EASTCONN
Where Learning Comes to Life

STUDENTS
Series 5000
Policy #5040.4.1

Civil and Legal Rights and Responsibilities

The EASTCONN Board of Directors recognizes its responsibility to provide a free, appropriate public education to students with disabilities under Section 504 of the Rehabilitation Act of 1973. Accordingly, no otherwise qualified individual with disabilities 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 EASTCONN program or activity, including extra-curricular athletics or other non-academic activities, or those provided by the EASTCONN through contractual or other arrangements. EASTCONN aids, benefits and services will afford qualified students with disabilities equal opportunity to obtain the same result gain the same benefit or reach the same level of achievement as students without disabilities in the most integrated setting appropriate to the student's needs. Programs and activities shall be accessible to and usable by individuals with disabilities as prescribed by law.

A qualified individual with disabilities under Section 504 is an individual who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment or is regarded as having such an impairment.

Major life activities, as defined by the Americans with Disabilities Act Amendments of 2008, include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating; and major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

In compliance with the provisions of Section 504, EASTCONN will:

1. Provide written assurance of nondiscrimination in accordance with application procedures whenever EASTCONN receives federal money;

2. Designate an employee to coordinate compliance with Section 504;

3. Provide procedures to resolve complaints of discrimination under Section 504;

4. Provide notice to students, parents, employees, including those with vision or hearing

impairments, of EASTCONN's policy and compliance with law assuring nondiscrimination in admission or access to, or treatment, in EASTCONN programs, activities or employment. Notice will be included in student/parent and staff handbooks and other materials as appropriate;

5. Annually identify and locate all Section 504 qualified students with disabilities in the Agency who are not receiving a free appropriate, public education;

6. Ensure that tests and other evaluation materials have been validated, are administered by trained personnel, are tailored to assess educational need and are not based on IQ scores, and reflect what the tests purport to measure;

7. Provide nonacademic and extracurricular services and activities in such a manner as to afford qualified students with disabilities an equal opportunity for participation in such services and activities by making reasonable modifications* and provide those aids and services that are necessary to ensure an equal opportunity to participate, unless EASTCONN can show that doing so would be a fundamental alteration to its programs;

*If a modification is necessary, EASTCONN must allow it unless doing so would result in a fundamental alteration of the extracurricular-athletic activity. A modification might constitute a fundamental alteration if it alters such an essential aspect of the activity or game that it would be unacceptable even if it affected all competitors equally (such as adding an extra base in baseball.) Alternatively, a change that has only a peripheral impact on the activity or game might nevertheless give a particular player with a disability an unfair advantage over others and, for that reason, fundamentally alter the character of the competition.

Nonacademic and extracurricular services and activities may include, but are not limited to, counseling services, transportation, health services, athletics, intramurals, clubs or organization activities, referrals to agencies which provide assistance to persons with disabilities and employment of students, including both employment by EASTCONN and assistance by EASTCONN in making available outside employment.

8. Annually notify students with disabilities and their parents or guardians EASTCONN's responsibilities under Section 504, including those with limited proficiency in English and those with vision or hearing impairments;

9. Provide parents or guardians with procedural safeguards, including notification of their right:

   a. To be notified in writing of any decisions made by EASTCONN concerning the identification, evaluation or educational placement of their student pursuant to Section

504. (EASTCONN will request parental consent prior to conducting an evaluation of the student);

b. To examine, copy and request amendments of the student's educational records;

c. To request an impartial hearing, with opportunity for participation by the student's parents or guardian and representation by counsel regarding EASTCONN decisions concerning identification, evaluation or educational placement of their student. A review procedure will be provided.

10. Students with disabilities who cannot participate in the school's existing extracurricular athletics program, even with reasonable modifications or aids and services, still have an equal opportunity to receive the benefits of extracurricular athletics. EASTCONN therefore should/may (TBD) create additional opportunities for such students, such as creating disability-specific teams for sports such as wheelchair tennis or basketball. (If numbers are insufficient, EASTCONN can develop regional teams, mix male and female students with disabilities on teams together, offer "allied" or "unified" sports teams mixing disabled and non-disabled students.)

Students identified as qualified individuals with disabilities under Section 504 shall be placed in the regular educational environment unless it is demonstrated by EASTCONN that the education of the student with the use of related aids and services in such a placement cannot be achieved satisfactorily. All placement decisions will be made by an evaluation team comprised of persons designated by the Executive Director of EASTCONN or designee, knowledgeable about the student, the meaning of the evaluation data and placement options.

Students will be reevaluated periodically, but no less than every three years. Additionally, before implementing discipline that constitutes a significant change in the placement (i.e., expulsion, serial suspensions which exceed 10 school days in a school year, a series of suspensions each of which is 10 or fewer school days in duration but that creates a pattern of exclusion), EASTCONN shall conduct a reevaluation of the student to determine whether the misconduct in question is caused by the student's disability and, if so, whether the student's current educational placement is appropriate.

If it is determined that the misconduct of the student is caused by the disability, EASTCONN's team will continue the evaluation, following the requirements of Section 504 and the Americans with Disabilities Act of 1990 and Americans with Disabilities Act Amendments Act of 2008 (ADA) for evaluation and placement to determine whether the student's current educational placement is appropriate. Due process procedures that meet the requirements of the IDEA will be used to meet the procedural safeguards of law.

If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.

A student identified as a qualified individual with disabilities under Section 504, who is also covered by the Individuals with Disabilities Education Act, will be disciplined in accordance with

the EASTCONN Board of Directors' policy #5023.2.1, "Discipline of Students with Disabilities."

A reevaluation will also be required before any other significant change in placement (i.e., transferring a student to alternative education, significantly changing the composition of the student's class schedule, such as from regular education to the resource room, etc.).

Legal Reference: Connecticut General Statutes

10-15c Discrimination in public schools prohibited.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§791, 793-794 (2006), (34 Code of Federal Regulations Part 104)

Americans with Disabilities Act of 1990, 42 U.S.C. §§12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006)

Americans with Disabilities Amendments Act of 2008

U.S. Department of Education, Office for Civil Rights, "Dear Colleague Letter," 113 LRP 3326 (OCR 1/25/13)

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