

Section 504 at E.O. Smith

A Guide to Understanding and Use



**Regional School District #19
Edwin O. Smith High School
1235 Storrs Rd.
Storrs, CT 06268
(860) 487-0877**

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Purpose of This Booklet

The purpose of this booklet is to inform students, parents and guardians of the policies and procedures set forth and practiced at E.O. Smith High School in regards to Section 504. We hope that you find it useful in becoming informed of the current legislation and in answering many questions that often arise in regards to Section 504 and how it may apply to your student.

Since Regional School District #19 is a district made up of one school, it is important to note that there are two levels of coordinators for 504 Accommodations. Sheila Riffle is the Section 504 Coordinator at the building level and Stephen Bayne is considered the *Compliance Coordinator* at the district level. In most cases of initial eligibility the building coordinator will be involved in the process.

Regional School District 19 Policy Regarding Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is an Act that prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. Section 504 defines a person with a disability as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities;

"Major life activities" include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

2. has a record of such an impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the Regional School District #19 and E.O. Smith High School embrace the responsibility to employ non-discriminating policies and practices regarding its personnel, students, parents and members of the public who participate in school-sponsored programs. In this regard, the Regional School District #19 Public Schools will not knowingly permit discrimination against any person with a disability in any of the programs operated by the school system. Persons who feel that they may have been discriminated against on the basis of disability should contact the Regional School District #19 Public School's Section 504 Compliance Coordinator.

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

Legal References: 29 U.S.C. § 794, 34 C.F.R. § 104 et seq., 271544 v.011 S1

Overview of 504

Section 504 is a basic civil rights law which prohibits discrimination on the basis of an individual's disability. Section 504 of the Rehabilitation Act of 1973 was enacted to prevent intentional and unintentional discrimination on the basis of disabilities in programs and activities receiving or benefiting from Federal financial assistance. It applies to students, as well as employees and the parents of students who attend public schools. In many cases, a student may be found to have a qualified disability under Section 504, but may not be eligible for special education and related services under IDEA because specialized instruction is not necessary for the student. In such cases the student may be determined to be eligible for accommodations under Section 504. Section 504 falls under the auspices of regular education specifically because it requires that individuals with disabilities be afforded equal access to and be provided with equitable opportunities to participate in the programs and services offered by the school to the population at large.

Section 504 reads as follows:

“No otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program of activity receiving federal financial assistance or activity conducted by any Executive Agency or by the United States Postal Service.”

It is important to understand that being determined to have a disability does not automatically qualify a student for accommodations under Section 504. Substantial, and in many cases, prolonged limitations must be present to consider a student eligible for reasonable accommodations under Section 504. In cases of initial eligibility a variety of evaluative measures may be taken to determine individual needs of a student and qualifications under Section 504. These may include but are not limited to:

- Review of academic records
- Review of health records
- Student interviews
- Teacher reports
- Report cards/interim reports
- Diagnosis from a health professional
- Parent/Guardian interviews
- Psychological evaluation
- Health history
- Student observations
- Informal assessments
- Developmental history

“Section 504 specifies that eligible students will be served in the **regular classroom**, unlike students who qualify for special education who may or may not receive regular education instruction. While 504 [is intended to] provide a level playing field in terms of equal opportunities, it does not guarantee equal achievement with a student's peers. (New Horizons for Learning, <http://www.newhorizons.org>, September, 2000)

Common Terminology under Section 504

Committee of Knowledgeable People: persons knowledgeable about the child, the meaning of evaluation data, and programming options.

Disability: with respect to an individual; (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.

“a record of such an impairment”: means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life functions.

“regarded as having an impairment”: means (1) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation, (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment, or (3) has none of the impairments defined in this section but is treated by a recipient as having such an impairment.

Educational setting: education provided for the student with a handicap with students who are not handicapped to the maximum extent appropriate to meet the needs of the handicapped student. The handicapped person shall be placed in a regular education environment unless it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.

Equal access: equal opportunity of a qualified person with a disability to participate in or benefit from educational aid, benefits, or services

Evaluation: may be formal and/or informal assessment measures to determine (1) whether or not a disability exists and (2) the extent of limitations being caused by the disability.

Free appropriate public education (FAPE): a term used in the elementary and secondary school context; 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 and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards

Identification: public schools annually must locate and identify qualified persons with handicaps residing in the district who are not receiving a public education.

Major life activities: functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Mitigating measures: devices or practices that a person uses to correct or reduce the effects of that person's mental or physical impairment.

Non-academic setting: in arranging or providing for nonacademic or extracurricular activities, handicapped students will participate with non-handicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped student.

Notification: notice of the school system's legal requirements is provided to handicapped person and their parents or guardians prior to or during a scheduled 504 meeting.

Placement: a term used in the elementary and secondary school context; refers to regular and/or special educational program in which a student receives educational and/or related services

Procedural Safeguards: rights of parents and students designed to protect individuals with disabilities. This includes a grievance procedure.

Program or activity: includes all programs and activities of a State Education Association and Local Education Association receiving federal funds regardless of whether the specific program or activity involved is a direct recipient of federal funds.

Qualified handicapped person: for public preschool, elementary, secondary or adult education services is a handicapped person (1) of any age during which non-handicapped persons are provided such services; (2) of an age which it is mandatory under state law to provide such services to handicapped persons; or (3) to whom a state is required to provide a free and appropriate public education under the IDEA.

Re-evaluation: periodic consideration is required to determine continued eligibility or revisions necessary.

Related services: a term used in the elementary and secondary school context to refer to developmental, corrective, and other supportive services, including

Procedures

Identification and Referral

In many cases, a student with a disability who is eligible for a Section 504 Accommodation Plan will be identified prior to 9th grade and will have a plan in place prior to attending E.O. Smith High School. In such cases, the 504 coordinator from E.O. Smith High School will make contact with the coordinators from all the sending schools to plan for the transition of 8th graders who will require a Section 504 Accommodation Plan in 9th grade. Whenever possible, a joint planning meeting should take place in the spring of the 8th grade year to address needs for the 9th grade.

For those students who are believed to be potentially eligible for accommodations under Section 504, there is a well-defined process.

1. Referral

Students may be referred to the Section 504 coordinator if they have or are suspected to have a disabling condition as defined by the Section 504 guidelines. A referral form is available for this purpose and can be made by family, staff or other individuals who have knowledge of the student. 504 referral forms can be located in the guidance office.

2. Eligibility Determination

Once a student has been referred, a Section 504 Eligibility Meeting will be scheduled. Official, written notification of an eligibility meeting will be sent out and parents/guardians will be accommodated whenever possible regarding the date and time of the conference. Parents will receive a copy of Parent/Student Rights either prior to, or at the meeting. Along with the student and parents/guardians a group of individuals knowledgeable about the student, evaluation results, and placement options will be invited to attend. Additional individuals who have pertinent knowledge of the student's disability or condition may also be invited to attend the meeting. Standard practice at E.O. Smith High School is to have the following individuals present at 504 eligibility meetings whenever possible:

- Parent/Guardian
- Student
- Student's School Counselor
- 504 Coordinator
- School Psychologist and/or School Social Worker
- School Health Services Professional
- *At least* one teacher who works consistently with the student
- Any other school personnel knowledgeable about the student or the disability under consideration

During the conference, all pertinent information should be discussed including a review of the student's guidance file and current grades. A 504 Eligibility document will be used to assist the meeting coordinator and the other team members present in determining whether the student is eligible for accommodations under Section 504. Medical conditions will require documentation from the appropriate physician or other health professional in order for a student to be considered eligible. In some cases the existing information may not be sufficient and the team can make a plan to conduct additional evaluations. Written parent permission will be obtained before E.O. Smith personnel will conduct any formal evaluations.

3. 504 Plan Development

If determined to be eligible for accommodations under Section 504, an accommodation plan will be developed. The plan must address the specific accommodations and/or modifications necessary for the student to access either the general curriculum or other activities conducted by the school (this includes field trips and "off campus" activities). All persons in attendance at the meeting(s) will have the opportunity to provide input towards the development of a reasonable and appropriate 504 Plan.

4. Official Notification of 504 Plan

Once the plan is developed a copy will be sent to the parent with all other pertinent documentation. The Case Manager (School Counselor) will also send copies of the 504 plan to the student's teachers and all other personnel who are responsible for carrying out the plan.

Students believed to have needs beyond accommodations under Section 504 and who may be eligible for services under IDEA may be referred to special education for determination of eligibility. Parents and/or school personnel may request a Planning and Placement Team meeting at anytime if it is believed that a student's educational needs go beyond the scope of Section 504. Referral forms are located in the special services office.

504 Case Management

All students who have a 504 plan will be assigned a case manager. The case manager will be assigned based on the overall needs of the student. In most cases this will be the school counselor. In some instances where the student has primarily a medical condition that must be accommodated, i.e., asthma, the case manager may be the school nurse. In all cases, the case manager will be responsible for notifying all relevant personnel of the 504 plan and for working with the teachers if they require assistance implementing the plan. When appropriate, other staff members may be called on to assist teachers in implementing plans or components of the plan. At the semester change or whenever a student enters a new classroom, the case manager must notify teachers of the 504 plan. The case manager should maintain regular (at least quarterly) contact with teachers and families. While it is expected for case managers to remain in contact with teachers regarding the implementation, parents are strongly encouraged to periodically check in with teachers as to a student's progress throughout the year.

Periodic Review and Reevaluation

The 504 plan of each student must be reviewed and updated annually. There is no specific requirement for when this happens. The most recent 504 plan carries over into a new school year until it is revised. Any time the plan is changed or revisions are made, all current teachers must be notified. Parents have the right to request a 504 meeting at any time throughout the year.

A reevaluation must be specifically relevant to the identified disability and may be as simple as a review of grades or as complicated as a formal evaluation. In all cases, the reevaluation must address the question of continued eligibility and appropriateness of the current 504 Plan for the student.

Confidentiality and Student Records

All student information pertaining to Section 504 of the Rehabilitation Act will be considered confidential. Information will be accessible only to members of the student's teaching team and any other individuals who have an identified role in the 504 plan. A 504 file will be maintained as part of the student guidance file and a copy of all 504 plans and eligibility documentation will be placed in the cumulative file. Copies of the 504 plan may be distributed to members of the student's teaching team and anyone else responsible for implementation of the plan.

Roles and Responsibilities

Coordinator Role

- Provide consistent support to counselors and teachers to enable effective implementation of 504 plans
- Provide information and training to faculty and staff to assist in keeping updated with requirements and best practices
- Attend and facilitate all initial Eligibility meetings
- Complete eligibility meeting documents and send to parents, 504 file and cumulative file
- Maintain records of all students eligible for 504 accommodations, expected meeting dates, eligible CAPT accommodations, etc.
- Address staff issues regarding proper implementation of accommodations

Counselor/Case Manager Role

- Meet with students on caseload who have 504 plans within first month of school to ensure understanding of the plan and utilization of accommodations
- Check in with students and teachers periodically regarding performance and utilization of accommodations
- Set up meetings through administrative staff within 1-2 weeks of expected meeting date
- Solicit feedback from teachers regarding accommodations prior to 504 meeting
- Report feedback from teachers regarding accommodations at 504 meeting
- Facilitate routine 504 meetings
- Complete 504 Plan within 2-3 days following meeting
- Send to teachers and all other pertinent staff electronically with copy to coordinator
- Consult with 504 coordinator as needed
- Assist students with managing need for accommodations in plan

Teacher Role

- Implement 504 accommodations, as written in the plan
- Protect confidentiality of all student records regarding 504
- Protect rights of student in regards to confidentiality when discussing plan or components of the plan with individual students
- Inquire with the case manager or other knowledgeable staff when unsure about how to implement plans
- Give periodic updates to case managers specific to the student utilization of accommodations (this will be requested before scheduled meetings)
- Provide input to plan revisions based on knowledge of the student when appropriate
- Consult with counselors and/or coordinator regarding any student who may be suspected of having a disability that is impeding his/her academic performance or behavior

Student Role

- Attend and participate in all scheduled meetings
- Meet with counselor/case manager regarding details of accommodation plan and strategies to express needs
- Inform counselor/case manager of need for assistance with obtaining opportunities for accommodations
- Self-report effects of disability on any and all major life activities
- Learn and practice appropriate self-advocacy in regards to accessing accommodations from plan

Parent/Guardian Role

- Attend and participate in all scheduled meetings
- Inform school of diagnosis, treatment or changes in either
- Provide detailed feedback at meetings around observations of student in relationship to how disability is affecting the major life activity
- Provide documentation annually regarding diagnosis and treatment whenever appropriate
- Consult with case manager and/or coordinator whenever questions or concerns arise

Support Services Personnel Role

- Attend all initial eligibility meetings to assist with determination and/or development of accommodations, when appropriate
- Attend other 504 meetings at request of case manager or 504 coordinator
- Provide additional support for students in need of such services under Section 504

School Psychologist Role

- Attend appropriate initial eligibility meetings to assist with determination and/or development of accommodations, when appropriate

- Conduct any formal testing agreed upon in 504 meeting and report findings in follow-up meeting(s)
- Offer input by consultation, as needed

Health Services Personnel Role

- Attend all initial eligibility meetings to assist with determination and/or development of accommodations, when appropriate
- Offer input by consultation, as needed
- Facilitate communication with medical professionals, as needed
- Keep record copies of diagnosis in health files

Administrator Role

- Attend all 504 meetings as requested by case manager or 504 coordinator
- Offer input by consultation, as needed
- Support coordinator in addressing staff issues regarding proper implantation of accommodations

Equal Education Opportunity

The right of a student to participate fully in classroom instruction and extra curricular activities shall not be abridged or impaired because of age, sex, race, religion, national origin, pregnancy, parenthood, marriage, creed, color, or handicap.

The district's affirmative action officer and the 504 coordinator have the responsibility to monitor the implementation of this policy. Further implementation of this policy is the responsibility of all district administrators.

If you are a student, you may not be discriminated against in the following areas:

- Admission
- Use of School Facilities
- Vocational Education
- Competitive Activities
- Financial Assistance
- School-sponsored Extra-curricular Activities
- Student Rules, Regulations & Benefits
- Treatment as a Married and/or Pregnant Student
- Enrollment in Courses
- Counseling and Guidance
- Physical Education
- Graduation Requirements
- Health Services
- Most Other Aid, Benefits or Services

If you feel that you are not being provided with equal educational opportunities, you may file a grievance. The grievance is an official claim that your legal rights are being violated.

Regional School District #19
Notice of Parent/Student Rights Under Section 504 of the Rehabilitation Act of
1973

The following is a description of the rights and options granted by federal law to students with disabilities under Section 504. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. You have 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 Region 19 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 with respect to the Section 504 identification, evaluation, and educational placement of your child;
5. To have an evaluation, educational recommendation, and placement decision developed 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. This includes the right to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school and school-related activities;
7. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
8. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
9. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
10. To obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
11. To request changes in the educational program of your child;
12. To an impartial 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;
13. To file a court action if you are dissatisfied with the impartial hearing officer's decision or to request attorney's fees related to securing your child's rights under Section 504;

14. To file a local grievance with the designated Section 504 Coordinator to resolve complaints of discrimination other than those involving the identification, evaluation or placement of your child;
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights;

The Section 504 Coordinator for this building is:

Sheila Riffle
Assistant Principal
Edwin O. Smith High School
1235 Storrs Rd.
Storrs, CT 06268

Telephone: (860) 487-0877

The Section 504 Compliance Coordinator for this district is:

Stephen Bayne
Director of Special Services
Edwin O. Smith High School
1235 Storrs Rd.
Storrs, CT 06268

Telephone: (860) 487-0877

For additional assistance regarding your rights under Section 504, you may contact:

Boston Regional Office
Office for Civil Rights
U.S. Department of Education
8th Floor
5 Post Office Square, Suite 900
Boston, MA 02109-3921

Telephone: (617) 289-0111

U.S. Department of Education
Office for Civil Rights
550 12th Street, SW
Washington, DC 20202-1100

Telephone: (800) 421-3481

Connecticut State Department of Education
Bureau of Special Education
and Pupil Services
P.O. Box 2219
Hartford, CT 06145

Telephone: (860) 807-2030

Regional School District #19 Board of Education
Section 504 Complaint Procedures

Section 504 prohibits discrimination on the basis of disability. For the purposes of Section 504, the term "disability" with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment. "Major life activities" include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

I. Procedures for Complaints Alleging Discrimination on the Basis of Disability

- A. It is the express policy of the Board of Education to provide for the prompt and equitable resolution of complaints alleging any violation of Section 504. In order to facilitate the timely resolution of such complaints, any eligible person, including any student, parent/guardian, staff member or other employee who feels that he/she has been discriminated against on the basis of disability should submit a written complaint to the district's designated Section 504 Coordinator within thirty (30) days of the alleged occurrence. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Complaints regarding a student's rights with respect to his/her identification, evaluation, or educational placement shall be addressed in accordance with the procedures set forth below in Section II.
- B. If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent, who shall investigate or appoint a designee to do so.
- C. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- D. The written complaint should contain the following information:
 1. The name of the complainant;
 2. The date of the complaint;
 3. The date(s) of the alleged discrimination;
 4. The names of any witness(es) or individuals relevant the complaint; and
 5. A detailed statement describing the circumstances in which the alleged discrimination occurred
- E. Upon receipt of the written complaint, the Section 504 Compliance Coordinator (or Superintendent, as outlined above), shall:
 1. Provide a copy of the written complaint to the Superintendent of Schools;
 2. Meet with the complainant to discuss the nature of the complaint;
 3. Provide the complainant with a copy of the Board's Section 504 Policy and applicable administrative regulations;

4. Investigate the factual basis for the complaint, including interviews with individuals with information relevant to the complaint;
 5. Attempt to resolve the complainant's concerns, whenever possible;
 6. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
 7. Communicate the findings of the investigation to the complainant, along with intended remedial actions, whenever appropriate, while keeping in mind confidentiality obligations; and
 8. Ensure that appropriate remedial and/or disciplinary action is taken whenever allegations are verified.
- F. If, following the investigation by the Section 504 Coordinator, the complainant is not satisfied with the results of the investigation or the proposed resolution, the complainant may request, in writing, that the Superintendent review the findings of the Section 504 Coordinator. Upon receipt of a written request from the complainant, the Superintendent shall review the investigative results of the Section 504 Coordinator and determine if further action and/or investigation is warranted.

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

Complaints regarding a student's identification, evaluation, or educational placement shall generally be handled using the procedures described below,

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

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

B. Review by Superintendent of Schools

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

C. Mediation Procedures:

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

D. *Impartial Hearing Procedures:*

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

III. *The Section 504 Compliance Coordinator for this district is:*

Mr. Stephen Bayne, Director of Special Services
Regional School District #19
1235 Storrs Road,
Storrs, CT 06268 Telephone: 860-487-2210

IV. *Complaints to State and Federal Agencies*

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

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