

Special Darien Board of Education

Policy Committee Meeting

Friday, November 20, 2020

8:30 a.m.

Darien Public Schools' Administrative Offices

35 Leroy Avenue

Board of Education Meeting Room

AGENDA

1. Election of Committee Chairperson
2. Proposed Revised Policy 5125 – Section 504 of the Rehabilitation Act of 1973
3. Repeal of Policy 5810 – Student Use of the District's Computer Systems and Internet Safety
4. Proposed Revised Policy 5810 – Student Use of the District's Computer Systems and Internet Safety
5. Public Comment*
6. Adjournment

Due to the current COVID-19 regulations and restrictions pertaining to public indoor gatherings, the Board of Education meeting will be available to the public via Zoom.

Those members of the community wishing to view only, should do so through the Darien Youtube link: <https://www.youtube.com/channel/UCUnvyKBfFrTWQRuoB6OZA>

Those members of the community wishing to participate in public comment should join the meeting via Zoom:

<https://darienps.zoom.us/j/93596958959>

In order to reduce audio interference, members of the community are requested not to simultaneously view by Youtube while participating on Zoom.

Memorandum

To: Board of Education

From: Katie Stein
Marge Cion

Date: November 20, 2020

Re: Revisions to Board Policy 5125; Repeal and Replace Board Policy 5810

We are requesting that the Policy Committee recommend revisions to Policy 5125, “Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.” These revisions are not COVID related and will not expire at the end of the current school year. The revisions to this policy are necessary in order to include references to the Americans with Disabilities Act of 1990, which prohibits discrimination against individuals with disabilities by state and local governments. The revisions also codify changes in the law related to grievance, mediation and due process hearings as well as provisions that students who are 18 years of age or older are afforded certain rights independent of their parents. The policy also designates the Assistant Superintendent of Special Education and Student Services as the District’s Section 504/ADA Coordinator; this has been the practice of the District for the past five years. The Committee should also note that we have removed references to the Connecticut State Department of Education, Bureau of Special Education and Student Services (“CSDE-BSESS”) as a resource to parents for Section 504. We have confirmed with Shipman and Goodwin that the reason for this change is that the CSDE-BSESS takes no responsibility for the enforcement of Section 504. Shipman has also removed references to the CSDE-BSESS from its model policy.

We are also requesting that the Policy Committee recommend the repeal of current Board Policy 5810, “Use of Private Technology Devices by Students,” replacing it with a new policy that tracks Shipman and Goodwin’s model policy. In reviewing the current policy with Shipman and Goodwin we discovered that much of the language in current Board Policy 5300 “Policy Regarding Student Use of the District’s Computer Systems and Internet Safety” which the Board approved on November 10, 2020, was also included in Policy 5810. That language is unnecessary since Board Policy 5300 applies to the Board’s “computer systems”, wherever or however they are utilized. Board Policy 5810 would codify that a student is still subject to all provisions of Board Policy 5300, even if he or she is using a private device, whether on or off school grounds. Removal of the duplicative language will make the provisions of the policy clear.

**STUDENTS AND 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”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504, ~~and the ADA (collectively “Section 504/ADA”)~~ an individual must ~~be determined to:~~ (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.

In order to fulfill its obligation under Section 504/ADA, the Darien Public Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents and members of the public who participate in school sponsored programs. In this regard, the Darien Public Schools prohibits discrimination against any person with a disability in any of the programs operated by the school system.

The school district also has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The school district’s obligation includes providing access to free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined 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).

If the parent or guardian of a student disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation, and/or educational placement of his/her child, a parent/guardian has a right to request an impartial due process hearing.

In addition, tThe parent or guardian of a student may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by utilizing the complaint procedures outlined in the Board’s Administrative Regulations regarding Students and Section 504 of the Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):
~~, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education.~~

Office for Civil Rights, Boston Office
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109- 3921
(617) 289-0111

~~Any student, parent, guardian or other individual who believes he/she has been discriminated against by or within the district on the basis of a disability may utilize the complaint procedures outlined in the Board's Administrative Regulations, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education, 8th Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111; TELEPHONE NUMBER (617) 289-0111.~~

Anyone who wishes to file a complaint, or who has questions or concerns about this policy, should contact the Assistant Superintendent for ~~Curriculum and Instruction, K-12~~Special Education and Student Services, the Section 504 Coordinator for the Darien Public Schools, at phone number 203-656-~~7414~~7444.

Legal References: 29 U.S.C. § 794
34 C.F.R. § 104 et seq.
42 U.S.C. 12101 et seq.
28 C.F.R. Part 35

~~ADA Amendments of 2008, Public Law 110-325~~

Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

Dear Colleague Letter, United States Department of Education, Office for Civil Rights (January 19, 2012)

APPROVED BY THE BOARD OF EDUCATION: January 13, 2015

REVISED:

DRAFT

**Darien Public Schools
Darien, Connecticut**

**SERIES 5000: STUDENTS
POLICY R-5125**

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

The Darien 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”) prohibits 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, 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, 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.~~ ~~normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.~~

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

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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.

~~, medication, medical supplies, equipment, appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics, hearing aids, cochlear implants, mobility devices, oxygen therapy, use of assistive technology, reasonable accommodations or auxiliary aids or services or learned behavioral or adaptive neurological modifications.~~

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, hemic ~~and~~ lymphatic, skin, and endocrine ~~or~~ b) any mental or psychological disorder, ~~such as mental retardation~~ intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or (c) an impairment that is episodic or in remission if it would substantially limit a major life activity when active. 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 (including differential treatment, harassment and retaliation) may submit a written complaint to the district's designated Section 504/ADA Coordinator (see contact information below) within thirty (30) school days of the alleged occurrence. Complaints by students and/or parents/guardians alleging discrimination involving students will be investigated under these procedures; complaints by employees or other non-students will be investigated under Administrative Regulation

A. B. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If thea complaint is filed relating to alleged discrimination occurring more than thirty (30) school days after the alleged occurrence, the Board's ability to investigate the allegations may be limited by the passage of time. Therefore, complaints received after thirty (30) school days of the alleged occurrence shall be investigated to the extent possible, given the passage of time and the impact on available

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information, witnesses and memory. If ~~the a~~ complaint is made verbally, the individual taking the complaint will reduce the complaint ~~it~~ to writing.

~~B.~~ C. At any time, when complaints involve discrimination that is directly related to a claim regarding the identification, evaluation, and/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 due process hearing in accordance with Section III.D. Complaints regarding a student's rights with respect to his/her identification, evaluation and/or educational placement shall be addressed in accordance with the procedures set forth below in Section III.

~~C.~~ D. 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 occurs s 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.

~~D.B.~~ E. 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. . If the Superintendent is the subject of the complaint, the Board shall designate an appropriate party to conduct the investigation in accordance with these procedures.

F. 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.

G. If a disability discrimination complaint raises a concern about bullying behavior, the Section 504/ADA Coordinator shall notify the Safe School Climate Specialist or designee who shall coordinate any bullying investigation with the Section 504/ADA Coordinator, so as to ensure that any such bullying investigation complies with the requirements of applicable Board policies.

E.

F.H. The complaint should contain the following information:

1. The name of the complainant;
2. The date of the complaint;

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3. The date(s) of the alleged discrimination;
4. The names of any witness(es) or individuals relevant to the complaint;
5. A detailed statement describing the circumstances in which the alleged discrimination occurred; and
6. 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.

GI. 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 separately with the complainant and the respondent within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes and respondent believe have relevant information, and obtain any relevant documents the complainant may have;
3. Provide the complainant and respondent with a copy of the Board's Section 504 Policy, and these administrative regulations;
4. 3. Consider whether and which interim measures might be appropriate for an alleged victim and the respondent pending the outcome of the District's investigation;
- 4.5. Conduct an investigation of the factual basis of the complaint 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;
- 5.6. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
- 6.7. 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 respondent (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 and the respondent shall be notified of any 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;

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- ~~7.8.~~ 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, and no later than fifteen (15) school days after the start of the following school year. The complainant and the respondent if the investigation has been impeded by the summer recess~~ will receive notice and interim measures may be implemented as necessary (see sub-paragraph ~~64~~);
8. — Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure ~~that compensatory services and/or other~~ that measures to remedy the effects of the discrimination and prevent its recurrence are appropriately considered, and offered, when appropriate. ~~Corrective action should include steps to avoid continuing discrimination.~~
- ~~9.~~
- ~~9.10.~~ 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 or the respondent is not satisfied with the findings and conclusions of the investigation, ~~the complainant may present the complaint and written outcome to the Superintendent for the appealing party may request~~ review and reconsideration of the conclusion of the complaint 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 days of receipt of the written outcome. In requesting review, the appealing party must submit the complaint, the written outcome of the complaint, and explain why he/she believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this would change the investigator's determination in the case. Failure to do so may result in the denial of the review.

Upon review of a written request from the ~~complainant~~appealing party, the Superintendent shall review the investigative results of the Section 504/ADA Coordinator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and ~~complainant~~other relevant witnesses, 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~~appealing party and other party of his/her decision within ten (10) school days following the receipt of the written request for review. When a written request for

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review is received during summer recess, the Superintendent conduct the review as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the review, and no later than ten (10) school days after the start of the following school year. The Superintendent's decision shall be final.

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

Complaints regarding a student's identification, evaluation, and/or educational placement shall generally be handled using the procedures described below. **However, at any time, the complainant may request that the Section 504 Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (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 and/or educational placement under Section 504 should be forwarded to the district's Section 504/ADA (see contact information below) 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.
2. The complaint concerning a student's identification, evaluation and/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 written complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

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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 or whether interim measures may be appropriate. 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, and no later than ten (10) school days after the start of the following school year;
 - ~~d.~~ 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
 - ~~e.~~ 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 Coordinator.
 - ~~f.~~ e. In the event that the person making the complaint contends that the Section 504 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 Coordinator's review, he or she~~ conclusions of the investigation, the appealing party may present the complaint and ~~the written outcome statement of findings~~ to the Superintendent for review and reconsideration within thirty (30) calendar

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days of receiving the findings. This process provides an opportunity for ~~complainants~~ the appealing party 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~~ appealing party must explain why he/she believes the factual information relied upon by the investigator was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this would change the investigator's determination in the case. Failure to do so may result in the denial of the review.

2. ~~The~~ Upon review of a written request from the appealing party, the Superintendent shall review the complaint and any relevant documents maintained by the Section 504 Coordinator/investigator and shall consult with the Section 504 Coordinator/investigator regarding attempts to resolve the complaint, 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 other relevant witnesses, 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 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~~ provide written notice to the appealing party of his/her findings to the complainant within ten (10) school days following his/her receipt of the written request for review , or if the request is received during summer recess, as quickly as possible but no later than ten (10) school days after the start of the following school year.
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 a hearing/mediation 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:

1. A parent or guardian may request mediation with a neutral mediator to attempt to resolve a disagreement with the decisions made by the

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professional staff of the school district with respect to the identification, evaluation, and/or educational placement of his/her child.

1. 2. A request for mediation regarding a student's identification, evaluation and/ 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. Mediation shall only occur by mutual agreement of the parties.

2. 3. The request for mediation concerning a disagreement relating to a student's identification, evaluation and/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. 4. 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. Inform the parent/guardian or student 18 years old or older as to whether the district agrees to mediation in writing;

i.

iii. Retain-If the District agrees to mediation, the Board shall 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"). and the regulations and requirements of the Individuals with Disabilities Education Act (IDEA).

i. iv If the district does not agree to mediation, the Section 504/ADA Coordinator shall inform the parent/guardian or student aged 18 or older of their right to request an impartial hearing.

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~~4.~~ 5. 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.~~ 6. 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.~~ 7. 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 proceeding related to the disagreement that is the subject of the mediation.

~~7.~~ 8. 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 the parent or 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, and/or educational placement of ~~his/her child~~ the student, or otherwise makes a claim of discrimination relating to the identification, evaluation, or educational placement of the student.

1. The request for a due process hearing 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.

~~1.~~ 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 Section 504/ADA and has ~~an~~ understanding of a free appropriate public education ("FAPE") under Section 504, and the distinctions between Section 504, the ADA and the regulations and requirements of the Individuals with Disabilities Education Act (IDEA).

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2. The impartial hearing officer shall schedule a pre-hearing conference with the District and the Parents (or his/her legal counsel) or student 18 years of age or older (and/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, ~~and the right of the right to have legal counsel or other representation at the complainant's own expense, if desired;~~

3. 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), other evidence, and to have be represented by legal counsel ~~or other representation~~ at each party's own expense, if desired.

4. The impartial hearing officer shall hear all aspects of the complainant's complaint and/or appeal concerning the identification, evaluation and/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. The impartial hearing officer's decision shall be final.

5. 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.

6. The time limits noted herein may be extended for good cause shown, including but not limited to if more time is needed to permit thorough review, presentation of evidence, and opportunity for resolution.

E. 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 above

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

Assistant Superintendent for Curriculum and Instruction, K-12 Special Education and Student Services
Darien Public Schools
35 Leroy Avenue

**Darien Public Schools
Darien, Connecticut**

Darien, CT 06820

Telephone: 203-656-~~7414~~[7474](tel:203-656-7474)

IV. Complaints to ~~State and~~ 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>.

DRAFT

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**NOTICE OF PARENT/STUDENT RIGHTS
UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as “Section 504”) is a non-discrimination statute enacted by the United States Congress. Section 504 prohibits discrimination on the basis of disability. Under Section 504, the school district also has specific responsibilities to identify, evaluate and provide an educational placement for students who are determined to have a physical or mental impairment that substantially limits a major life activity. 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 covered under Section 504 if it is determined that he/she suffers from 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 be disabled and be covered by Section 504 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 and 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 Darien Public 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;

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5. If you suspect your child may have a disability, to request an evaluation, at no expense to you, 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. If your child is eligible for services under Section 504, 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 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 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.
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

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The Section 504/~~ADA~~-Coordinator for this district is:

Assistant Superintendent for ~~Curriculum and Instruction, K-12~~Special Education
and Student Services

Darien Public Schools
35 Leroy Avenue
Darien, CT 06820

Telephone: 203-656-747~~44~~

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

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

~~Telephone: (860) 807-2030~~

REVIEWED BY THE BOARD OF EDUCATION: January 13, 2015

Revised:

Darien Public Schools
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Section 504 Referral Form (SAMPLE)

I. Identifying Information

Name: _____ DOB: _____ Age: _____

Date of Referral: _____

___ Male ___ Female Primary Language: ___ English ___ Other: _____

Referring Person: _____ Relationship to Student: _____

Parent/Guardian: _____

Address: _____ Home Phone: _____ Work Phone: _____

Parent/Guardian _____

Address: _____ Home Phone: _____ Work Phone: _____

Current School: _____ Grade: _____

II. Background Information

A. Reason for Referral: (Identifying Areas of Concern)

B. Strategies/Interventions to Date: (attach copies of documentation)

C. Pertinent Evaluative Data: (e.g. test scores, grades, evaluations, etc.)

D. Other Relevant Information:

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E. Special Services History

Are you aware of any special services that have been provided to this student in the past?

___yes ___no

If yes, describe the type, location and provider of the service.

4. Parent Notification (if individual other than Parent has made referral):

Has the parent/guardian been notified about your concerns regarding this student?

___ Yes ___ No

If Yes, method of notification: _____

Date(s) parent/guardian was notified: _____

Signed: _____ Date: _____
(Signature of individual completing this form)

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SECTION 504 MEETING NOTICE

Date: _____

Parent/Guardian: _____
Street: _____
City/Zip Code: _____

Parent/Guardian: _____
Street: _____
City/Zip Code: _____

Dear _____:

Please be advised that a Section 504 meeting will be convened on behalf of your child,

_____. The meeting is scheduled as follows:
(Child's Name)

Date: _____ Time: _____

Location: _____

The purpose of this meeting is to:

- _____ Plan evaluation/initial evaluation
- _____ Determine eligibility
- _____ Develop Section 504 Plan
- _____ Review new information and/or possible need for re-evaluation
- _____ Review re-evaluation
- _____ Other

The following individuals have been invited to attend:

_____		_____	
Name	Administration	Name	Title

Name	Instruction	Name	Title

Name	Related Service	Name	Title

Name	Student, if appropriate	Name	Title

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Please make every effort to attend this meeting. You may bring anyone of your choosing to this meeting. The meeting can be rescheduled at a mutually agreed upon time and place. A COPY OF YOUR RIGHTS IS ENCLOSED. If you have any questions or wish to reschedule the meeting, please contact me:

Sincerely, _____
[Name and Title]

A copy of this notice has been sent to the parent(s), as 504 Rights have been transferred to the student at age 18.

DRAFT

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SECTION 504 PLAN

NAME: _____ DOB: _____ GRADE: _____

SCHOOL: _____

DATE OF MEETING: _____

1. Describe the nature of the concern:

2. Describe all evaluation data gathered:

3. Identify the disability(ies):

4. Describe the basis for determining the disability(ies) (if any):

5. Describe how the disability affects each of the impacted major life activities:

6. Please describe the analysis undertaken to determine the potential impact on a major life activity, without consideration of the ameliorating effects of any “mitigating measures,” except for ordinary eyeglasses or contact lenses. Mitigating measures may include, but are not limited to, medication, medical supplies, equipment, prosthetics, hearing aids and cochlear implants, mobility devices, assistive technology, reasonable accommodations and or learned behavioral or neurological modifications.

Did the team consider the impact of the disability on a major life activity **without** the potential impact of any mitigating measures (except for ordinary eyeglasses and

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contact lenses)? For example, if the student is currently using a hearing aid, did the team consider whether the student has a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Yes No

Please describe:

7. Does the student require accommodations (i.e., regular or special education, and/or related aids and services) under section 504, in order to access his/her education and other programs of the district and/or to receive educational benefit? If so, please describe each accommodation that is necessary:

Accommodation/Service	Frequency (time/daily/weekly)	Responsible staff/implementer	Additional Description

Use this space for narrative descriptions, if necessary:

Next Projected Meeting Date: _____

Next Review/Re-evaluation Date: _____

(must be completed)

Participants (Name and Title)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

cc: Student's Cumulative File

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Section 504
Student Eligibility Determination Worksheet

Name: _____ DOB: _____ Age: _____

Male: _____ Female: _____

Date of Meeting: _____ Current School: _____ Grade: _____

Case Manager: _____

Parent/Guardian: _____

Address: _____

Home phone: _____

Work phone: _____

Parent/Guardian: _____

Address: _____

Home phone: _____

Work phone: _____

Reason for Meeting: Initial _____ Review _____ Revise Plan _____

Describe the nature of the concern:

Describe any evaluation procedure, tests, recommendations or documentation used as a basis for the decision:

☐ Cognitive:(dated)_____

☐ Social/Emot./Beh:(dated)_____

☐ Classroom Observation:(dated)_____

☐ Developmental:(dated)_____

☐ Health/Med:(dated)_____

☐ Adaptive:(dated) _____

☐ Communication:(dated)_____

☐ Motor:(dated)_____

☐ Achievement:(dated)_____

☐ Other:(dated)_____

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If further medical information is needed in order to determine eligibility, please specify steps to be taken to verify and/or obtain additional information:

- _____ Consent to communicate with student's physician/medical provider requested
- _____ Request for Parent(s)/Guardian(s) to provide additional medical information
- _____ Consultation with school district's medical advisor and/or school nurse requested
- _____ Other (please describe): _____

Specify the mental or physical disability:

(as recognized in DSM-5 or other respected source if not excluded under 504/ADA, e.g. illegal drug use)

Indicate the Major Life Activity Substantially Affected by the Disability:

_____ **Does Require a 504 Plan**

_____ **Does NOT Require a 504 Plan**

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Section 504
Student Eligibility Determination Worksheet/Meeting Summary

Student's Name: _____ Date of Birth: _____ Grade: _____
School: _____ Date of Meeting: _____
Section 504 Case Manager: _____ Title: _____

A. The purpose of the meeting:

- ☐ Review initial referral
- ☐ Determine eligibility under Section 504; and if eligible, consider whether regular or special education, or related aid or services are required for Student to receive equal access to school programs and services or to receive FAPE
- ☐ Re-evaluation to review eligibility determination due to new information
- ☐ Reevaluation due to change in placement (related to discipline)
- ☐ Review before other significant change in placement
- ☐ Review/revise Section 504 Plan

B. 504 Team Members Present *(Must include individuals who are knowledgeable about the student, the meaning of evaluative data, and placement options)*

Name: _____	Role: _____
Name: _____	Role: _____
Name: _____	Role: _____
Name: _____	Role: _____
Name: _____	Role: _____

C. Review student's current academic and overall performance in all school programs and activities. Include and attach referral information if this is an initial referral, and describe nature of concerns, basis for suspecting disability, and impact of suspected disability on student (including academic, social, behavioral etc.)

D. Eligibility Determination:

A student is eligible to receive services and/or accommodations under Section 504 if it is determined that he/she has a physical or mental impairment that substantially limits one or more major life activities. The team must consider a variety of sources when determining whether a student has such impairment.

1. What sources of information are available at this time? ***Check all that apply***
(Include relevant dates and names of evaluators, where appropriate.)

- | | |
|---|--|
| <input type="checkbox"/> School records review (dated) _____ | <input type="checkbox"/> Observations of student (dated) _____ |
| <input type="checkbox"/> Grades & report card review (dated) _____ | <input type="checkbox"/> Teacher reports (dated) _____ |
| <input type="checkbox"/> Parent and/or student report (dated) _____ | <input type="checkbox"/> Informal assessments (dated) _____ |
| <input type="checkbox"/> Medical information (dated) _____ | <input type="checkbox"/> Nursing Assessment (dated) _____ |

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☐ Standardized testing (dated) _____ ☐ Parent/Student Interviews (dated) _____

☐ Checklists/behavior rating scales (dated) _____

☐ Other (dated) _____

2. Is current available information sufficient to make the determination of the presence of a physical or mental impairment that substantially limits a major life activity?

☐ Yes If "YES," continue to number 3 below.

☐ No If "No," Specify the type of additional information that is needed: _____

- If the team determines additional information is necessary and the information to be obtained includes testing, team must obtain parent consent on *Consent for Section 504 Evaluation* form; tests/evaluations recommended by the team shall be conducted at District expense. Parent may wish to provide outside evaluation and/or testing information from a qualified provider to be considered by the team; such evaluations and/or testing shall be at Parent expense. District shall consider such outside information at team meeting, and must determine whether the information provided by the Parent meets the District's standards for evaluators and evaluations. If it is necessary to communicate with outside providers, the District must obtain a release to communicate with professionals outside of district. Once needed information is gathered, a 504 meeting will be reconvened to continue the process of determining eligibility.

3. Does the student have one or more physical or mental impairments?

A "physical or mental impairment" means a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine or b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

☐ NO

☐ YES

If "NO": If no physical or mental impairment exists, the student is not identified as an individual with a disability. Go to **Section E** of this form.

If "YES": What are the impairments? *Please describe as recognized in DSM-5 or other respected source, if possible, if not excluded under Section 504/ADA (e.g., illegal drug use).*

- **Attach all supporting documentation to this form. A statement of "YES" without supporting documentation is insufficient to meet this standard.**

- **If the team determines that the student is identified as having one or more physical or mental impairments, continue to the next page to determine whether there is a substantial limitation to one or more major life activities.**

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4. Does the identified impairment substantially limit one or more major life activities? Please describe degree of limitation as compared to other students. *Ask: Is the impairment impacting one or more major life activities? Which ones? How is one or more major life activity impacted? What is the impact at school?*

A "major life activity" includes, but is 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.

5. Mitigating Measures:

In determining eligibility, the team must consider the impact of the disability without consideration of the ameliorative effects of any "mitigating measures" that the student may be using. For example, if the student is currently using a hearing aid, did the team consider whether the student would have a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Therefore, with respect to this student, did the team consider the impact of the disability on a major life activity without the potential impact of mitigating measures (except eyeglasses or contact lenses)?

Yes ☐ No ☐

Mitigating measures may include, but are not limited to, medication, medical supplies, equipment, appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics, hearing aids, cochlear implants, mobility devices, oxygen therapy, use of assistive technology, reasonable accommodations or auxiliary aids or services or learned behavioral or adaptive neurological modifications.

Please include any information relevant to consideration of mitigating measures:

E. Does the student have a disability under Section 504?

1. Does the student have one or more **physical or mental Impairments**? ☐ No ☐ Yes

2. Does the physical or mental impairment **substantially limit** one or more Major Life Activity? ☐ No ☐ Yes

*Both questions must be answered **YES**, based on the preceding review of evaluative data, in order to determine that the student **has a disability under Section 504** of the Rehabilitation Act.*

3. Based on the answers to #1 and #2 above, does the student have a disability under Section 504? ☐ No ☐ Yes

If the answer to #3 is "No," skip to Section I. If the answer to #3 is "Yes," continue to Section F.

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F. Does the student require a Section 504 Accommodation Plan in order to provide the student with a free appropriate public education and access to the school's programs (e.g. curriculum, extra-curricular activities, facilities, etc.)?

☐ No ☐ Yes

If "Yes," the team must develop a Section 504 Plan.

G. Is this a re-evaluation (i.e. review of current plan/status) before a significant change in placement (e.g., review of new information)?

☐ No ☐ Yes *[If "NO," skip to Section H]*

1. What is the anticipated significant change of placement?

- ☐ New information received about the student, the impairment or current placement
- ☐ Graduation
- ☐ Change in program due to Disciplinary Action
- ☐ Other (specify) _____

Please describe the updated information considered by the team in conducting the reevaluation.

If additional information, individualized testing and/or evaluations are necessary to determine continued eligibility and/or what is needed in the Student's Plan to provide FAPE, please indicate.

2. Consider: Is the student still eligible? ☐ No ☐ Yes

3. If "Yes," does the Plan as currently written provide FAPE? ☐ Yes ☐ No

4. If "No," what changes to the plan are required? Explain basis for each decision in light of information gathered in re-evaluation. _____

H. Other Relevant Information Discussed at Meeting, including any requests rejected, and basis for such rejection.

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I. Summary of Actions Taken

- ☐ Parent/Guardian (or student if age 18 or over) was provided written notice of rights under Section 504 at the meeting.
- ☐ Insufficient information is available to determine student's eligibility. More evaluative information will be obtained prior to convening another Section 504 Team Meeting.
- ☐ Student is identified as a person with a disability under Section 504 and in need of regular or special education, or related services or aids
- ☐ A Section 504 Plan was developed.
- ☐ Student is NOT identified as a person with a disability under Section 504.
- ☐ A reevaluation has been conducted
- ☐ Additional information and/or evaluations are required
- ☐ A reevaluation prior to significant change in placement has been conducted
- ☐ Other (please specify) _____

Recorder

Title

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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 ~~his/her child~~ the student.

Name of person requesting mediation/hearing: _____

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:

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

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If requesting due process hearing relating to the IDENTIFICATION, EVALUATION AND/OR EDUCATIONAL PLACEMENT of a student, please describe the specific areas of disagreement and the proposed resolution of your concerns:

Signature of Parent/Guardian

Date

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SECTION 504 DISCRIMINATION COMPLAINT FORM

(This form is intended to be used if an individual has a complaint under Section 504 alleging discrimination on the basis of a disability or 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 and/or Covered Individual (if applicable):

4. Address of Student and/or Covered Individual (if different from above):

5. Age/Grade Level/School/Position (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:

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DARIEN PUBLIC SCHOOLS
AGREEMENT TO CHANGE SECTION 504 PLAN WITHOUT CONVENING A SECTION 504
MEETING

Student: _____ DOB: _____ Grade: _____

School: _____ 504 Plan Being Changed: _____

Parent/Guardian: _____

We agree to make the changes to the student's Section 504 Plan as described in the documents specified below and which are attached to this agreement. We understand that these changes were not made at a Section 504 meeting. We agree only to the changes described in the attached documents. We understand that this agreement is optional and that the parent can request a Section 504 meeting at any time to review the Plan. We understand that this agreement can be made only if the changes are not part of an Annual Review of the student's program.

Parent/Guardian Signature

Date

School District Representative

Date

This agreement must be signed by an administrator of the school district who has full authority to sign such a document on behalf of the school district and who is knowledgeable about the general education curriculum and is knowledgeable about the availability of resources of the public agency.

The following documents are attached to this agreement:

	Amendments (please specify)	
	Other (please specify)	

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DARIEN PUBLIC SCHOOLS
NOTICE AND CONSENT TO CONDUCT A SECTION 504 EVALUATION/RE-EVALUATION

Date: _____

Dear _____

Your child, _____, _____ has been referred for an evaluation to
(student's name) (DOB)
determine eligibility for services under Section 504. The school district must obtain the consent of parents
before conducting such an evaluation.

The tests/evaluation procedures listed below were recommended:

<u>TEST/EVALUATION PROCEDURE</u>	<u>AREA OF ASSESSMENT</u>	<u>EVALUATOR(S)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ Adaptations/accommodations required for this evaluation are:

If the student requires physical adaptations in order for testing/evaluations to be completed,
the following adaptations are required: _____

If the student's native language is other than English, the following adaptations are required:

☐ No adaptations/accommodations required

PARENTAL CONSENT

☐ **I give my consent** for the Darien Public Schools to conduct the evaluations described above. I
understand that this consent may be revoked at any time.

Parent/Guardian Signature

Date

☐ **I do not give** my consent for the Darien Public Schools to conduct the evaluations described above. I
understand that the school district must take steps as are necessary, which may include requesting an

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impartial hearing, to ensure that my child receives or continues to receive a free appropriate public education.

Parent/Guardian Signature

Date

DRAFT

Darien Public Schools
Darien, Connecticut

DARIEN PUBLIC SCHOOLS
NOTICE AND CONSENT FOR PLACEMENT ON SECTION 504 AND
FOR THE PROVISION OF SECTION 504 ACCOMMODATIONS/SERVICES

Date: _____

Dear _____

Your child, _____, _____ has been evaluated and has been
(student's name) (DOB)

found eligible under Section 504. Prior to the implementation of Section 504 placement, and the provision of accommodations/services under Section 504 (as described in the Section 504 Plan attached hereto), the district requires your consent.

PARENTAL CONSENT

- ☐ **I give my consent** for the Darien Public Schools to place my child on a Section 504 plan as described in the Section 504 Plan attached hereto). I understand that this consent may be revoked at any time.

Parent/Guardian Signature

Date

- ☐ **I do not give** my consent for the Darien Public Schools to provide the accommodations/services described in the Section 504 Plan attached hereto.

Parent/Guardian Signature

Date

Included with this form are:

- ☐ The Section 504 Plan developed at the Section 504 meeting on _____.
☐ Your Notice of Rights Under Section 504.

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WORKSHEET FOR MANIFESTATION DETERMINATION

(For those situations when the expulsion of a 504 student is contemplated; or following a series of suspensions which constitute a change in placement)

STUDENT: _____ **GRADE:** _____ **DATE:** _____

1. Section 504 Meeting Participants:

NAME

Title

2. DESCRIBE NATURE OF STUDENT'S DISABILITY:

3. DESCRIPTION OF MISCONDUCT:

- a. Date of Disciplinary Action: _____
- b. Date Parents Notified of Disciplinary Action: _____
- c. 504 of Notice of Rights Given? Yes No

4. INFORMATION CONSIDERED IN CONDUCTING A MANIFESTATION DETERMINATION:

(Each item below must be considered. Check box as each topic is addressed.)

- ☐ Teacher Observations of the Student
- ☐ Relevant Information Supplied by Parents
- ☐ Evaluations and Diagnostic Results

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- ☐ Student's 504 Plan
- ☐ Relevant Information Supplied by School Staff
- ☐ Other (describe)

5. 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 ☐ NO

Comments:

6. Was the misconduct in question a **direct result** of the district's failure to implement the 504 Plan (in relationship to the misconduct in question)?

☐ YES ☐ NO

Comments:

7. If the answer to **either** #5 or #6 is "**Yes**", the behavior under review **is** considered a manifestation of the student's disability.

8. If the answer to **both** #5 and #6 is "**No**", the behavior under review **is not** considered a manifestation of the student's disability.

Procedure if Misconduct is not a Manifestation of the Student's Disability:

If the manifestation determination team determines that the misconduct in question is **not** 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.

Procedure if Misconduct is a Manifestation of the Student's Disability:

If the manifestation determination team determines that the misconduct in question **is** a manifestation of the student's disability, the 504 Team should:

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- 1) conduct a functional behavioral assessment unless the district had 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**
- 2) if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; **and**
- 3) return the student to the placement from which the student was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

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POLICY

**Series 5800
Use of School District Property**

Policy 5810

**ADMINISTRATIVE REGULATIONS REGARDING STUDENT USE OF
THE DISTRICT'S COMPUTER SYSTEMS AND INTERNET SAFETY**

Introduction

We are pleased to offer students access to the district's computers and computer networks, including access to electronic mail (e-mail) and the Internet (which will be referred to collectively as "computer systems.") Access to the school's computer systems will enable students to explore libraries, databases, and bulletin boards while exchanging messages with others. Such access is provided solely for education-related purposes. Use of the district's computer systems will be allowed only for students who act in a considerate and responsible manner in using such systems.

The Board of Education and the Administration believe in the educational value of such computer systems and recognize their potential to support our curriculum by expanding resources available for staff and student use. Our goal in providing this service is to promote educational excellence by facilitating resource sharing, innovation and communication.

These computer systems are expensive to purchase, install and maintain. As the property of the district these computer systems must be carefully handled and their integrity preserved for the benefit of all. Therefore, access to the computer systems is a privilege, and not a right. Students will be required to adhere to a set of policies and procedures, as set forth in detail below. Violations may lead to withdrawal of the access privilege and/or disciplinary measures in accordance with the Board's student discipline policy.

Definitions

Obscene – means any material or performance if, a) taken as a whole, it predominantly appeals to the prurient interest, b) it depicts or describes in a patently offensive way a prohibited sex act and c) taken as a whole, does not have serious literary, artistic, political or scientific value. For the purposes of this section, "prohibited sex act" means erotic fondling, nude performance, sexual excitement, sado-masochistic abuse, masturbation or sexual intercourse.

Child pornography –means any visual depiction, including any photograph, film, video, picture, cartoon, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -

- (a) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- (b) such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct;
- (c) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

Harmful to minors – any picture, image, graphic image file, or other visual depiction that:

- (a) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- (b) depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- (c) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

Access to Darien's Electronic Environment

Eligibility to use Computer Facilities: Accounts will be issued to all staff members and all students grades 6 through 12. All accounts are issued upon acceptance of the user agreement contract (see appendix A). All staff accounts are valid for the duration of employment. All student accounts are valid for the duration of the student's academic tenure.

Termination of Access and Accounts:

All Darien accounts will expire and access will end with the termination of a user's relationship with the School District. Student accounts will expire and access will end 30 days after graduation or after the end of their academic tenure. Systems administrators may, without prior notice, delete computer accounts and files 30 days after the termination of a person's qualifying Darien affiliation. During this 30 day grace period, users may arrange to forward their electronic mail using standard mail forwarding conventions.

Monitoring

Students are responsible for good behavior on school computer systems just as they are in a classroom or a school hallway. Communications on the computer systems are often public in nature and general school rules for behavior and communications apply. It is expected that users will comply with district standards and will act in a responsible and legal manner at all times in accordance with district standards, as well as with state and federal laws.

It is important that students and parents understand that the district, as the owner of the computer systems, reserves the right to monitor and review the use of these computer systems. The district intends to monitor and review in a limited fashion, but will do so as needed to ensure that the systems are being used for district-related educational purposes.

As part of the monitoring and reviewing process, the district will retain the capacity to bypass any individual password of a student or other user. The system's security aspects, such as personal passwords and the message delete function for e-mail, can be bypassed for these purposes. The district's ability to monitor and review is not restricted or neutralized by these devices. The monitoring and reviewing process also includes, but is not limited to: oversight of Internet site access; the right to review emails sent and received; the right to track students' access to blogs, electronic bulletin boards and chat rooms; and the right to review a student's document downloading and printing.

Therefore, all users must be aware that they should not have any expectation of personal privacy in the use of these computer systems.

Student Conduct

Students are permitted to use the district's computer systems for legitimate educational purposes. Personal use of district computer systems is expressly prohibited. Conduct that constitutes inappropriate use includes, but is not limited to the following:

- ◆ Sending any form of harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
- ◆ Gaining or seeking to gain unauthorized access to computer systems;
- ◆ Damaging computers, computer files, computer systems or computer networks;
- ◆ Downloading or modifying computer software of the district in violation of the district's licensure agreement(s) and/or without authorization from a teacher or administrator;
- ◆ Using another person's password under any circumstances;
- ◆ Trespassing in or tampering with any other person's folders, work or files;
- ◆ Sending any message that breaches the district's confidentiality requirements, or the confidentiality of students;
- ◆ Sending any copyrighted material over the computer systems;

- ♦ Using computer systems for any personal purpose, or in a manner that interferes with the district's educational programs;
- ♦ Accessing or attempting to access any material that is obscene, contains child pornography, or is harmful to minors, as defined above;
- ♦ Transmitting or receiving e-mail communications or accessing information on the Internet for non-educational purposes;
- ♦ Cyberbullying.

In addition, as noted above, if a particular behavior or activity is generally prohibited by law, by Board policy or by school rules or regulations, use of these computer systems for the purpose of carrying out such behavior or activity is also prohibited.

Misuse of the computer systems, or violations of these policies and regulations, may result in loss of access to such computer systems as well as other disciplinary action, including suspension and/or expulsion, depending on the specific conduct.

Anyone who is aware of problems with, or misuse of these computer systems, or has a question regarding the proper use of these computer systems, should report this to his or her teacher or principal immediately. Most importantly, the Board and the Administration urge *any* student who receives *any* harassing, threatening, intimidating or other improper message through the computer system to report this immediately. It is the Board's policy that no student should be required to tolerate such treatment, regardless of the identity of the sender of the message. *Please report these events!*

Internet Safety

The Administration will take measures: to assure the safety and security of students when using e-mail, chat rooms, and other forms of direct electronic communications; to prohibit unauthorized access, including "hacking" and other unlawful activities by minors online; to prohibit unauthorized disclosure, use, and dissemination of personally identifiable information regarding students; to educate minor students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber-bullying awareness and response; and to restrict students' access to online materials harmful to minors, including obscene materials and child pornography.

WEB SITE

Darien School District's electronic environment includes a district-wide web site that is an electronic location where teachers and administrators may post information regarding the School District. Webmasters are the professional staff members that are responsible for their site. All information on the web site must be responsible, ethical and legal.

Legal Use

Users should be aware that Darien prohibits the use of School District facilities to commit criminal acts. The Board will cooperate with appropriate authorities to enforce this rule.

Copyright

Copyright, Defined:

"Copyright is the ownership and control of intellectual property in original works of authorship. A copyright owner has five specific rights: to reproduce (copy) the work, to prepare derivative works based on the copyrighted work, distributing copies of the work to the public, publicly performing the work, and publicly displaying the work." ("Licensing of Instructional/Informational Technology," Adrian Arima, Gary Cary Ware & Freidenrich, March 1, 1996) Works published after March 1, 1989 may maintain a valid copyright even if they are not specifically labeled with a copyright symbol or other notification.

Copyright Infringement:

Any action that violates the rights of a copyright owner may constitute copyright infringement. The electronic environment includes a number of mediums that are subject to copyright laws, including the Internet, e-mail, and computer software.

The Internet:

Copyright infringement via the Internet may occur in a variety of ways, including making unauthorized copies of any copyrighted material and publishing another's copyrighted materials over computer networks.

E-mail:

Like the Internet, e-mail may be used to publish, manipulate, or otherwise attribute original works of authorship. Such action may constitute copyright infringement.

Software Copyright Infringement:

Software Copyright Infringement includes receiving and/or using unauthorized copies of software, making unauthorized copies of software for oneself or others, or attempting to modify the computer systems in any unauthorized manner.

- a) Software License Agreements. Darien School District has purchased licenses which permit members of the School District community to access and use many software packages and files that are protected and regulated by copyright law. Software license agreements are contracts in which the seller agrees to provide the program, provided that the buyer agrees to abide by the rules of the license. Most of the software used at

Darien is licensed to the School District through independent software companies.

- b) Ethical and Legal Use of Software. Copyrighted software must only be used in accordance with the license and purchase agreement between the School District and independent vendors. Users do not have the right to make copies of licensed software, modify, and/or distribute such copies to anyone. Only authorized copying of files or programs or program utilization is ethical and legal.

Fair Use Doctrine:

To determine whether particular uses of a copyrighted work are permissible, the courts have looked to the fair use doctrine, described in U.S.C. Title 17, section 107. The fair use doctrine considers:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

Darien School District's policy is to adhere strictly to the letter and spirit of copyright laws and regulations. Copyright infringement may be subject to disciplinary and/or legal action. For additional discussion, see the Enforcement and Questions sections of this policy.

Darien Liability/Warranty

The Darien School District makes no warranties of any kind, whether express or implied, for the service it is providing. The School District is unable to warrant that its electronic environment is virus-free, or that all hardware and/or software used to access the electronic environment will be compatible with the Darien system. The School District will not be responsible for any damages a user suffers, including loss of data resulting from delays, non-deliveries, mis-deliveries or service interruptions of any kind.

Use and/or access to Darien's electronic environment does not entitle the user to seek indirect, consequential, special, punitive, peremptory, or like damages from Darien School District in connection with such use and access.

Questions

If you are uncertain as to whether certain conduct relative to the Darien electronic environment constitutes a violation of these regulations, please consult the Information Technology Department at (203) 656-7402 or support@darienps.org.

Legal References:

Children's Internet Protection Act, Pub. Law 106-554, codified at 47 U.S.C. § 254(h)
Electronic Communication Privacy Act, 18 U.S.C. §§ 2510 through 2520
No Child Left Behind Act of 2001, Pub. L. 107-110, codified at 20 U.S.C. § 6777
Protecting Children in the 21st Century Act, Pub. Law 110-385, codified at 47 U.S.C. § 254(h)(5)(B)(iii)
18 U.S.C. § 2256 (definition of child pornography)
Miller v. California, 413 U.S. 15 (1973) (definition of obscene)
Conn. Gen. Stat. §§ 53a-182b; 53a-183; 53a-250 (computer-related offenses)
Conn. Gen. Stat. § 53a-193 (definition of obscene)

ADOPTED: June 9, 2009

REVISED:

Appendix A
DARIEN SCHOOL DISTRICT
ELECTRONIC ENVIRONMENT USER AGREEMENT

By accepting a computer account and/or access privileges to Darien School District's electronic environment, I hereby agree to the following:

- 1. I have received a copy of the Darien School District Electronic Environment Regulations. My use of the Darien School District electronic environment will comply with these Regulations.*
- 2. I agree to utilize the Darien electronic environment in a responsible, ethical and legal manner.*
- 3. I understand that Darien policies and standards of conduct, (i.e. Darien School District Community Standards of Conduct, harassment policies, academic professionalism, etc.), developed outside of the electronic environment, are likewise applicable to computer use.*
- 4. I am personally responsible for all use of the Darien electronic environment for which I have accounts or access privileges. I will not grant permission to anyone else to use my account(s) or access privileges.*
- 5. The use of Darien's electronic environment is a privilege, which may be revoked at the discretion of the School/District.*
- 6. I understand that the electronic environment, by its very nature, precludes a guarantee of absolute privacy and total reliability.*
- 7. I agree not to access the private property of others, (i.e. computer files, electronic mail), without appropriate authorization.*
- 8. I am aware that these regulations are under continuous review and revision. The applicable version of these regulations may always be referenced on the Internet at: www.darienps.org/epolicy.*

Name (please print):

Signature:

Date:

Parent Signature:

Date:

DARIEN PUBLIC SCHOOLS

Darien, CT

Policy 5810- **C19** Students

USE OF PRIVATE TECHNOLOGY DEVICES BY STUDENTS

Temporary amendments to this policy related to the COVID-19 pandemic have been made to the body of the policy. All temporary revisions appear in highlighted bold italics or strikethrough text.

Students may possess privately-owned technological devices on school property and/or during school-sponsored activities, in accordance with the mandates of this policy and any applicable administrative regulations as may be developed by the Superintendent of Schools.

Definitions

Board Technology Resources

For the purposes of this policy, “Board Technology Resources” refers to the Board’s computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources owned and/or used by the school district and accessible by students.

Privately Owned Technological Devices

For the purposes of this policy, “Privately Owned Technological Devices” refers to privately owned **desktop computers**, wireless and/or portable electronic hand-held equipment that can be used for word processing, wireless Internet access, image capture and recording, sound recording, information transmitting and/or receiving, storing, etc. These devices may include, but are not limited to, **desktops**, personal laptops, Smartphones, network access devices, Kindles, Nooks, cellular telephones, radios, personal audio players, I-Pads or other tablet computers, walkie-talkies, Blackberries, personal data assistants, I-Phones, Androids and other electronic signaling devices.

Use of Privately-Owned Technological Devices

Privately-owned technological devices may not be used during instructional time, except as specifically permitted by instructional staff ***or unless necessary for a student to access the district’s digital learning platform or otherwise engage in remote learning during the COVID-19 pandemic.***

On school property, at a school-sponsored activity, while in use for a remote learning activity, or while being used to access or utilize the Board's technology resources, the use Use of any such device for an improper purpose is prohibited. Improper purposes include, but are not limited to:

- Sending any form of harassing, threatening, or intimidating message, at any time, to any person (such communications may also be a crime);
- Gaining or seeking to gain unauthorized access to Board technology resources;
- Damaging Board technology resources;
- Accessing or attempting to access any material that is obscene or contains pornography;
- Cyberbullying;
- Using such device to violate any school rule, including the unauthorized recording (photographic, video, or audio) of another individual without the permission of the individual or a school staff member; or
- Taking any action prohibited by any Federal or State law.

Search of Privately Owned Technological Devices

A student's privately owned technological device may be searched ***if the device is on Board property or in a student's possession at a school-sponsored activity and*** if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Any such search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Responsibility for Privately Owned Technological Devices

Students are responsible for the safety and use of their privately owned technological devices. If a privately owned technology device is stolen, lost, or damaged, ***while the device is on school property or during a school-sponsored activity,*** a report should be made to the building principal, who will investigate the loss in a manner consistent with procedures for stolen or damaged personal property. Students and parents should be aware that the Board is not liable for any privately-owned technological device that is stolen, lost, or damaged while at school or during a school-sponsored activity. For that reason, students are advised not to share or loan their privately-owned technological devices with other students.

Disciplinary Action

Misuse of the Board's technology resources and/or the use of privately-owned technological devices to access or utilize the Board's technology resources in an inappropriate manner or the use of such devices in any manner inconsistent with this policy will not be tolerated and will result in disciplinary action. For students, a violation of this policy may result in loss of access privileges, a prohibition on the use and/or possession of privately-owned technological devices on school property or at school-sponsored activities, and/or suspension or expulsion in accordance with the Board's policies related to student discipline.

[OPTIONAL ADDITIONAL SECTIONS THAT APPLY IF THE BOARD OF EDUCATION INTENDS TO GRANT STUDENTS ACCESS TO A WIRELESS NETWORK OR OTHER MEANS OF CONNECTING WITH THE BOARD'S COMPUTER SYSTEMS WHILE AT SCHOOL OR ENGAGED IN DIGITAL LEARNING PLATFORMS]:

Access to Board Technology Resources

~~It is the policy of The~~ [] Board of Education ~~to may~~ permit students, using their privately owned technology devices, to access the Board's computers and instructional technologies; communications and data management systems; informational technologies and the Internet; and any other technology resources used by the school district and accessible by students. Additionally, it is the expectation of the Board of Education that students who access these resources while using privately-owned technology devices will act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws.

Through the publication and dissemination of this policy statement and others related to use of the Board's computer systems, as well as other instructional means, the Board educates students about the Board's expectations for technology users.

The Board technology resources shall only be used to access educational information and to promote learning activities both at home and at school. ~~The Board considers access to its technology resources to be a privilege and not a right.~~ Students are expected to act at all times appropriately in ways which are fully in accord with applicable policies concerning technology use as well as all local, state, and federal laws when using the Board technology resources. Failure to do so will result in the consequences outlined herein and in other applicable policies (including, but not limited to, the Safe School Climate Plan, the Student Discipline Policy and the Use of Computers Policy).

Students must abide by the procedures outlined in this policy and all policies and applicable regulations outlined in the Board's computer use and other applicable policies. Students will be given specific information for log-on and access procedures for using school accounts. No user may deviate from these log-on/access procedures. **Students are advised that the Board's network administrators have the capability to identify users and to monitor**

all privately-owned technological devices while they are logged on to the network. Students must understand that the Board has reserved the right to conduct monitoring of Board technology resources and can do so *despite* the assignment to individual users of passwords for system security. Any password systems implemented by the Board are designed solely to provide system security from unauthorized users, not to provide privacy to the individual system user. The system's security aspects, message delete function and personal passwords can be bypassed for monitoring purposes. Therefore, students should be aware that they should not have any expectation of personal privacy in the use of privately owned technological devices to access Board technology resources. This provision applies to any and all uses of the Board's technology resources and any privately-owned technological devices that access the same.

Harm to Board Technology Resources

Any act by a student using a privately-owned technological device that harms the Board's technology resources or otherwise interferes with or compromises the integrity of Board technology resources will be considered vandalism and will be subject to discipline and/or appropriate criminal or civil action.

Closed Forum

This policy shall not be construed to establish a public forum or a limited open forum.

Legal References:

Conn. Gen. Stat. § 10-233j

Conn. Gen. Stat. § 31-48d

Conn. Gen. Stat. §§ 53a-182; 53a-183; 53a-250, *et seq.*

Electronic Communication Privacy Act of 1986, Public Law 99-508, codified at 28 U.S.C. §§ 2510 through 2520

REVISED: _____