

Section: Business/Non-Instructional Operations

Subject: Compliance with 504 Regulations

P-3511

**Board Policy
Milford Public Schools
Milford, CT**

It is the policy of the Milford Public Schools (District) to comply with all aspects of the Section 504 regulations of the Rehabilitation Act of 1973. Section 504 prevents discrimination against otherwise qualified individuals with disabilities in programs and activities operated by the school system.

No otherwise, qualified individual with disabilities shall, solely by reason of her or his disability, as defined in Section 706(8) of the Rehabilitation Act, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the District.

The district has a responsibility to follow the procedural requirements of Section 504 to afford each student a free, appropriate education, which includes procedures for pre-placement evaluation, placement procedures and procedural safeguards. Additionally, Section 504 addresses placement in the Least Restrictive Environment (LRE) for both academic and nonacademic settings. The District also recognizes that there may be some impaired students who are not eligible for Special Education services under Individuals with Disabilities Education Act (IDEA) but who have documented disabilities and are eligible for services and protection from discrimination under the Section 504 definitions and regulations.

In order to ensure that the District does not discriminate in providing equal access to programs and services on the basis of disability, the following definitions, requirements and procedures are provided.

Definitions:

Disability means limitation in performance from a physiological (physical or mental) abnormality, which substantially limits one, or more major life activity, has a record of such an impairment, is regarded as having such an impairment.

Physical or Mental Impairment means (i) any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body system; (ii) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

Major Life Activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Appropriate Education means the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of people with disabilities as adequately as the needs of non-disabled persons. Implementation of an individualized education plan developed in accordance with the Individuals With Disabilities Act is one means of meeting this standard.

Committee of Knowledgeable People means persons knowledgeable about the child, the meaning of evaluation data, and programming options. (A properly constituted Planning and Placement Team of Student Assistance Team would meet this definition.)

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Requirements:

1. That the District annually locate and identify qualified persons with disabilities residing in the district who are not receiving a public education.
2. Notification of the school system's legal requirements is provided to persons with disabilities and their parents or guardians.
3. Provision of educational services in a setting with persons who are not disabled, to the maximum extent appropriate to the needs of the student²s with disabilities. The school system shall make reasonable accommodations to allow a disabled student to be placed in the 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.
4. Provide pre-placement evaluation consistent with that required under IDEA.
5. Ensure that placement decisions are carefully considered by a group of persons knowledgeable about the child, the meaning of the evaluation data and program options.
6. Provide periodic reevaluation of students found eligible for services.
7. Develop procedural safeguards consistent with that required under IDEA.
8. Ensure access to non-academic and extracurricular services and activities in such a manner as to afford students with disabilities an opportunity for participation in such services and activities. The "Committee of Knowledgeable People", e.g. PPT shall consider the impact of any modifications on other non-disabled classmates.
9. Ensure the availability of procedures for filing a grievance with the school district over an alleged violation of Section 504 regulations.
10. Identify at least one person to coordinate compliance and identification procedures.

Procedures:

1. **Identification and Notification:** The Department of Pupil Personnel Services annually conducts child find activities to identify any person between the ages of 0-21 who is, or may be in need of special services. Notification is accomplished by communication through the media, direct mailing to social service agencies and dissemination to staff.
2. **Least Restrictive Environment (LRE):** Each committee of knowledgeable people (Student Assistance Team, Planning and Placement Team or other appropriate group) is aware of the district practice to ensure students are educated with their non-disabled peers as often as possible and in the most appropriate way. All programs are developed with this requirement in mind.

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3. **Evaluation:** Referrals for evaluation are made by the Planning and Placement Team (PPT). All statutory requirements for evaluation will be adhered to closely. The evaluation period will be the same as for referrals under IDEA (45 school days or 60 calendar days).
4. **Placement/Program Development:** Each PPT will reconvene at the conclusion of the evaluation to consider evaluation results, determine eligibility and develop appropriate programming. A written service plan is developed and maintained by the primary service provider. The plan is reviewed and/or updated throughout the school year, as the child's needs warrant. All students who have undergone special education evaluations are automatically considered for eligibility under Section 504, i.e. for students who are not eligible for Special Education under IDEA, the PPT may consider eligibility under Section 504. Discussions of eligibility must be included in the record of the PPT meeting, including clearly delineated recommendations.
5. **Periodic Reevaluation:** All students receiving services under Section 504 are reevaluated at least every three years following procedures promulgated under IDEA and covered in the Special Services manual.
6. The Director of Pupil Personnel Services will be identified as the 504 Coordinator for the District. This individual will convene a Committee of Knowledgeable People (PPT) to address 504 referrals.
7. **Grievance Procedures:** Students, parents or other individuals in the school district may register complaints regarding accessibility and other 504 regulations through the grievance procedures.

(cf. – 5145.4 - Nondiscrimination/Section 504/ADA)

Legal Reference: Connecticut General Statutes

10-15c Discrimination in public schools prohibited

Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et. seq.

Section 504, U.S. Rehabilitation Act, 1973, 29 U.S.C. 791

NOTE: Forms relative to this Policy are available at:

1. Superintendent's Office
2. Principal's Office
3. Pupil Personnel Services Office

Board Policy Approved:

November 11, 2019