these changes. Please note that you have the right to consult with the appropriate school district personnel concerning the proposed changes prior to making your decision.

If you agree and consent, the Section 504 Accommodation Plan will be modified in the manner explained on the form by this written agreement without the necessity of a Section 504 Team meeting. All staff involved in implementing the amended Section 504 Accommodation Plan shall be notified of the changes and have access to the new Accommodation Plan. You will also be provided with a revised copy of the Accommodation Plan with the amendments incorporated.

If you wish to waive your right to a Section 504 Team meeting and agree to the amendment proposed, please sign and date the enclosed form and return it to our office immediately.

Please note that you do not have to grant consent and that you have the right to have the proposed amendments considered by the Section 504 Team at a formal meeting. Be advised that nothing in this agreement shall limit or otherwise affect your right to request a formal meeting with the Team in the future.

If you have any questions regarding this request or the attached proposed amendments, please do not hesitate to contact our office. Previously you have received the Section 504 Procedural Safeguards Notice that explains your rights regarding the Section 504 process, but if you need an additional copy, please contact our office.

Sincerely,

Madeline Illinger

Madeline Illinger
Director of Special Services

Enc. Section 504 Accommodation Plan Amendment Agreement and Consent Form

504 Notice 09 20141204

**Westbrook Public Schools
158 McVeagh Road
Westbrook, CT 06498**

Section 504 Notice of Parent Referral and Request for Consent for Evaluation

Date:

To the Parent/Legal Guardian of

Westbrook, CT 06498

Dear Parent/Legal Guardian of:

RE:

DOB: ID#:

I am in receipt of your referral to the Section 504 Team. The Team is responsible for determining if the above student qualifies as being an individual with a disability under the Section 504 of the Rehabilitation Act.

The initial step in the Section 504 process is to review current information and obtain additional evaluative information, if necessary, to determine if the student has a physical or mental impairment that substantially limits one or more major life activities. If the student is found eligible, the information gathered will be used to develop an appropriate Section 504 Accommodation Plan. In order for the Team to collect the evaluative information, you must give written consent. A consent form is enclosed for you to sign and return.

If you have any evaluation information that you want the Section 504 Team to consider, please submit the information to our office. Any information you submit will be considered by the Team as part of its evaluation.

Once the evaluative information is collected, a meeting will be scheduled to review the evaluation results, determine eligibility, and discuss appropriate recommendations with you. You will have the opportunity to actively participate at the meeting, and you may be accompanied by anyone of your choosing with knowledge or special expertise about the student. Before the meeting you will receive a written notice of the date, time and location of the meeting, and we encourage your attendance.

Enclosed is a copy of the Section 504 Procedural Safeguards Notice that explains your rights regarding the Section 504 process. If you have any questions regarding this notice, the request for consent, or any of the additional materials enclosed, please do not hesitate to contact our office. Upon your request, we will arrange a meeting to discuss any questions that you may have about the proposed evaluation.

Otherwise, please sign and return the enclosed consent form as soon as possible so that we can address your child's needs in a timely manner.

Sincerely,

Madeline Illinger

Madeline Illinger
Director of Special Services

Enc. Section 504 Consent for Initial Evaluation
Section 504 Procedural Safeguards Notice

504 Notice 01 20141204

Westbrook Public Schools

Section 504 Consent for Initial Evaluation

Please complete, sign and return this form to the address below

Date:

RE:
DOB: ID#:

Westbrook Public Schools
Madeline Illinger
158 McVeagh Road
Westbrook, CT 06498

----- fold here -----

I understand that the above student has been referred to the Section 504 Team to determine if the student has a physical or mental impairment that substantially limits one or more major life activities. I understand that I must give written consent to the district in order for the student to be evaluated.

The proposed evaluation will draw upon information from a variety of sources, which may include, but is not limited to: a review of student records, observations of the student in school, student interviews, parent interviews, requests for medical or other evaluation records, and the collection of classroom assessment data. These evaluation activities may be conducted by the classroom teacher, counselor, school nurse, or other relevant staff. Any additional evaluation activities are listed below.

Additional Evaluation Activities

Person Responsible

I have received and understand the notice that the student above has been referred to the Section 504 Team. I have also received a copy of the Section 504 Procedural Safeguards Notice.

Please check one:

- I grant consent for evaluation activities by the Section 504 Team.
- I do not grant consent for evaluation activities by the Section 504 Team.

Parent/Guardian
(Print Name)

Signature

Date

**Westbrook Public Schools
158 McVeagh Road
Westbrook, CT 06498**

Section 504 Notice of Reevaluation and Request for Consent

Date:

To the Parent/Legal Guardian of

Westbrook, CT 06498

Dear Parent/Legal Guardian of:

RE:
DOB: ID#:

I am writing to inform you that during the current school year, the school district will be conducting a reevaluation of the above student to determine present needs and continuing eligibility as a student with a disability that substantially limits one or more major life activities under Section 504 of the Rehabilitation Act.

The Section 504 Team must arrange for an appropriate reevaluation of each student recommended to receive a Section 504 Accommodation Plan. The reevaluation will be for the purpose of determining the student's needs and continuing eligibility. Please be advised that the district is requesting your written consent for this reevaluation. A consent form is enclosed for you to sign and return.

The Section 504 reevaluation process is to review current information and obtain additional evaluative information, if necessary, to determine if the student continues to have a physical or mental impairment that substantially limits one or more major life activities. If the student is found eligible, the information gathered will be used to develop an appropriate Section 504 Accommodation Plan.

If you have any evaluation information that you want the Section 504 Team to consider, please submit the information to our office in advance of the meeting. Any information you submit will be considered by the Team as part of its evaluation.

When the evaluative information is collected, a meeting will be scheduled to review the evaluation results and discuss possible recommendations with you. You will have the opportunity to actively participate at the meeting, and you may be accompanied by anyone of your choosing with knowledge or special expertise about this student. Before the meeting you will receive a written notice of the date, time and location of the meeting, and we encourage your attendance.

Enclosed is a copy of the Section 504 Procedural Safeguards Notice that explains your rights regarding the Section 504 process. If you have any questions regarding this notice, the request for consent, or any of the additional materials enclosed, please do not hesitate to contact our office. Upon your request, we will arrange a meeting to discuss any questions that you may have about the proposed evaluation. Otherwise, please sign and return the enclosed consent form as soon as possible so that we can address this student's needs in a timely manner.

Sincerely,

Madeline Illinger

Madeline Illinger
Director of Special Services

Enc. Section 504 Consent for Reevaluation
Section 504 Procedural Safeguards Notice

Westbrook Public Schools

Section 504 Consent for Reevaluation

Please complete, sign and return this form to the address below

Date:

RE:
DOB: ID#:

Westbrook Public Schools
Madeline Illinger
158 McVeagh Road
Westbrook, CT 06498

----- fold here -----

I understand that the district is required to conduct a reevaluation of the above student for the purpose of determining the student's needs and continuing eligibility.

The proposed evaluation will draw upon information from a variety of sources, which may include, but is not limited to: a review of student records, observations of the student in school, student interviews, parent interviews, requests for medical or other evaluation records, and the collection of classroom assessment data. These evaluation activities may be conducted by the classroom teacher, counselor, school nurse, or other relevant staff. Any additional evaluation activities are listed below.

Additional Evaluation Activities	Person Responsible
_____	_____
_____	_____

I understand that the district is requesting my written consent to reevaluate the above student, but consent is not necessary if the district has taken reasonable measures to obtain consent and I did not respond.

I have received and understand the notice that the above student will be reevaluated by the Section 504 Team. I have also received a copy of the Section 504 Procedural Safeguards Notice.

Please check one:

- I grant consent for reevaluation activities by the Section 504 Team.
- I do not grant consent for reevaluation activities by the Section 504 Team.

_____	_____	_____
Parent/Guardian	Signature	Date

**Westbrook Public Schools
158 McVeagh Road
Westbrook, CT 06498**

Section 504 Notice for Eligibility and Accommodation Plan

Date:

To the Parent/Legal Guardian of

Westbrook, CT 06498

Dear Parent/Legal Guardian of:

RE:
DOB: ID#:

The purpose of this notice is to inform you, in writing, of the school district's proposal regarding the identification, classification, evaluation, or educational placement of the above student.

As a result of the initial eligibility determination meeting held on _____, the Section 504 Team has identified the above student as an individual with a disability under Section 504.

At this time, the student's disability requires accommodations or services in the school setting as indicated on the enclosed Section 504 Accommodation Plan. In order for the student to receive the accommodations, the district must have your written consent. A consent form is enclosed for you to sign and return.

If you have any questions regarding this notice or the request for consent, please do not hesitate to contact our office. Upon your request, we will arrange a meeting to discuss any questions that you may have about the Section 504 Accommodation Plan. The 504 Accommodation Plan cannot be implemented until we receive your consent.

Previously you have received the Section 504 Procedural Safeguards Notice that explains your rights regarding the Section 504 process, but if you need an additional copy, please contact our office.

If you agree with the Section 504 Team's decision, please sign and return the enclosed consent form as soon as possible so that we can address the student's learning needs in a timely manner.

Sincerely,

Madeline Illinger

Madeline Illinger
Director of Special Services

Enc. Section 504 Accommodation Plan
Section 504 Consent for Accommodation Plan

504 Notice 04 20141204

Westbrook Public Schools

Section 504 Consent for Implementing an Accommodation Plan

Please complete, sign and return this form to the address below

Date:

RE:

DOB:

ID#:

Westbrook Public Schools
Madeline Illinger
158 McVeagh Road
Westbrook, CT 06498

----- fold here -----

I understand that the Section 504 Team has determined that the above student is eligible for a Section 504 Accommodation Plan based upon a disability that substantially limits one or more major life activities and that the student will receive accommodations as indicated on the enclosed Section 504 Accommodation Plan. I understand that I must give written consent to the district in order to initiate such accommodations.

I have received and understand the Section 504 Team recommendation for accommodations. I have also received a copy of the Section 504 Procedural Safeguards Notice.

Please check one:

- I grant consent for implementing the Accommodation Plan as recommended by the Section 504 Team.
- I do not grant consent for implementing the Accommodation Plan as recommended by the Section 504 Team.

Parent/Guardian
(Print Name)

Signature

Date

**Westbrook Public Schools
158 McVeagh Road
Westbrook, CT 06498**

Section 504 Manifestation Determination Review Worksheet

Student:

Grade:

Date:

Date of disciplinary action: _____

Date parents notified of disciplinary action: _____

Section 504 Procedural Safeguards Notice given? Yes

Describe the nature of student's disability:

Description of misconduct:

Did student's misconduct involve any weapon, illegal drugs, controlled substance, or serious bodily injury?

Yes. Review the following procedure for Unilateral Removal:

School personnel may remove a student to an interim alternative educational setting ("IAES") for not more than 45 school days without regard to whether the behavior is a manifestation of the student's disability.

- Student has carried or possessed a weapon at school, on school premises, or at a school function.
- Student has knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school, on school premises, or at a school function.
- Student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

No. Go to next item.

Information considered in conducting a manifestation determination:

Indicate items below that were considered:

- Teacher observations of the student
- Relevant information supplied by parents
- Evaluations and diagnostic results
- Student's Section 504 Accommodation Plan
- Relevant information supplied by school staff
- Other:

Was the misconduct in question caused by the student's disability, or does the misconduct in question have a direct and substantial relationship to the student's disability?

Yes: The behavior under review is considered a manifestation of the student's disability.

- *Conduct a functional behavioral assessment unless the district has conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or*
- *If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.*
- *Return the student to the placement from which the student was removed, unless the parent and the district agree a change of placement as part of the modification of the behavioral intervention plan.*

No: Go to next item.

Was the misconduct in question a direct result of the district's failure to implement the Section 504 Accommodation Plan (in relationship to the misconduct in questions)?

Yes: The behavior under review is considered a manifestation of the student's disability.

- *Conduct a functional behavioral assessment unless the district has conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or*
If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.
- *Return the student to the placement from which the student was removed, unless the parent and the district agree a change of placement as part of the modification of the behavioral intervention plan.*
- *Review and revise existing 504 Accommodation Plan accordingly.*

No: The behavior under review is not considered a manifestation of the student's disability.
School personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities.

Manifestation Determination Summary**Select one:**

- Misconduct in question was caused by the student's disability or misconduct in question have a direct and substantial relationship to the student's disability

As a result, Team proposes the following action(s): *(Select all applicable items)*

- Conduct a functional behavioral assessment and develop a new behavioral intervention plan
- Review or revise existing behavioral intervention plan to address the behavior
- Return the student to the placement from which the student was removed (unless the parent and the district agree a change of placement as part of the modification of the behavioral intervention plan)
- Review or revise existing 504 Accommodation Plan

- Misconduct in question was not a manifestation of student's disability.

As a result, Team proposes the following action:

- Apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities

**Westbrook Public Schools
158 McVeagh Road, Westbrook, CT 06498**

Section 504 Team Meeting Notice

Date:

To the Parent/Legal Guardian of
Westbrook, CT 06498

Dear Parent/Legal Guardian of :

RE:
DOB: ID#:

The Section 504 team has scheduled a meeting to plan for the educational needs of the above student. You are cordially invited to meet with us to actively participate and discuss any information you feel is relevant. The meeting has been scheduled for the following purpose on the date, time and location indicated below:

Purpose:

The Section 504 Team must meet at least annually for the purpose of assessing the student’s educational progress and to review and revise the student’s Section 504 Accommodation Plan, as appropriate.

Date:

Time:

Location:

The following individuals have been invited to attend:

You may be accompanied to this meeting by anyone of your choosing who has knowledge or special expertise about the student. If you are the parent, you may also bring your child to the meeting if you believe it is appropriate. You may also submit any evaluative information that will be considered by the district. If it is your intention to submit written information, we request that you submit such information in advance of the meeting. If you require an interpreter, translator, reader, a location that is physically accessible, or any other special accommodations, you must notify the district prior to the scheduled meeting in order to make the appropriate arrangements.

We hope that you will make every effort to attend. If this is not a convenient time, please contact me to discuss rescheduling or to arrange for an alternative means of participating such as a telephone conference call. If you have any questions or concerns, please do not hesitate to call.

Sincerely,

Madeline Illinger

Madeline Illinger
Director of Special Services

**Westbrook Public Schools
158 McVeagh Road, , Westbrook, CT 06498**

Section 504 Team Meeting Notice

Date:

Dear:

RE:
DOB: ID#:

The Section 504 team has scheduled a meeting to plan for the educational needs of the above student. You are cordially invited to meet with us to actively participate and discuss any information you feel is relevant. The meeting has been scheduled for the following purpose on the date, time and location indicated below:

Purpose:

The Section 504 Team must meet at least annually for the purpose of assessing the student's educational progress and to review and revise the student's Section 504 Accommodation Plan, as appropriate.

Date:

Time:

Location:

The following individuals have been invited to attend:

You may be accompanied to this meeting by anyone of your choosing who has knowledge or special expertise about the student. If you are the parent, you may also bring your child to the meeting if you believe it is appropriate. You may also submit any evaluative information that will be considered by the district. If it is your intention to submit written information, we request that you submit such information in advance of the meeting. If you require an interpreter, translator, reader, a location that is physically accessible, or any other special accommodations, you must notify the district prior to the scheduled meeting in order to make the appropriate arrangements.

We hope that you will make every effort to attend. If this is not a convenient time, please contact me to discuss rescheduling or to arrange for an alternative means of participating such as a telephone conference call. If you have any questions or concerns, please do not hesitate to call.

Sincerely,

Madeline Illinger

Madeline Illinger
Director of Special Services

**Westbrook Public Schools
158 McVeagh Road
Westbrook, CT 06498**

Section 504 Referral Form

Student:

School:

Birthdate:

Grade:

Teacher:

Referred by:

Reason for referral:

Accommodations and interventions attempted:

Has the student ever been referred, evaluated, and/or received services from special education?

Yes _____ No _____ If yes, explain:

Referral action:

Signature of Section 504 Coordinator

Date

**Westbrook Public Schools
158 McVeagh Road
Westbrook, CT 06498**

Section 504 Worksheet to Assist with Student Eligibility Determination

Step 1: Data Collection

Collect, review, and consider the following set of data:

- Information provided by the parents (i.e. reports, recommendation, evaluation)
- Grades
- Academic testing
- Teacher recommendations
- Behavior records
- Attendance records
- Medical reports, records, recommendations
- Other testing or evaluation

Step 2: Consideration of Major Life Activities

Identify the major life activity that may be impaired:

(The 504 Team should carefully consider if it is appropriate to refer any student for full individual evaluation under special education if the major life activity is Learning, Reading, Concentrating, Thinking, Speaking, or Communicating. If the Team suspects that the student may need specially designed instruction due to impairment of any of these major life activities, consider suspending the meeting until a decision is made about special education eligibility. Go to Step 5.)

- | | | |
|--|---|---|
| <input type="checkbox"/> Caring for Self | <input type="checkbox"/> Hearing | <input type="checkbox"/> Working |
| <input type="checkbox"/> Performing Manual Tasks | <input type="checkbox"/> Speaking* | <input type="checkbox"/> Reading* |
| <input type="checkbox"/> Walking | <input type="checkbox"/> Breathing | <input type="checkbox"/> Concentrating* |
| <input type="checkbox"/> Seeing | <input type="checkbox"/> Learning* | <input type="checkbox"/> Thinking* |
| <input type="checkbox"/> Communicating* | <input type="checkbox"/> Eating | <input type="checkbox"/> Sleeping |
| <input type="checkbox"/> Standing | <input type="checkbox"/> Lifting | <input type="checkbox"/> Bending |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> None/ Not Eligible | |

Step 3: Consideration of Impairment

Is there adequate data to establish that the student has a Physical or Mental Impairment?

What are the sources?

(If there is no data, or insufficient data, to support the existence of a physical or mental impairment, the school cannot identify the student as an individual with a disability under Section 504.)

Based on the data considered, how long is the impairment expected to affect the student?

Based upon a review of the data cited above, does the student have a Physical or Mental Impairment affecting the Major Life Activity to some degree?

Yes No

If YES, what is the nature of the Impairment of the Major Life Activity?

Step 4: Limitation on Student's Performance of the Major Life Activity

Impairments impact major life activities to varying degrees. If the Team determines that the impairment **SUBSTANTIALLY LIMITS** the student's performance of the **MAJOR LIFE ACTIVITY**, then the student should be identified as an individual with a disability under Section 504. If the Team determines that the impairment limits the student to a lesser degree, then the student should not be identified as an individual with a disability under Section 504. However, the Team may proceed to consider non-disability related accommodations or services that would be helpful to the student, if appropriate.

In assessing the impact of the impairment on the student's performance of the major life activity, the Team will disregard the positive effects of mitigating measures that lessen the impact of the impairment. For example, the Team will disregard medications, medical equipment and supplies, hearing aids, auxiliary aids and services, reasonable accommodations, learned adaptations, and behavioral modifications. The effect of ordinary eyeglasses and/or contact lenses will be considered.

Moreover, with regard to impairments that are episodic or in remission, the Team will consider the impact of the impairment when it is active.

Taking all of that into account:

Does the student's **PHYSICAL** or **MENTAL IMPAIRMENT** substantially limit the student's performance of the **MAJOR LIFE ACTIVITY** in comparison with how most students in the general population and of the same chronological age perform the major life activity?

Yes No

Step 5: Identification

- The Team believes that the student may have a physical or mental impairment that substantially limits learning, or another major life activity, in such a way that the student may require the provision of specially designed instruction. Therefore, the student has been referred for a full individual evaluation to determine eligibility for special education services under the Individuals with Disabilities Education Act. If it is determined that the student is eligible under IDEA, the school will provide a free appropriate public education pursuant to an individual education program for the student. If the student is not eligible for services under IDEA, the 504 Team will reconvene and resume consideration of the student.

OR

- The Team has determined that the student cannot be identified as an individual with a disability under Section 504/ADA at this time because there is insufficient data to establish the existence of a physical or mental impairment.

OR

- The Team has determined that the student cannot be identified as an individual with a disability under Section 504/ADA because the student's physical or mental impairment does not substantially limit the student in a major life activity.

OR

- The Team has determined that the student has a physical or mental impairment that substantially limits the student's performance of a major life activity. The impairment is:

- Active
 Episodic
 In remission

If, and only if, this section is checked, proceed to Step 6.

Step 6: Consideration of Accommodations and Services

The Section 504 Team has IDENTIFIED the student as an individual with a disability under Section 504/ADA. As a result, the Team will develop an appropriate individual plan of accommodation and/or services. Signed consent will be required to implement the Accommodation Plan under Section 504.

- The student's disability is episodic or in remission and thus does not require accommodations or services on a daily or regular basis, but requires a plan in the event that the disability becomes active. The Team will review the student's plan at an annual meeting of the 504 Team and at any other time at parent's request.
- The student's disability is active and requires accommodations or services in the school setting. The Team will review the student's plan at an annual meeting of the 504 Team and at any other time at parent's request.

