

**Compliance with 504 Regulations**

It is the policy of the North Canaan Elementary School District to comply with all aspects of the Section 504 regulations of the Rehabilitation Act of 1973. Section 504 prevents discrimination against otherwise qualified individuals with disabilities in programs and activities operated by the school system (See Appendix 4.)

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

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

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

**Definitions:**

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

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

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

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

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

**Requirements:**

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

**Procedures:**

1. **Identification and Notification:** The Office of Pupil Services annually conducts child find activities to identify any person between the ages of 0-21 who is or may be in need of special services. Appendix 1 is the Notification form to hold a 504 Planning Meeting.
2. **Least Restrictive Environment:** Each Committee of Knowledgeable People (Student Assistance Team, Planning and Placement Team or other appropriate group) is aware of the district practice to ensure students are educated with their non-disabled peers as often as possible and in the most appropriate way. All programs are developed with this requirement in mind.
3. **Evaluation:** Referrals for evaluation are made by the 504 Team. All statutory requirements for evaluation are adhered to closely.
4. **Placement/Program Development:** 504 Team will reconvene at the conclusion of the evaluation to consider evaluation results, determine eligibility and develop appropriate programming. A written service plan is developed and maintained by the primary service provider. The plan is reviewed and/or updated throughout the school year as the child's needs

warrant. All students who have undergone special education evaluations are automatically considered for eligibility under Section 504, i.e. for students who are not eligible for Special Education under IDEA. (See Appendix 2 for Section 504 Service Plan.)

5. **Periodic Reevaluation:** All students receiving services under Section 504 are reviewed one time per year.

6. **Coordinator:** The School Counselor will be identified as the 504 Coordinator for the North Canaan School District. This individual will convene a Committee of Knowledgeable People to address 504 referrals.

7. **Grievance Procedures:** Students, parents or other individuals in the school district may register complaints regarding accessibility and other 504 regulations through the grievance procedures noted in Appendix 3.

Legal Reference: Connecticut General Statutes

[10-15c](#) Discrimination in public schools prohibited

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

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

NOTE: Forms relative to this Policy are available at:

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

Approved: April 21, 2020

NORTH CANAAN BOARD OF EDUCATION  
North Canaan, Connecticut

North Canaan Elementary School  
Appendix 1 - 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:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

The purpose of this meeting is to:

- \_\_\_\_\_ Consider Referral
- \_\_\_\_\_ Discuss Evaluation Issues
- \_\_\_\_\_ Determine Eligibility
- \_\_\_\_\_ Develop Student Accommodation Plan
- \_\_\_\_\_ Review and/or revise Student Accommodation Plan
- \_\_\_\_\_ Other \_\_\_\_\_

The following individuals have been invited to attend:

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

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. [Notice of Parent and Student Rights](#)

If you have any questions or wish to reschedule the meeting, please contact me at: \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
Name and Title

cc: Student's Cumulative File

North Canaan Elementary School  
Appendix 2 **Section 504**  
**STUDENT ACCOMMODATION PLAN**

Meeting Date: \_\_\_\_\_

I. Identifying Information

Name: \_\_\_\_\_ Date of Meeting: \_\_\_\_\_

DOB: \_\_\_\_\_ Age: \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_

Current School: \_\_\_\_\_ Grade: \_\_\_\_\_ Case Manager: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

II. Participants

Name	Title	Name	Title
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

III. Summarize the disabling condition(s) that Plan is designed to accommodate in the public school setting

\_\_\_\_\_  
\_\_\_\_\_

IV. These accommodations and/or related services are required for the student to have an opportunity commensurate with his/her nondisabled peers in the school district. (see attached sheet if necessary)

1. \_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_

APPENDIX 2 - (CONT'D)

3. \_\_\_\_\_  
\_\_\_\_\_

4. \_\_\_\_\_  
\_\_\_\_\_

5. \_\_\_\_\_  
\_\_\_\_\_

V. Are modifications/exclusions needed for the Connecticut Mastery Test (CMT) or the Connecticut Academic Performance Test (CAPT). No \_\_\_\_\_. Yes \_\_\_\_\_. (Complete 504 modification form.)

I have participated in the development of this plan and have received a copy of the parents' rights.

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

cc: Appropriate Staff and Student's Cumulative File

North Canaan Elementary School  
Appendix 3  
**Procedures for Grievances Regarding  
Student's 504 Identification, Evaluation, and/or Educational Placement**

Grievances regarding a student's identification, evaluation, or educational placement should be addressed as follows:

A. Informal Level

1. In order to facilitate the prompt investigation of grievances, any written grievance regarding a student's identification, evaluation or educational placement should be filed within 30 days of alleged event.

The grievance should be forwarded to the Section 504 Coordinator, who will work with the appropriate administrator to gather current, accurate information about the grievance.

2. The district's grievance form shall include the following:

A. Full name and address of grievant;

B. Specific areas of disagreement relating to the child's identification, evaluation, and/or educational placement; and

C. Remedy requested.

3. The Section 504 Coordinator or his/her designee may meet informally with the grievant and other relevant individual(s) within ten (10) days of receiving a copy of the grievance. Every attempt shall be made to seek a resolution of the matter at this level when possible.

B. Formal Level – Superintendent Review

1. If the grievant is not satisfied with the resolution offered in the initial informal procedures, s/he may initiate more formal procedures to further explore and resolve a Section 504 grievance regarding a student's identification, evaluation, or educational placement.

2. The grievant shall present the written appeal to the Superintendent within fifteen (15) days after the conclusion of the informal resolution process. The Superintendent may resolve the grievance alone or with the appropriate principal/ district administrator.

3. If the grievance is not resolved, the Superintendent shall hear and fully review the case within thirty (30) days of the receipt of the grievance regarding a student's identification, evaluation, or educational placement.

## Appendix 3 - (Cont'd)

### C. Formal Level – Impartial Hearing

1. If the grievant is not satisfied with the resolution offered at the Superintendent level, he/she may request a hearing to resolve a dispute regarding the identification, evaluation, or educational placement of a student. The hearing request must be filed in writing with the Section 504 Coordinator.
2. Upon receipt of the hearing request, the Section 504 Coordinator shall secure an impartial hearing officer to preside over the hearing. The Board of Education shall pay the fees of the impartial hearing officer.
3. The impartial hearing officer must be someone who is knowledgeable about Section 504 and the differences between Section 504 and the regulations and requirements of the Individuals with Disabilities Education Act (IDEA).
4. The impartial hearing officer shall inform all parties involved of the date, time and place of the hearing and of the right to present witnesses and to have legal counsel or other representation at the grievant's own expense, if desired.
5. The impartial hearing officer shall hear all aspects of the grievant's appeal and shall reach a decision within forty-five (45) business days of receipt of the written appeal. The decision shall be presented in writing to the grievant.
6. A written record of the time, place, date and participants in the hearing shall be kept.



North Canaan Public Schools  
Appendix 4  
**Notice of Parent and Student Rights  
Under Section 504 of the Rehabilitation Act of 1973**

The Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under §504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment that substantially limits a major life activity such as walking, seeing, hearing, breathing, thinking, learning, standing, lifting, bending, speaking, communicating, sleeping and caring for oneself.

Some students will be eligible for educational services under both §504 and the Individuals with Disabilities Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under §504. It is the purpose of this notice to enumerate the rights assured by §504 to those disabled students who do not qualify under the IDEA.

The Board of Education complies with all applicable federal, state, and local laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities, or the discrimination against applicants or employees in decisions related to hiring, assignment, compensation, promotion, demotion, disciplinary action and termination because of disability.

The enabling regulations for §504 as set out in federal regulations provide parents and/or students with the following rights.

1. Receive notice of rights under §504. (The purpose of this Notice form is to advise you of those rights.)
2. Receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make accommodations to enable your child to participate equally in school and school-related activities.
3. Access to facilities, services, and activities that are comparable to those provided for nondisabled students.
4. Receive notice from the school district prior to any action by the district in regard to the identification, evaluation, or placement of your child.
5. Receive an evaluation prior to an initial §504 placement and any subsequent significant change in placement.
6. Receive testing and other evaluation procedures that conform with the requirements of federal law as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations anecdotal reports, and standardized testing scores.

7. Receive notice from the school district that placement decisions must be made by a group of persons (the §504 Team), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.
8. Receive periodic (yearly) review of the §504 plan, if found eligible under §504.
9. Receive notice of the right to examine records relating to your child's educational program, including records relating to identification, evaluation, and placement.
10. Receive notice of the right to obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Receive notice of the right to a response from the school district regarding reasonable requests for explanations and interpretations of your child's records.
12. Receive notice of the right to request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time and advise you of the right to a hearing. This hearing will be according to the Family Educational Rights and Privacy Act ("FERPA").
13. Receive notice of the right to contest the actions of the school district in regard to your child's identification, evaluation, or educational placement under §504. Receive notice of the right to file a local grievance to resolve complaints of discrimination other than those involving identification, evaluation or placement of the student.
14. North Canaan School offers a district level grievance procedure that provides for the prompt and equitable solution of disputes regarding §504. The complainant must submit the grievance in writing on the proper form. Grievance forms and procedures are available at each school and the Superintendent's office. The form must be submitted to the §504 Coordinator.
15. Receive notice of the right to request mediation, an impartial hearing, or an appeal related to decisions or actions regarding your child's identification, evaluation, educational program or placement. The cost for mediation and/or the hearing are borne by the school district. Parent/Guardian and the student may take part in the hearing and have an attorney represent them at their expense.
16. Receive notice of the right to initiate the hearing process by filing a written request for a hearing with the Superintendent of Schools indicating the specific areas of this agreement and the remedy that you are requesting. Any such request should be filed within forty-five (45) days of the action or decision with which you disagree. You have the right to file a court action if you are dissatisfied with the hearing decision.
17. Receive notice of the right to file a complaint with the: Office of Civil Rights, Region I; U.S. Department of Education; 33 Arch Street; Ninth Floor; Boston, MA 02110; Phone: (617) 289-0111; Fax: (617) 289-0150.