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EDUCATIONAL SERVICES IN ACCORDANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973	IGBJ
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**LINCOLN PUBLIC SCHOOLS SECTION 504/ADA
PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

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1. Purpose and Philosophy

1.1 Section 504 of the Rehabilitation Act of 1973, [29 U.S.C. § 794](#), [34 C.F.R. Part 104](#) (“Section 504”), is a federal law that prohibits discrimination against students on the basis of their disability. The purpose of this policy is to inform Lincoln School District employees, students, and parents about Section 504 and to provide a system for implementing its procedural provisions. This policy also reflects the District’s commitment to serve all students.

1.2 Lincoln Public Schools expects its employees to be knowledgeable about District policies and procedures governing Section 504, grievance procedures for resolving Section 504 complaints, and parent and student rights. In accordance with [34 CFR 104.7](#), the District has designated a 504 Coordinator as the responsible employee to coordinate its efforts to comply with this policy. Individuals with Section 504 questions should contact the:

District 504 Coordinator
Director of Student Services
Administrative Suite
135 Old River Road
Lincoln, RI 02864
Telephone No: 401-721-3317

1.3 Lincoln Public Schools shall conduct the child find process and take

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continuing steps to notify employees, students and parents that it does not discriminate based on disability. Notice shall be provided at a minimum on the District website, at school buildings, and in parent information guides. Employees shall receive annual training on this policy.

2. Section 504 background information

- 2.1** Section 504 of the Rehabilitation Act of 1973, commonly known as “Section 504,” is a federal statute that prohibits discrimination against persons on the basis of their disability by institution that receive federal financial assistance. Pursuant to Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 (“ADA”) and their implementing regulations, no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity in the Lincoln Public School Department “(District)”. The District does not discriminate in admission or access to, participation or treatment, or employment in, its programs or activities. As such, the District’s policies and practices shall not discriminate against students and employees with disabilities, shall provide equal opportunity to employment, and shall make accessible to qualified individuals with disabilities its facilities, programs, and activities. Disability discrimination shall not be permitted in any of the programs, activities, policies, and/or practices in the District.
- 2.2** As used in this policy and as defined under Section 504/ADA (as the same may be amended from time to time), “an individual with a disability” means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- 2.3** Section 504’s purpose is, among other things, to assure that students with disabilities have educational opportunities and benefits equal to those provided to other students. The District satisfies this purpose by providing eligible students a free, appropriate public education (FAPE). Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student’s individual educational needs as adequately as the needs of nondisabled students are met and are based upon adherence to the applicable Section 504 and Title II regulations.
- 2.4** The District is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504. If a student is covered by Section 504, the

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District must provide such accommodations as are necessary to ensure that the student has equal access to services, programs, and activities offered by its schools. This means that the District will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. The District will verify that persons with disabilities participate with persons without disabilities in such activities and services to the maximum extent appropriate.

2.5 The District will adhere to a vertical and horizontal alignment with the 504 process and all staff must follow the 504 procedure manual and use the 504 packet to ensure uniform and consistent approaches to identifying and supporting Lincoln students and ensuring access to the curriculum to the greatest extent possible in the least restrictive environment.

3. Identifying students for Section 504 Eligibility

Any parent, guardian, teacher, counselor, or other school staff member who believes that a student, because of disability, may need accommodations at school, can request a Section 504 evaluation. The district Section 504 procedure manual and referral form should be used. The link to the 504 district manual with forms is as follows [504 procedure manual](#).

4. Design and implementation of a Section 504 plan

Section 504 requires that a student with a disability be educated with non-disabled students to the maximum extent appropriate. As with IDEA, this is considered educating the student in the least restrictive environment. Implementation of most Section 504 Plans occurs within the regular classroom. Accommodations generally are those minor adjustments to things like seating arrangements, removal of physical barriers, and other facets of the learning experience that provide the student with equal access to learning opportunities. Accommodations might involve the use of special visual aids, large print texts, or video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation. Numerous accommodations exist that can support a student's equal access to educational opportunities. It is the duty of the 504 Team to identify those accommodations that best support the access needs of a 504 eligible student. The 504 Team may contact the District 504 Coordinator for assistance with the accommodation process.

5. Section 504 Procedural Safeguards and parent/student rights.

5.1 Are schools required to provide parents with prior notice of a Section 504 eligibility meeting?

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Yes. A parent/legal guardian must receive prior notice of a Section 504 eligibility meeting. The team leader should document how and when the parent received prior notice.

5.2. Must schools secure parental consent before conducting an initial eligibility meeting?

Yes. Even though the Section 504 regulations do not include any express provision related to parental consent, Office of Civil Rights (OCR) has interpreted Section 504 to require districts to obtain parental permission for any evaluations. Before holding an eligibility meeting, the 504 Team Leader shall ensure that parental consent is obtained. The Parent Notice and Consent for Section 504 Evaluation form should be used to obtain parental consent.

5.3 Are schools required to provide parents with a list of parent/student rights under Section 504 before conducting an initial student review?

Yes. The District is required to establish and implement procedural safeguards that include:

- 1. Notice to the parent/legal guardian explaining any evaluation or placement decisions.**
- 2. An opportunity for parents/legal guardians to review relevant records.**
- 3. A complaint resolution process that may be pursued through administrative levels in the District, starting with the District 504 Coordinator.**
- 4. An alternative adult resolution option with the parent/guardian and mediator from District requested mediator**
- 5. An impartial hearing with opportunity for participation by the student's parent / legal guardian with representation by legal counsel.**

6. Working with parent/guardian concerns and complaints

6.1 The Best solutions to parent/legal guardian concerns occur at the school level. Therefore the first step in resolving a complaint should involve the school principal and 504 team leader working with the parent/legal guardian to a mutually acceptable resolution of the parent's concern(s). If the concern(s) cannot be resolved informally, the parent/legal guardian may seek formal resolution under the District's complaint process.

6.2 Complaints of bullying or harassment based on disability should be made and

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investigated in accordance with the District's bullying/harassment policy.

6.3 Complaints related to the sufficiency or implementation of a student's 504 Plan, including allegations of FAPE denial, should be made and investigated in accordance with the following:

- Step 1.** The parent/legal guardian should complete and submit a Section 504 Complaint form to the District 504 Coordinator.
- Step 2.** The District 504 Coordinator or designee will review the complaint and meet with the parent/legal guardian to hear their concerns. The District 504 Coordinator or designee will decide whether to seek to mediate the dispute between the parent/legal guardian and school or render a decision regarding the complaint and submit it in writing to the parent/legal guardian. If the mediation was unsuccessful or if the parent/legal guardian is not satisfied with the decision rendered by the District 504 Coordinator or designee, the parent/legal guardian may either:
 - (a) give written notice to the District 504 Coordinator requesting a meeting for mediation through Alternative Adult Resolution with District requested mediator (**Step 3**)
 - (b) give written notice to the Superintendent requesting an impartial hearing with OCR (**Step 4**).
- Step 5.** Upon receiving a written request for an impartial due process hearing, the Superintendent or designee will promptly adhere to the protocols and process with the Office of Civil Rights (OCR) or Rhode Island Department of Education (RIDE).

7. Confidentiality

Investigations of discrimination complaints shall be conducted in such a manner as to disclose information only to those who need to know or those who may have information pertinent to the investigation. Please note, some level of disclosure may be necessary in the course of conducting interviews in connection with investigation of any complaint under this policy. The Lincoln Public Schools shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

8. State and Federal Authorities

As described in the process described above, the complainant may, at any time, file a complaint with to the Office for Civil Rights, Rhode Island Department of Elementary and Secondary Education, or other appropriate federal or state agency charged with enforcement of state and federal laws prohibiting discrimination.

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U. S. Department of Education, Office for Civil Rights
John W. McCormack Building
5 Post Office Square, Suite 900
Boston, MA 02109
Telephone: (617) 289-0111
<http://www.ed.gov>

Rhode Island Department of Education
255 Westminister Street
Providence, RI 02903
Telephone: (401) 222-4600
<http://www.ride.ri.com>

Policy Adopted: 3/14/94
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TOWN OF LINCOLN SCHOOL COMMITTEE, Lincoln, Rhode Island