

New London Public Schools
Section 504
Process and Procedures
2023-2024 School Year



NEW LONDON
PUBLIC SCHOOLS

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INTRODUCTION

Section 504 of the 1973 Rehabilitation Act

No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, as defined in Section 706(8) of this Title, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 (Section 504) is designed to eliminate discrimination based on disability in any program or activity receiving federal financial assistance. This act requires that no qualified student who demonstrates a physical or mental impairment that substantially limits one or more major life activities (e.g., self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, operation of a major bodily function, and communicating) shall be excluded from participation in, be denied the benefit of, or be subject to discrimination in any program or activity offered by New London Public Schools. An impairment that is episodic or in remission is a disability if it substantially limits a major life activity when active.

Section 504 prohibits discrimination against disabled persons, including, among others, both students and staff members, by school districts receiving federal financial assistance. Included in the US Department of Education Regulations for Section 504 is the requirement that disabled students be provided with free appropriate public education (FAPE). These regulations require identification, evaluation, the provision of appropriate services and procedural safeguards.

The IDEA defines as eligible only students who have certain specified types of impairments and who, because of one of those conditions, need specialized instruction. Section 504, on the other hand, protects all disabled students, defined as those having any physical or mental impairment that substantially limits one or more major life activities. Section 504 covers all students who meet this definition even if they do not fall within the IDEA-enumerated categories and even if they do not need to be in a special education program.

If a district has reason to believe that, because of a disability as defined under Section 504, a student needs either special education or related services in the regular setting to participate in a school program, the district may evaluate the student; if the student is determined to be disabled under Section 504, the district must develop and implement a plan for delivery service.

What is required for the Section 504 evaluations and placement process is determined by the types of services the student may need. The evaluation must be sufficient to assess the nature and extent of the disability accurately and completely, and the recommended services.

It should be noted that, under Section 504, the parents or guardian must be provided with notice of actions affecting the identification, evaluation, or placement of the student and are entitled to an impartial hearing if they disagree with district decisions in these areas.

CONFIDENTIALITY

The Family Education Rights and Privacy Act (FERPA) regulations govern how school districts are expected to maintain confidentiality of Section 504 records. Most provisions of FERPA apply to Section 504 records. Compliance with FERPA regarding 504 records will be adhered to by all New London Public School personnel.

DEFINITIONS

Term	Definitions
individual with handicaps	<p>“Any individual who</p> <ul style="list-style-type: none"> (i) has a physical or mental impairment which substantially limits on or more of a person’s major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such impairment.” <p>(29 U.S.C. Sec. 706 (8))</p>
physical or mental	<p>....” (A) any psychological disorder or condition, cosmetic disfigurement for, anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; endocrine; or</p> <p>(b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.”</p> <p>(34 Code of Federal Regulations Part 104.3)</p>
major life activity	<p>“... functions such as caring for oneself, performing manual tasks, seeing, hearing, walking, learning, reading, thinking, concentrating, sleeping, bowel functions, bladder functions, digestive functions, and eating.”</p>
has a record of such an impairment	<p>“... has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.”</p>

Is regarded as having an impairment	<p>“(A) has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation.</p> <p>(B) has a physical or mental impairment that substantially limits major life activities only because of attitudes of others toward such impairment; or</p> <p>(C) has none of the impairments defined but is treated by a recipient as having such an impairment.”</p> <p>(34 Code of Federal Regulations)</p>
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NONDISCRIMINATION POLICY

In compliance with its obligations under both Section 504 and the ADA, New London Public Schools does not discriminate against otherwise qualified students with disabilities in the provision of its educational programs and activities. The school system will make reasonable modifications to its programs and activities to accommodate otherwise qualified students with disabilities, unless such modifications would impose an undue burden on the operation of the particular program or would alter the fundamental nature or purpose of the program.

In addition to its provision of educational services, New London Public Schools will not discriminate against otherwise qualified students with disabilities in its provision of noneducational programs, services, and activities such as counseling, athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to other agencies, and employment.

New London Public Schools will provide a free appropriate public education to otherwise qualified students with disabilities who attend its schools. Instruction will be individually designed to meet the individualized educational needs of these students. The school system will seek to assure that the educational services provided to otherwise qualified students with disabilities are reasonably calculated to afford such students an equal opportunity to achieve educational benefit as is provided to students with disabilities.

REFERRAL PROCEDURES

- Any student who needs or is believed to need accommodations or modifications related to a disability to receive a free and appropriate public education may be referred by a parent, teacher, or other certified school employee to the SRBI team or directly to the 504 Coordinator.

- Parent and External Referrals should be forwarded to the designated Building 504 Coordinator. Upon receipt of the referral, the coordinator dates and contacts parents within **5 school days** regarding referral concerns and to schedule a meeting as needed.
- The SRBI team will be composed of persons knowledgeable about the student, the student's history, the student's individual needs, the meaning of evaluation data, and placement options.
- The SRBI team will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether (an evaluation under this procedure) a referral to a 504 Team/Multi-disciplinary Team is appropriate.

Before the Eligibility Determination Meeting:

- **The 504 Administrator/Chairperson is responsible:**
 - To date and time Stamp the written request/referral document(s)
 - To log receipt of referral in PowerSchool
 - To contact parent regarding referral concerns within 5 days of receipt of referral
 - To gather relevant data related to the student's suspected disability, including contacting outside providers with signed parental consent as needed
 - To schedule a 504 meeting with relevant staff and parents via CT-SEDS, and creating an official written notice of the scheduled 504 Meeting

Procedural Safeguards

- The parent or guardian shall be notified in writing of all decisions concerning the identification, evaluation, or educational placement of students made under this policy.
- The parents or guardians shall be notified that they may examine educational records of their children.

Appropriate Meeting Attendees include any combination of the following members:

- Parents
- Teachers
- Nurse
- School Psychologist
- School Social Worker
- School Counselor
- Administrator
- School Based Health Clinician

Assessment. Assessment of the student and formulation of a plan of service will be carried out according to the following procedures:

- The 504 Team/Multi-disciplinary Team will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for the participation in the educational programs and/or activities.
- For all individualized assessments, informed and signed parental consent will first be obtained.

- If the committee formed for the purpose of determining eligibility finds that the student has a physical or mental impairment that substantially limits one or more major life activities, the student shall be found to be an eligible disabled student under Section 504/ADA.

Determination of Eligibility

To be considered eligible for services and protection under Section 504, a student must be determined, because of a comprehensive review of available information, to have a physical or mental impairment that “substantially limits” one or more major life activities.

- A physical or mental impairment is described as (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following basic 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 physiological disorder (such as mental retardation, organic brain syndrome, emotional or mental illness and special learning disabilities).
- Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- Section 504 regulations do not define the word “substantially.” The 504 Team can determine if a physical or mental impairment constitutes a disability based on the information available at the time of eligibility determination.
- Pregnancy is a temporary health/medical condition that may result in a substantial limitation to learning pursuant to Connecticut state law. Temporary handicaps may result in a requirement to provide reasonable accommodations.
- A student cannot claim protection under Section 504 if in violation of the district’s policy on drugs and alcohol. However, a student who is not presently using drugs or alcohol and is in a recognized rehabilitation program is protected under Section 504.
- Determining a “Substantial Limitation on Learning”. Federal law and regulations do not define the term “substantially limits.” The Office for Civil Rights has issued an opinion letter which leaves to the local school district the determination of whether a particular impairment substantially limits a major life activity such as learning.
- OCR has made it clear, however, that simply having a diagnosis of ADD does not in itself establish that a student is disabled under Section 504.

Plan Development

- For a student who has been identified as disabled within the meaning of Section 504, but not eligible for serviced under IDEA, the 504 Team shall be responsible for determining what accommodations and/or special services are needed.
- In making such determinations, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessment conducted by the district’s professional staff and input from the parents.
- The parents or guardian shall be invited to participate in the 504 Team meetings where accommodations and/or services for the student will be determined and shall be given an opportunity to examine all relevant records.
- The 504 Team will develop a written plan describing the disability and the support needed.

- The 504 Team may also determine that no support services are appropriate. If so, the record of 504 Team proceeding will reflect the identification of the student as a disabled person and will state the basis for the decision that no special services are presently needed.
- A disabled student shall be placed in the general curriculum of New London Public Schools, with the use of any needed supplementary aids and services, unless it is deemed that such placement cannot be achieved satisfactorily. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate given the individual needs of the student.
- The 504 Team shall notify the parents or guardian in writing of its final decision concerning the services to be provided.
- If a plan for support services is developed, all school personnel who work with the student shall be informed of this plan.

Annual Review of Student’s Progress

The 504 Team will monitor the progress of the disabled student and the effectiveness of the student’s educational plan at least annually to determine whether services are appropriate and necessary, and the disabled student’s needs are being met as adequately as the needs of non-disabled students.

SECTION 504/ADA GRIEVANCE PROCEDURE

A “grievance” is a complaint by a student entitled to an education within the district or a parent of such a student. The district has designed this grievance procedure as a means of reaching, at the lowest possible administrative level, a fair and equitable settlement of differences and issues relating to possible discrimination under the Rehabilitation Act of 1973 (Section 504) and/or the Americans with Disabilities Act. These laws prohibit a public agency like New London Public Schools from discriminating in its provision of its programs or activities against a qualified disabled person solely by reason of the person’s disability.

The 504 appeals procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, educational services, or educational program of students who, because of disability, need or are believed to need Section 504 plans and are not eligible under the IDEA, except in the case of long-term suspension where the provisions of Board Policy No. 6500 apply. A student, parent, or guardian may initiate the procedure when they believe that a violation, misapplication, or misinterpretation of board policy, or state or federal law or regulation has occurred.

- As to such decisions by the district, the parents or guardians shall have the right to an impartial hearing (“Section 504, due process hearing”) concerning identification, evaluation, or education placement of a student with a disability, with opportunity for participation by the parents or guardians and their counsel.
- In the notification of any District decision concerning identification, evaluation, or placement, the parents or guardians will be advised that:
 - A request for a Section 504 due-process hearing should be made within thirty-five days of the notice of rights to file (but not less than thirty days).
 - The request shall be made to:

**School and Family Support Services
New London Board of Education
134 Williams Street
New London, CT 06320
Phone: 860-447-6006**

- The hearing will be held in accord with state and federal statutes and regulations. The decision may be appealed to a court of competent jurisdiction.

Preparing for the School Year

Case Manager Lists

An effective case manager is essential to the creating and implementation of the 504 Plan. Case Managers must contact the parents/guardians of their assigned students by the second week of school. Please contact the Central Office you have questions about newly registered New London students or Out of District Magnet Students you may encountered as the school year begins.

Entering Demographic and Contact Information— Building Secretary Function

Staff cannot enter demographic information directly into CT SEDS. Any demographic information is entered into PowerSchool by the school secretaries and will sync with CT SEDS nightly. Student information in CT SEDS is managed by PSIS and the CT State Department of Education. If a guardian informs of a change in demographic information, please refer them to your school building secretary to update registration/demographic information.

CT SEDS

- 504 Initial Referrals and 504 Eligible Students are managed via the State of CT Dept of Education’s Database called “CT SEDS”.
- Students in the database are accessible by “permission settings”. Central Office can assist with this.
- If a student is not visible to you in the database, please contact Central Office for access. Email is the best way to do this.
- If a student resides in another town (other than New London), the student’s sending district is responsible for the student’s 504 Request, and documentation. NLPS acts as the implementor of the plan created by the sending district. The sending district schedules meetings, meets compliance dates, mails finalized documents, provides copies of paperwork and is the point of contact for guardian/student questions.

Staff Access to the 504 Plan

504 Accommodation Plans are accessible in PowerSchool for all relevant school staff.

From PowerSchool:

1. Choose a student.
2. Under the last heading listed to the left, is “CT SEDS”.
3. Select “Documents”.

4. Document Information will load and select "Section 504" to view current plan.

From Power Teacher:

1. To the right of classes, click the Backpack icon.
2. At the bottom of the next screen, you will see the class roster and the CT SEDS Link.
3. Click "Documents" to see the list of students with 504 Plans.
4. Click the green arrow under 504 to open a PDF 504 Plan.
5. It will open in a new window. Pop ups must be enabled for it to load.

New Students to the District

New students with disabilities and 504 Accommodation Plans are admitted to the New London Public Schools on a continuous basis throughout the year. It is the (Welcome Center Grades PK-8th and NLHS 9th-12th) registrar's responsibility to request 504 records from the sending district and to review these incoming records for completion and accuracy. We are required to follow the incoming 504 Plan and, if adjustments are required, a 504 Meeting must be held.

If the student is coming from another district that utilizes CT SEDS 504:

- Secretaries (Elementary Special Education, Secondary Special Education) will request the sending district transfer all files. The sending district must enable the transfer from their office.
 - The secretaries update demographic information in PowerSchool for newly registered New London Public School students.
 - The transferred document will be the student's latest document within the current school year.

Preparing for the 504 Meeting

What Information Must Be Distributed to Parents/Guardians

- Procedural Safeguards
 - Mailed in August by Student Support Services Department to all currently identified 504 eligible New London students
 - This document should also be distributed by the Case Manager at the following:
 - Prior to an initial 504 Meeting
 - Upon the receipt of a formal complaint letter.
 - Manifestation meeting.
 - At meetings in which parents did not have time to receive mailed meeting invitations.

Scheduling the 504 Meeting:

The Case Manager:

- Verifies attendees
- Negotiates the meeting date and time based on team availability and building calendar availability, allowing the guardian to have the written notice, in hand, no less than 5 school days prior to the scheduled Meeting Date.
- Logs all contacts in Power School Log Entries
- Creates the Official 504 Invitation Letter in CT SEDS and may provide an electronic copy to the legal guardian on record/student; 504 Case Manager disseminates the Meeting Information Details to the Invited Team Members via MS Office 365 Calendar Invitations.
- Notifies NLPS' Central Office 504 Assistant to mail via USPS two hard copies (physical copies) of the 504 Invitation Letter and any warranted attachments to the legal guardian/student on record.

Who Must You Invite to a 504 Meeting:

The Case Manager is responsible for gathering a multi-disciplinary team composed of persons knowledgeable about the student, the student's history, the student's individual needs, and placement options. Unlike a PPT, there are no requirements for specific staff members to be present at each meeting.

The 504 Team can consist of any combination of the following:

- Parents
- Teacher
- Administrator
- Nurse
- School Psychologist
- School Social Worker
- School Counselor
- Other relevant staff

Procedures for New Referrals:

The Case Manager is responsible for contacting the NLPS Central Office for information on adding 504 Initial Referral Students to CT SEDS.

- Scan any relevant paperwork and upload it to the student's CT SEDS file using the "Attach Documentation" tab.
- Parents must be asked to sign the Medicaid Reimbursement Form during the initial meeting. This form is found in *TEAMS*.
- If the 504 Team determines that there is sufficient evidence to determine eligibility for a 504 Accommodation Plan due to an impairment that SUBSTANTIALLY LIMITS the students' performance

of a MAJOR LIFE ACTIVITY, the team should develop the accommodation plan at the meeting following the template in CT SEDS 504. Complete all areas using drop down menus as appropriate including accommodation form.

- After discussion of accommodation plan, parents should be asked to sign “Student is Eligible with Consent Form” indicating permission for their child to receive accommodations/modifications under a 504 Accommodation Plan.
- All evaluations, reports, consents, and documentation should be uploaded to CT SEDS using the “Attach Documentation” tab.
- Upon completion, 504 Accommodation Plan should be reviewed before finalization. CT SEDS will provide a list of errors that need to be addressed before the Case Manager will be permitted to finalize the document.
- Notify the 504 Assistant at Central Office to mail a hard copy (physical copy) of the plan to the guardian/student on record.

Timelines

NLPS will adhere to timelines as specified by the Special Education process for evaluations. Therefore:

- Initial evaluations will be conducted within 60 calendar days from signed parent consent for evaluation
- Annual review meetings will be conducted on an Anniversary Date basis
- Case Managers are responsible for scheduling, holding and finalizing 504 Meetings and their plans to remain in compliance.

Determining Eligibility

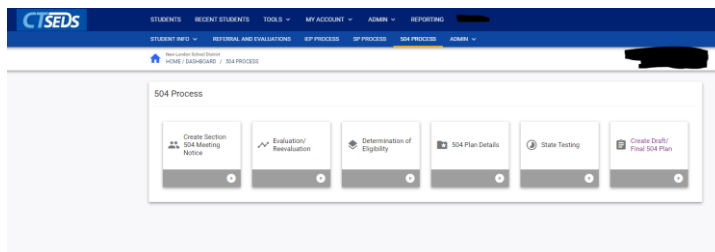
The 504 Team should utilize the “Identification and Eligibility” worksheet to guide decision making process.

To be considered eligible for services and protection under Section 504, a student must be determined, because of a comprehensive review of available information, to have a physical or mental impairment that “substantially limits” one or more major life activities.

- ✓ A physical or mental impairment is described as (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following basic 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 physiological disorder (such as mental retardation, organic brain syndrome, emotional or mental illness and special learning disabilities).
- ✓ Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- ✓ Section 504 regulations do not define the word “substantially.” The 504 Team can determine if a physical or mental impairment constitutes a disability based on the information available at the time of eligibility determination.
- ✓ Pregnancy is a temporary health/medical condition that may result in a substantial limitation to learning pursuant to Connecticut state law. Temporary handicaps may result in a requirement to provide reasonable accommodations.
- ✓ A student cannot claim protection under Section 504 if in violation of the district’s policy on drugs and alcohol. However, a student who is not presently using drugs or alcohol and is in a recognized rehabilitation program is protected under Section 504.

- ✓ Determining a “Substantial Limitation on Learning”. Federal law and regulations do not define the term “substantially limits.” The Office for Civil Rights has issued an opinion letter which leaves to the local school district the determination of whether a particular impairment substantially limits a major life activity such as learning.
- ✓ OCR has made it clear, however, that simply having a diagnosis of ADD does not in itself establish that a student is disabled under Section 504.
- ✓ Listed below are several factors that should be considered in determining whether a student’s physical or mental impairment substantially limits his learning. Generally, there must be multiple indicators of difficulty to show a substantial limitation.
 - Has the student demonstrated a consistent need for substantially more time to complete homework assignments than is required by non-handicapped students?
 - Has the student demonstrated a consistent need for substantially more time to complete in-school assignments than is required by non-handicapped students?
 - Is modified testing consistently necessary for the student to be able to demonstrate knowledge?
 - Does the student exhibit frequent behaviors, such as drowsiness, impulsivity, inattentiveness, or aggressiveness, associated with an identified physical or mental impairment or is medication taken to address the condition and do these behaviors significantly interfere with school performance? (Describe the behaviors and how they interfere with school performance.)
 - Does the student exhibit significant difficulty with planning, organization and execution of school-related activities and assignments?
 - Is the student chronically absent or tardy for reasons related to a diagnosed physical or mental impairment and are such absences or tardiness interfering with his school performance?
 - Has the student experienced a steady decline in academic performance for which there is no known cause other than the diagnosed physical or mental impairment?
 - Has the student experienced a steady increase in disciplinary interventions for which there is no known cause other than the diagnosed condition?
 - After at least two intervention strategies have been implemented in regular education, does the student still exhibit significant learning difficulties?
 - Are there other indicators that this student’s physical or mental impairment substantially limits his learning?

The Case Manager is responsible for ensuring all required sections/documents are entered into CT SEDS. The database will not allow a document to be finalized if all sections of the 504 processes have not been acknowledged. This is monitored by the CT SDE for compliance.



Upon eligibility:

- Attach document to PowerSchool.
- Add a 504 “dot” indicator in PowerSchool to indicate 504 eligibility or remove after exit 504 meetings.

Procedure: Annual Reviews

Preparing for the Annual Review

It is the view of New London Public Schools that all students should engage in and practice the skills of self-advocacy. There is an expectation that students will meaningfully contribute to the 504 process and understand their own strengths and need areas. Therefore, there should be an age-appropriate discussion between the case manager and the student in preparation for the Annual Review.

All Annual Review meetings will include reassessment of continued eligibility. Triennial Reevaluations are not necessary because the 504 Team is annually reviewing student eligibility and needs.

Procedure: Homebound Instruction/Interim Educational Placement for Temporary/ Chronic Medical Condition Illness

Homebound or hospitalized instruction is provided when a student’s condition is predicted to cause an absence of at least ten consecutive school days (or documented chronic condition) as documented by a physician. Completion of the Homebound Request form must be completed and approved by the Executive Director of School and Family Supports.

The request of homebound instruction should be made to the Executive Director of School and Family services OR through the 504 Process. A student may be placed directly on homebound/hospital instruction for medical reasons with a written statement from the student’s doctor without a 504 in place first. The student may need 504 Accommodations when returning to school. This is determined on a case-by-case basis. The doctor’s correspondence must:

- Indicate that the student is unable to attend school for medical reasons
- Provide a diagnosis of the student’s condition
- Provide the expected start and end dates per medical recommendation

Provided nothing in the student’s condition precludes it, homebound instruction must begin within two weeks from the first day of absence.

Five hours per week of tutorial instruction will be provided to K-6 students. This equates to approximately one hour per subject per week. Ten hours per week of tutorial instruction will be provided to students in

grades 7-12. This equates to approximately two hours per academic course per week. Homebound instruction times may be adjusted if the student’s physical condition or medical restrictions so indicate.

Grading will generally be done cooperatively between the regular teachers and the homebound instructor.

Homebound instruction is not generally offered beyond the regular school term, nor is it provided during school vacations.

There must be an adult present during these homebound instruction sessions. If the homebound instructor arrives at the student’s home or other approved location and no other adult is present, the session will be cancelled. The instruction should immediately report this to the Department of Special Services office.

Procedure: Manifestation Determinations

- Parents must be contacted and invited to the meeting. The Case Manager is responsible for logging all contact in PowerSchool or CT SEDS
- The 504 Team should utilize the Manifestation Paperwork in *TEAMS*.
- The Case Manager is responsible for updating the 504 Plan Document with:
 - *Manifestation Determination*
- Manifestation determinations must be completed when a change in a student's placement is being made, including suspension for 10 cumulative days in a school year.

Completing 504 Accommodation Plan Sections

Meeting Information

- All participants should be recorded in attendance.
- Notes from the meeting regarding concerns and decisions should be noted in the “Team Recommendations” section.

Language & Communication Plan

- Complete as appropriate with most recent information.

Section 504 Plan Components

- Indicate any diagnoses, either determined from outside providers or school evaluations.
- Indicate major life activity that is impacted by student’s disability.
- Indicate how this impairment impacts the student’s major life activity.
- Complete all sections as warranted: Accommodations, Modifications, Assistive Technology, Adult Support, Related Service(s), Indirect Services, Transportation.

Testing Accommodations

- Record all necessary testing accommodations needed based on the student's disability and impact.

Services with Budgetary Impact

Although Central Office does not supersede the authority of the 504 Team, any additional service, consultation, equipment, technology, etc. which is not currently provided by the New London Public Schools, must be reviewed with the Executive Director of School and Family Support Services *prior* to the 504 Meeting. This applies to any new items such as paraprofessionals, transportation, technology, or additional items needing to be purchased.

All services, accommodations, and modifications included in the 504 Accommodation Plan must be reviewed annually and need for such justified based on current disability impact.

Transportation

Remember to carefully review the student's need for special transportation each year. Reevaluation of the medical or behavioral need must occur annually.

Transportation should be on the 504 Plan when it is required because of the student's disability.

Because of the "Educational Stabilization Act" there are situations where DCF will be transporting students. Please indicate this in the Summary. DCF will not be responsible for transportation if the student requires transportation on their 504 Plan.

**When finished, it is the responsibility of the case manager to notify Central Office for mailing.

Amendments

The rule of thumb is that substantial changes to the 504 Plan requires a 504 Meeting (for example adding or deleting a service, homebound instruction, manifestation, adding/deleting hours of existing service) but minor changes to a 504 Plan may be completed through the amendment process. Staff and the administrator should meet or collaborate on the appropriateness of the Amendment. Parent/guardian verbal agreement is required to send them the "Request for Amendment Without Meeting with Consent Form". It is not required that parents/guardians attend any staff collaboration meetings.

How to Exit a Student

If a student was referred for special education and does not qualify for an IEP but the team determines that the student should have a 504 plan, the student must be exited from special education (CT SEDS) BEFORE he/she can be entered into CT SEDS 504.

For students who do not qualify or who are exited from 504:

- A 504 Meeting must be scheduled and held to exit a student from 504 Eligibility.
- A referral to Special Education Evaluation does not automatically exit a student from 504 Eligibility, and vice versa. An official meeting invitation is required, and an exit meeting held and documented.

The Case Manager is responsible for:

- Removing the 504 Eligibility in Power School when a student has been officially exited.

Acknowledgements

New London Public Schools would like to acknowledge the leadership, best practice recommendations, model policies, and collegial support from the following national organizations that helped make this document possible:

- Section 504 of the Rehabilitation Act of 1973

District Forms

**New London Public Schools
134 Williams Street
New London, CT 06320**

Section 504 Procedural Safeguards Notice

The New London Public Schools does not discriminate based on race, color, religion, sex, age, national origin, or disability in admission, access, treatment, or employment in its programs, services, and activities. Applicants, students, parents/guardians, employees, referral agencies, and all organizations holding agreements with the district are hereby notified of this policy. Any person with concerns regarding the district's compliance with the regulations implementing Title VI, Title IX, Section 504 or the Americans with Disabilities Act is directed to contact:

Name: Carrie Rivera
Position: Executive Director of School and Family Support Services
Phone Number: 860-447-6010
E-mail: riverac@newlondon.org

This document summarizes the procedural protections and rights you have as the parent of student who may qualify for accommodations or services under Section 504 and the ADA.

INTRODUCTION. Section 504 of the 1973 Rehabilitation Act, along with the Americans with Disabilities Act, requires that the school district may not discriminate against students with disabilities. Accordingly, the district has adopted policies and procedures to ensure that discrimination does not take place. In the rest of this document, we will refer to these laws as "Section 504."

IDEA ELIGIBILITY. Many students who meet the definition of an "individual with a disability" under Section 504/ADA also qualify for services under the Individuals with Disabilities Education Act (IDEA). This document does not address these students or their parents. Such students are served pursuant to the requirements of the IDEA. The rest of this document addresses only the rights of parents of students who satisfy the definition of an individual with a disability under Section 504 but do not qualify under IDEA.

AN APPROPRIATE EDUCATION. If it is determined that your child meets the definition of an "individual with a disability" under Section 504, then your child will be entitled to a free and appropriate public education. This means that your child's education will be designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. A "free" public education means that no fees will be imposed on you except for the same fees that are imposed on parents of nondisabled students. However, insurance companies and other third parties that are obligated to provide or pay for services to your child are still obligated to do so.

NOTICE. You have the right to be notified by the district prior to any action that would identify your child as having a disability, evaluate your child for services under Section 504, or place your child in a program based on a disability.

EVALUATION. Prior to conducting an evaluation of your child for purposes of services under Section 504, the district will seek your informed written consent. An evaluation will not be conducted unless you give consent. However, school officials may review existing records, test scores, grades, teacher reports, and

recommendations and other such information without your consent to the same extent they would do so for nondisabled students.

If an evaluation is conducted, the school will make sure that

- All testing and other evaluation procedures are validated for the specific purpose for which they are used.
- They are administered by trained personnel in conformity with the instructions provided by the producer.
- They include tests and other evaluation materials designed to assess specific areas of educational need and not merely those designed to elicit a general IQ score; and
- Tests are selected and administered to best ensure that they accurately measure what the test seeks to measure, rather than any sensory, speaking, or manual impairments the student may have (except when the test is designed to measure sensory, speaking, or manual skills).

An evaluation that satisfies these requirements will be conducted prior to your child's initial placement and conducted or reviewed prior to any subsequent significant change in placement.

If your child is identified as an individual with a disability under Section 504 the school will periodically reevaluate your child as appropriate.

PLACEMENT. If your child is identified as an individual with a disability under Section 504, placement decisions about your child will be made by the school's 504 Team, who, are knowledgeable about your child, the meaning of the evaluation data, and the placement options. You will be invited to participate in any meeting of the 504 Team if your child's placement and/or services are to be discussed. The 504 Team will also ensure that your child is placed in the "least restrictive environment."

LEAST RESTRICTIVE ENVIRONMENT. If your child is identified as an individual with a disability under Section 504, your child will be placed and served in the "least restrictive environment." This means that your child will be served with nondisabled students in the regular education environment to the maximum extent appropriate. Prior to removing your child from the regular education environment due to his/her disability, the school will consider the use of supplementary aids and services. Your child will be removed from the regular education environment only if he/she cannot be served satisfactorily in that environment, even when supplementary aids and services are provided.

If it becomes necessary to serve your child in an alternate setting due to disability, the school will consider the proximity of the alternate setting to your home.

EXAMINATION OF RECORDS. You have the right to see and examine any educational records that pertain to your child or are relevant in serving your child.

HEARINGS. If you disagree with a decision of the 504 Team regarding the identification, evaluation, or educational placement of your child you have the right to an impartial hearing. You have the right to participate in such a hearing and to be represented by a person of your choice, including an attorney.

If you wish to request a hearing, you must make a written request for a hearing within 30 calendar days from the time you receive the written notice of the decision of the 504 Team. Your request for a hearing must be filed with the district's Section 504 Coordinator.

Upon receipt of a timely request for a hearing, the district will notify you of the date, time, and location of the hearing. If you disagree with the decision of the hearing officer, you have the right to a review of that decision by a court a competent jurisdiction.

OTHER COMPLAINTS. You also have the right to file a complaint with the district's Section 504 Coordinator pertaining to harassment, retaliation, or discrimination against your child in ways that do not involve your child's identification, evaluation, or educational placement.

OFFICE FOR CIVIL RIGHTS. You also have the right to file a complaint with the United State Office for Civil Rights.

504 Notice 03 20150424

**New London Public Schools
134 Williams Street
New London, CT 06320**

Section 504 Referral Form

Student:

School:

Birthdate:

Grade:

Teacher:

Referred by:

Reason for referral:

Accommodations and interventions attempted:

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

Yes _____ No _____ If yes, explain:

Referral action:

Signature of Section 504 Coordinator

Date

**New London Public Schools
134 Williams Street
New London, CT 06320**

Section 504 Worksheet to Assist with Student Eligibility Determination

Step 1: Data Collection

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

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

Step 2: Consideration of Major Life Activities

Identify the major life activity that may be impaired:

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

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

Step 3: Consideration of Impairment

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

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

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

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

Yes No

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

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

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

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

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

Taking all of that into account:

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

Yes No

Step 5: Identification

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

OR

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

OR

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

OR

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

- Active
- Episodic
- In remission

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

Step 6: Consideration of Accommodations and Services

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

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

The student's disability is active and requires accommodations or services in the school setting. The Team will review the student's plan at an annual meeting of the 504 Team and at any other time at parent's request.

Section 504 Consent for Reevaluation

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

DATE:

RE: STUDENT

DOB: ID#:

New London Public Schools
134 Williams Street
New London, CT 06320

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

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

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

Additional Evaluation Activities

Person Responsible

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

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

Please check one:

I grant consent for reevaluation activities by the Section 504 Team.

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

Parent/Guardian

Signature
(Print Name)

Date

New London Public Schools

**134 Williams Street
New London, CT 06320**

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

DATE

To the Parent/Guardian of STUDENT
ADDRESS

RE: STUDENT

Dear Parent/Guardian of STUDENT:

DOB: ID#:

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

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

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

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

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

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

Sincerely,

Enc. Section 504 Accommodation Plan Amendment Agreement and Consent Form

New London Public Schools

134 Williams Street
New London, CT 06320

Section 504 Accommodation Plan Amendment Agreement and Consent Form

DATE

RE: STUDENT

I. Section 504 Accommodation Plan Amendment Proposal:

The proposed change(s) to your child's Section 504 Accommodation Plan is specified below (indicate current and changes, if appropriate)

Authorized School Official: _____
Print Name Signature Date

II. Agreement and Consent

I have received the Section 504 Request for an Agreement to Amend Accommodation Plan without a Meeting and reviewed the proposed change(s).

I understand that if I consent, the amended Section 504 Accommodation Plan shall be put into effect and that all staff involved in implementing the amended Accommodation Plan shall be notified of the changes and have access to the new Accommodation Plan. I also understand that I will be provided with a revised copy of the Section 504 Accommodation Plan with the amendments incorporated.

I understand that I do not have to grant consent to waive my right for a formal Section 504 Team meeting and can request that a meeting be scheduled.

In granting consent, I acknowledge that I have been advised of my right to consult with the appropriate personnel concerning the proposed changes and my right to request and attend a formal Team meeting to recommend such changes and have agreed to waive a meeting to expedite the changes proposed. I am also advised that nothing in this agreement shall limit or otherwise affect my right to request a meeting with the Team in the future.

I hereby grant consent to waive my right for a Section 504 Team meeting and consent to the proposed changes.

Parent/Guardian Signature Date

New London Public Schools
134 Williams Street
New London, CT 06320

Section 504 Manifestation Determination Review Worksheet

Student:

Grade:

Date:

Date of disciplinary action: _____

Date parents notified of disciplinary action: _____

Section 504 Procedural Safeguards Notice given? Yes

Describe the nature of student's disability:

Description of misconduct:

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

Yes. Review the following procedure for Unilateral Removal:

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

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

No. Go to next item.

Information considered in conducting a manifestation determination:

Indicate items below that were considered:

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

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

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

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

No: Go to next item.

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

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

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

No: The behavior under review is not considered a manifestation of the student's disability.

School personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities.

Manifestation Determination Summary

Select one:

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

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

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

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

As a result, Team proposes the following action:

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

**New London Public Schools
134 Williams Street
New London, CT 06320**

Section 504 Notice of Manifestation Determination for Referral to Special Education

DATE

To the Parent/Guardian of STUDENT
ADDRESS

Dear Parent/Guardian of STUDENT : RE: STUDENT
DOB: ID#:

The Team met on DATE to determine whether the above student's misconduct was related to the student's disability. After careful consideration and review of the information presented, the Team determined that the student's behavior was a manifestation of his/her disability.

As a result, team proposed the following actions:

- Return the student to the placement from which the student was removed (unless the parent and the district agree a change of placement as part of the modification of the behavior intervention plan.
- Referral to Special Education: The Team has determined that the student may have a physical or mental impairment that substantially limits learning, or another major life activity, in such a way that the student may require the provision of specially designed instruction. Therefore, the student has been referred for a full individual evaluation to determine eligibility for special education services under the Individuals with Disabilities Education Act.

If you have any questions regarding this notice, please do not hesitate to contact our office. Upon your request, we will arrange a meeting to discuss any questions that you may have about the recommendation. Previously you have received the Section 504 Procedural Safeguards Notice that explains your rights regarding the Section 504 process, but if you need an additional copy, please contact our office.

Sincerely,