

## **Bethel Board of Education Policy Subcommittee**

Thursday, September 13, 2012 7:00 PM

Board of Education Conf. Room E Central Office, 1 School Street, PO Box 253,  
Bethel, CT 06801

1. **Model Policy - Personnel- Sex Discrimination  
and Sexual Harassment**
2. **Model Policy - Students - Sex Discrimination  
and Sexual Harassment**
3. **Model Policy - Students - Section 504**
4. **Audience Participation**
5. **Adjourn**

**Series 4118.112  
Personnel**

**Sexual and Other Unlawful Harassment**

It is the policy of the Bethel Board of Education to maintain a working environment free from harassment, insults, or intimidation on the basis of an employee's sex and free from discrimination based on sex. Verbal or physical conduct by a supervisor or co-worker relating to an employee's sex which has the effect of creating an intimidating, hostile, or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities is prohibited.

Sex Discrimination

Sex discrimination is defined as when an employer refuses to hire, disciplines, or discharges any individual, or otherwise discriminates against an individual with respect to his or her compensation, terms, conditions, or privileges of employment on the basis of the individual's sex. Sex discrimination is also defined as when a person, because of his or her sex, is denied participation in, or the benefits of, a program that receives federal financial assistance.

Sexual Harassment

Sexual harassment is a form of sex discrimination. While it is difficult to define sexual harassment precisely, it does include any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;

2. Unwelcome attention of a sexual nature, such as degrading, suggestive or lewd remarks or noises;
3. Dirty jokes, derogatory or pornographic posters, cartoons, or drawings;
4. The threat or suggestion that continued employment advancement, assignment, or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Circulating, showing, or exchanging emails, text messages, digital images, or websites of a sexual nature;
6. Using computer systems, including email, instant messaging, text messaging, blogging, or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

Any infraction of this policy by supervisors or co-workers should be reported immediately to the District or Building Title IX Coordinators or the Superintendent, in accordance with the district's sex discrimination and sexual harassment grievance procedure. Retaliation against any employee for complaining about sex discrimination or sexual harassment is prohibited under this policy and illegal under state and federal law. Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of sex discrimination or sexual harassment may also be subject to civil and criminal penalties.

Legal References: United States Constitution, Article XIV

Civil Rights Act of 1964, Title VII, 42 U.S.C. 2000-e2(a).

Equal Employment Opportunity Commission Policy Guidance (N-915.035) on Current Issues of Sexual Harassment, effective 10/15/88.

Title IX of the Education Amendments of 1972, 20 USCS § 1681, *et seq.*

Title IX of the Education Amendments of 1972, 34 CFR § 106, *et seq.*

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)  
Connecticut General Statutes § 46a-60 Discriminatory employment practices prohibited.

Conn. Agencies Regs. §§ 46a-54-200 through § 46a-54-207

Constitution of the State of Connecticut, Article I, Section 20.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

**Series 4118.112  
Personnel**

**COMPLAINT FORM REGARDING SEX DISCRIMINATION  
AND SEXUAL HARASSMENT (PERSONNEL)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or  
harassment \_\_\_\_\_

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## **ADMINISTRATIVE REGULATIONS REGARDING SEX DISCRIMINATION AND SEXUAL HARASSMENT IN THE WORKPLACE (PERSONNEL)**

### **Bethel Board of Education** **Sex Discrimination and Sexual Harassment Complaint Procedure**

It is the express policy of the Bethel Board of Education to encourage victims of sexual discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints. Any employee who feels that he/she has been sexually harassed or otherwise discriminated against on the basis of sex should submit any such complaint to the Title IX Coordinator. If the Title IX Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent, who shall investigate or appoint a designee to do so.

Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible and reprisals or retaliation that occur as a result of the good faith reporting of charges of sex discrimination or sexual harassment will result in disciplinary action against the retaliator.

The school district will provide staff development for new district administrators and will publish its policy and grievance procedures to staff and employees in an effort to maintain an environment free of sex discrimination and sexual harassment.

Any employee who believes that he or she has been discriminated against or sexually harassed in the workplace in violation of this policy may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 25 Sigourney Street Hartford, CT 06106; phone 860-541-3400, toll free phone 1-800-477-5737, TDD 860-541-3459 or FAX 860-246-5068. The Equal Employment Opportunity Commission, Boston Area Office, is located at 475 Government Center, Boston, MA 02203 (TELEPHONE NUMBER 617-565-3200).

Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged discrimination/harassment occurred. Remedies for sex discrimination and sexual harassment include cease and desist orders, back pay, compensatory damages, hiring, promotion, or reinstatement.

#### **Title IX Coordinator**

The Title IX Coordinator for the Bethel Board of Education is: Dr. Janice Jordan, whose office is located at the Bethel Municipal Center and whose telephone number is 203-794-8613.

**[This notice is to be posted in a conspicuous place readily available  
for viewing by all employees.]**

**SEXUAL HARASSMENT IS ILLEGAL  
AND IS PROHIBITED  
BY  
THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT  
(Section 46a-60 of the Connecticut General Statutes)  
AND  
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964  
(42 United States Code Section 2000e et seq.)**

SEXUAL HARASSMENT MEANS ANY UNWELCOME SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
3. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE, OR OFFENSIVE WORKING ENVIRONMENT.

Examples of SEXUAL HARASSMENT include:

UNWELCOME SEXUAL ADVANCES  
SUGGESTIVE OR LEWD REMARKS  
UNWANTED HUGS, TOUCHES, KISSES  
REQUESTS FOR SEXUAL FAVORS  
DEROGATORY OR PORNOGRAPHIC POSTERS, CARTOONS, OR DRAWINGS.

Remedies for sexual harassment may include:

CEASE AND DESIST ORDERS  
BACK PAY  
COMPENSATORY DAMAGES  
HIRING, PROMOTION, OR REINSTATEMENT

RETALIATION AGAINST ANY EMPLOYEE FOR COMPLAINING ABOUT SEXUAL HARASSMENT IS PROHIBITED UNDER THIS POLICY AND ILLEGAL.

VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINE, INCLUDING DISCHARGE.

INDIVIDUALS WHO ENGAGE IN ACTS OF SEXUAL HARASSMENT MAY ALSO BE SUBJECT TO CIVIL AND CRIMINAL PENALTIES.

AN INFRACTION OF THIS POLICY BY SUPERVISORS OR CO-WORKERS SHOULD BE REPORTED IMMEDIATELY TO **DR. JANICE JORDAN, TITLE IX COORDINATOR, OR SUPERINTENDENT DR. KEVIN SMITH.** CONFIDENTIALITY WILL BE MAINTAINED TO THE EXTENT POSSIBLE.

ANY EMPLOYEE WHO BELIEVES THAT HE OR SHE HAS BEEN HARASSED OR DISCRIMINATED AGAINST IN THE WORKPLACE IN VIOLATION OF THIS POLICY MAY ALSO CONTACT:

THE CONNECTICUT COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
REGIONAL OFFICE IS LOCATED AT

25 Sigourney Street  
Hartford, CT 06106; phone 860-541-3400, toll free phone 1-800-477-5737,  
TDD 860-541-3459 or FAX 860-246-5068.

THE CHRO WEBSITE CAN BE FOUND AT: [HTTP://WWW.STATE.CT.US/CHRO/](http://www.state.ct.us/chro/)

AND/ OR:

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
BOSTON AREA OFFICE  
475 GOVERNMENT CENTER  
BOSTON, MA 02203  
PHONE (617) 565-3200  
(800) 669-4000

CONNECTICUT LAW REQUIRES THAT A FORMAL WRITTEN COMPLAINT BE FILED WITH THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES WITHIN ONE HUNDRED AND EIGHTY (180) DAYS OF THE DATE WHEN THE ALLEGED HARASSMENT/ DISCRIMINATION OCCURRED.

**Series 5145.42**  
**Students**

**POLICY REGARDING SEX DISCRIMINATION AND SEXUAL HARASSMENT  
(STUDENTS)**

It is the policy of the Bethel Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board of Education employees, or third parties subject to the control of the Board. Students, Board employees, and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

Definitions

**Sex discrimination** occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

**Sexual harassment:** In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal, or physical. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering, and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets, or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.

6. Using computer systems, including email, instant messaging, text messaging, blogging, or the use of social networking websites, or other forms of electronic communications, to engage in any conduct prohibited by this policy.

### Procedure

It is the express policy of the Bethel Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The district will investigate such complaints promptly and will take corrective action where appropriate. The district will maintain confidentiality to the extent appropriate. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual harassment and sex discrimination.

Legal References: United States Constitution, Article XIV

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

Title IX of the Education Amendments of 1972, 34 C.F.R § 106.1, *et seq.*

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).

Constitution of the State of Connecticut, Article I, Section 20.

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_

**Series 5145.42  
Students**

**ADMINISTRATIVE REGULATIONS REGARDING  
SEX DISCRIMINATION AND SEXUAL HARASSMENT (STUDENTS)**

It is the policy of the Bethel Board of Education that any form of sex discrimination or sexual harassment is forbidden, whether by students, Board of Education employees, or third parties subject to the control of the board. Students, Board employees, and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by the Board's sex discrimination and sexual harassment policy shall be subject to disciplinary action.

Definitions

**Sex discrimination** occurs when a person, because of his or her sex, is denied participation in or the benefits of any education program receiving federal financial assistance.

**Sexual harassment:** In a school setting, sexual harassment is conduct that 1) is sexual in nature; 2) is unwelcome; and 3) denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal, or physical. Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations, leering, and physical touching.
3. Display of sexually suggestive objects, or use of sexually suggestive or obscene remarks, invitations, letters, emails, text messages, notes, slurs, jokes, pictures, cartoons, epithets, or gestures.
4. Touching of a sexual nature or telling sexual or dirty jokes.
5. Transmitting or displaying emails or websites of a sexual nature.
6. Using computer systems, including email, instant messaging, text messaging, blogging or the use of social networking websites, or other

forms of electronic communications, to engage in any conduct prohibited by this policy.

### Complaint Procedure

1. It is the express policy of the Bethel Board of Education to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she should make a written complaint to one of the following persons or to building principal:  

Dr. Janice Jordan, District Title IX Coordinator  
Ms. Mari Lerz, Bethel High School Title IX Coordinator  
Mr. Derek Muharem, Bethel Middle School Title IX Coordinator  
Dr. Kathy Gombos, Johnson School Title IX Coordinator  
Mr. Brian Kirmil, Rockwell School Title IX Coordinator  
Dr. Kristen Brooks, Berry School Title IX Coordinator
3. The complaint should state the:
  - A. Name of the complainant,
  - B. Date of the complaint,
  - C. Date(s) of the alleged harassment/discrimination,
  - D. Name(s) of the harasser(s) or discriminator(s),
  - E. Location where such harassment/discrimination occurred,
  - F. Names of any witness(es) to the harassment/discrimination, and
  - G. Detailed statement of the circumstances constituting the alleged harassment/discrimination.
4. Any student who makes an oral complaint of harassment or sex discrimination to any of the above-mentioned personnel will be provided a copy of this regulation and will be requested to make a written complaint pursuant to the above procedure. In appropriate circumstances, due to the age of the student making the complaint, a parent or school administrator may be permitted to fill out the form on the student's behalf.

5. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed in accordance with the Board's policy on the Reports of Suspected Child Abuse or Neglect of Children.
6. All complaints are to be forwarded immediately to the building principal or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Superintendent of Schools or to the District Title IX Coordinator, Dr. Janice Jordan. In addition, a copy of any complaint filed under this policy shall be forwarded to the District Title IX Coordinator.
7. Upon receipt of a sexual harassment or sex discrimination complaint, the Title IX Coordinator shall either promptly commence an investigation of the complaint, or shall designate a school administrator to investigate the complaint. The Title IX Coordinator shall consult with all individuals reasonably believed to have relevant information, including the complainant, the alleged harasser/discriminator and any witnesses to the conduct. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation.
8. The Title IX Coordinator or designee shall make a written report summarizing the results of the investigation and proposed disposition of the matter. Consistent with state and federal law and as deemed appropriate by the Title IX Coordinator or designee, the findings of the investigation shall be shared with persons involved in the investigation.
9. If the student complainant is dissatisfied with the findings of the investigation, he or she may file a written appeal to the Title IX Coordinator, or, if he or she conducted the investigation, to the Superintendent of Schools, who shall review the Title IX Coordinator or designee's written report, the information collected by the Title IX Coordinator or designee together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes sexual harassment or sex discrimination. The Title IX Coordinator or Superintendent of Schools may also investigate the complaint further. After completing this review, the Title IX Coordinator or Superintendent of Schools shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that sexual harassment or sex discrimination has occurred, the district shall take appropriate corrective action in an effort to ensure that the harassment/discrimination ceases and will not recur.

Retaliation against any individual who complains pursuant to the Board's policy and regulations is strictly prohibited. The district will take actions necessary to prevent retaliation as a result of filing a complaint.

Copies of this regulation will be distributed to all students.

Title IX Coordinator

The Title IX Coordinator for the Bethel Board of Education is: Dr. Janice Jordan, whose office is located at the Municipal Center and whose telephone number is 203-794-8613.

Regulation approved:

ADOPTED: \_\_\_\_\_

REVISED: \_\_\_\_\_



**SHIPMAN & GOODWIN** LLP<sup>SM</sup>

COUNSELORS AT LAW

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**Series 5000  
Students**

**COMPLAINT FORM REGARDING SEX DISCRIMINATION  
AND SEXUAL HARASSMENT (STUDENTS)**

Name of the complainant \_\_\_\_\_

Date of the complaint \_\_\_\_\_

Date of the alleged discrimination/harassment \_\_\_\_\_

Name or names of the discriminator(s) or harasser(s) \_\_\_\_\_

\_\_\_\_\_

Location where such discrimination/harassment occurred \_\_\_\_\_

\_\_\_\_\_

Name(s) of any witness(es) to the discrimination/harassment. \_\_\_\_\_

\_\_\_\_\_

Detailed statement of the circumstances constituting the alleged discrimination or  
harassment \_\_\_\_\_

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**Series 5000  
Students**

**POLICY REGARDING SECTION 504  
OF THE REHABILITATION ACT OF 1973**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. To be protected under Section 504, an individual must be determined to:

- (1) have a physical or mental impairment that substantially limits one or more major life activities;
- (2) have a record of such an impairment; or,
- (3) be regarded as having such an impairment.

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

The school district also has specific responsibilities under Section 504 to identify, evaluate, and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The school district’s obligation includes providing access to free appropriate public education (“FAPE”) for students determined to be eligible under Section 504. Under Section 504, FAPE is defined as the provision of regular or special education and related services that is designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents). If the parent or guardian of a student disagrees with the decisions made by the professional staff of the school district with respect to the identification, evaluation, or educational placement of his/her child, a parent/guardian has a right to utilize the complaint procedures outlined in the Board’s Administrative Regulations, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education.

Any student, parent, guardian, or other individual who believes he/she has been discriminated against by or within the district on the basis of a disability may utilize the complaint procedures outlined in the Board’s Administrative Regulations, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education.

Anyone who wishes to file a complaint, or who has questions or concerns about this policy, should contact Dr. Janice Jordan, the Section 504 Coordinator for the Bethel Public Schools, at phone number 203-794-8613.

Legal References:    29 U.S.C. § 794  
                          34 C.F.R. § 104 et seq.  
                          42 U.S.C. 12101 et seq.  
                          ADA Amendments of 2008, Public Law 110-325

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

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

ADOPTED: \_\_\_\_\_  
REVISED: \_\_\_\_\_

8/14/12

# ADMINISTRATIVE REGULATIONS REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973

## The Bethel Board of Education Section 504 Grievance/Complaint Procedures

Section 504 prohibits discrimination on the basis of disability. For the purposes of Section 504, the term “disability” with respect to an individual means: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

### *I. Definitions*

**Free appropriate public education (FAPE):** for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, that are provided without cost (except for fees imposed on nondisabled students/parents), and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

**Major life activities:** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

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

### **Physical or Mental Impairment:**

- a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, or

- b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

## *II. Procedures for Grievances/Complaints Alleging Discrimination on the Basis of Disability*

- A. Any eligible person, including any student, parent/guardian, staff member, or other employee who feels that he/she has been discriminated against on the basis of disability may submit a written complaint to the district's designated Section 504 Coordinator within thirty (30) school days of the alleged occurrence. Timely reporting of complaints facilitates the prompt investigation and resolution of such complaints. If the complaint is made verbally, the individual taking the complaint will reduce it to writing.
- B. At any time, when complaints involve discrimination that is directly related to a claim regarding the identification, evaluation, or educational placement of a student under Section 504, the complainant may request that the Section 504 Coordinator submit the complaint directly to an impartial hearing officer and request a hearing in accordance with Section III.D. Complaints regarding a student's rights with respect to his/her identification, evaluation or educational placement shall be addressed in accordance with the procedures set forth below in Section III.
- C. Retaliation against any individual who complains pursuant to the Board's policy and regulations listed herein is strictly prohibited. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting or complaint of disability-based discrimination, or as a result of an individual's participation or cooperating in the investigation of a complaint. The district will take necessary actions to prevent retaliation as a result of filing a complaint or the participation in an investigation of a complaint.
- D. If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent who may conduct the investigation or appoint a designee to conduct the investigation.
- E. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances. Confidentiality will be maintained by all persons involved in the investigation to the extent possible. The Bethel Public Schools encourages any person with a specific discrimination complaint to file the complaint within 30 days of the alleged discrimination.
- F. The complaint should contain the following information:
  - 1. The name of the complainant;
  - 2. The date of the complaint;
  - 3. The date(s) of the alleged discrimination;
  - 4. The names of any witness(es) or individuals relevant the complaint; and
  - 5. A detailed statement describing the circumstances in which the alleged discrimination occurred.

However, all complaints will be investigated to the extent possible, even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

G. Upon receipt of the complaint, the individual investigating the complaint shall:

1. Provide a copy of the written complaint to the Superintendent of Schools;
2. Meet with the complainant within ten (10) school days to discuss the nature of the complaint, identify individuals the complainant believes have relevant information, and obtain any relevant documents the complainant may have;
3. Provide the complainant with a copy of the Board's Section 504 Policy and applicable administrative regulations;
4. Investigate the factual basis for the complaint, including interviews with individuals with information and review of documents relevant to the complaint;
5. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
6. Communicate the outcome of the investigation in writing to the complainant, and to any individual properly identified as a party to the complaint (to the extent permitted by state and federal confidentiality requirements), within fifteen (15) school days from the date the complaint was received by the Section 504 Coordinator or Superintendent. The investigator may extend this deadline for no more than fifteen (15) additional school days if needed to complete the investigation. The complainant shall be notified of such extension. The written notice shall include a finding whether the complaint was substantiated and if so, shall identify how the district will remedy any identified violations of Section 504;
7. After an investigation, the District will attempt to resolve any potential violation of Section 504 and/or the complainant's concerns, if possible;
8. Ensure that appropriate corrective action is taken whenever allegations are verified. When allegations are verified, ensure that compensatory services are considered and offered, when appropriate.
9. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and/or other individuals who may have information relevant to the complaint.

H. If the complainant is not satisfied with the findings and conclusions of the investigation, the complainant may present the complaint and written outcome to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for complainants to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the complainant must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this would change the investigator's determination in the case. Failure to do so may result in the denial of the review.

Upon review of a written request from the complainant, the Superintendent shall review the investigative results of the Section 504 Coordinator and determine if further action and/or investigation is warranted. Such action may include consultation with the investigator and complainant, a meeting with appropriate individuals to attempt to resolve the complaint or a decision affirming or overruling the investigator's conclusions or findings. The Superintendent shall provide written notice to the complainant of the proposed actions within ten (10) school days following the receipt of the written request for review.

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

Complaints regarding a student's identification, evaluation, or educational placement shall generally be handled using the procedures described below. **However, at any time, the complainant may request that the Section 504 Coordinator submit the complaint directly to an impartial hearing officer, and request a hearing in accordance with the provisions of subsection D (below).**

A. Submission of Complaint to Section 504 Coordinator

1. In order to facilitate the prompt investigation of complaints, any complaint regarding a student's identification, evaluation, or educational placement under Section 504 should be forwarded to the district's Section 504 Coordinator within thirty (30) school days of the alleged date that the dispute regarding the student's identification, evaluation or education placement arose. Timely reporting of complaints facilitates the resolution of potential educational disputes as it assists the district in gathering current, accurate information and enables the district to take corrective actions when necessary to ensure that a student is provided with an appropriate educational program.
2. The complaint concerning a student's identification, evaluation, or educational placement should contain the following information:
  - a. Full name of the student, age, and grade level;
  - b. Name of parent(s);
  - c. Address and relevant contact information for parent/complainant;

- d. Date of complaint;
- e. Specific areas of disagreement relating to the student's identification, evaluation or placement; and
- f. Remedy requested.

However, all complaints will be investigated to the extent possible even if such information is not included in the complaint. In such circumstances, additional information may be requested by the investigator as part of the investigation process.

- 3. Complaints will be investigated promptly within timeframes identified below. Timeframes may be extended as needed given the complexity of the investigation, availability of individuals with relevant information and other extenuating circumstances.
- 4. Upon receipt of the complaint, the Section 504 Coordinator shall:
  - a. Forward a copy of the complaint to the Superintendent of Schools;
  - b. Meet with the complainant within ten (10) school days to discuss the nature of his/her concerns and determine if an appropriate resolution can be reached. If a complaint is made during summer recess, the complaint will be reviewed and addressed as quickly as possible given the availability of staff and other individuals who may have information relevant to the complaint;
  - c. If, following such a meeting, further investigation is deemed necessary, the Section 504 Coordinator shall promptly investigate the factual basis for the complaint, consulting with any individuals reasonably believed to have relevant information, including the student and/or complainant; and
  - d. Communicate the results of his/her investigation in writing to the complainant and any persons named as parties to the complaint (to the extent permitted by state and federal confidentiality requirements) within fifteen (15) school days from the date the complaint was received by the Section 504 Coordinator.
  - e. In the event that the person making the complaint contends that the Section 504 Coordinator has a conflict of interest that prevents him/her from serving in this role, the complaint shall be forwarded to the Superintendent who shall appoint an investigator who does not have a conflict of interest.

B. Review by Superintendent of Schools

- 1. If the complainant is not satisfied with the findings and/or resolution offered as a result of the Section 504 Coordinator's review, he or she may

present the complaint and the written statement of findings to the Superintendent for review and reconsideration within thirty (30) calendar days of receiving the findings. This process provides an opportunity for complainants to bring information to the Superintendent's attention that would change the outcome of the investigation. In submitting the complaint and written outcome for review, the complainant must explain why he/she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this would change the investigator's determination in the case. Failure to do so may result in the denial of the review.

2. The Superintendent shall review the complaint and any relevant documents maintained by the Section 504 Coordinator/investigator and shall consult with the Section 504 Coordinator/investigator regarding attempts to resolve the complaint. The Superintendent also shall consult with the complainant. The Superintendent may attempt to resolve the complainant's concerns alone, or with another appropriate administrator.
3. Following the Superintendent's review, he or she shall communicate his/her findings to the complainant within ten (10) school days following his/her receipt of the written request for review.
4. If the complainant is not satisfied with the Superintendent's decision or proposed resolution, he/she may request that the Superintendent submit the matter to a neutral mediator or to an impartial hearing officer. This request for a hearing/mediation should be made within fifteen (15) school days of the Superintendent's decision. Mediation shall only occur by mutual agreement of the parties.

C. Mediation Procedures:

1. The neutral mediator 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).
2. The mediator shall inform all parties involved of the date, time and place of the mediation and of the right to have legal counsel or other representation at the complainant's own expense, if desired.
3. The mediator shall meet with the parties jointly, or separately, as determined by the mediator, and shall facilitate a voluntary settlement of the dispute between the parties, if possible.
4. All statements, offers, or discussions during the mediation process shall be confidential.

5. If the parties are not able to reach a voluntary settlement of the dispute, the complainant may request an impartial hearing, as described below.

D. Impartial Hearing Procedures:

6. 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).
7. The impartial hearing officer shall inform all parties involved of the date, time, and place of the hearing and of the right to present witness(es) and to have legal counsel or other representation at the complainant's own expense, if desired.
8. The impartial hearing officer shall hear all aspects of the complainant's complaint and/or appeal concerning the identification, evaluation, and/or educational placement of the student and shall reach a decision within forty-five (45) school days of receipt of the request for hearing. The decision shall be presented in writing to the complainant and to the Section 504 Coordinator.
9. A Section 504 impartial hearing officer does not have jurisdiction to hear claims alleging discrimination, harassment, or retaliation based on an individual's disability unless such a claim is *directly related* to a claim regarding the identification, evaluation, or educational placement of a student under Section 504.

- E. The time limits noted throughout Section III may be extended if more time is needed to permit thorough review and opportunity for resolution.

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

Dr. Janice M. Jordan  
Associate Superintendent of Schools

Telephone: 203-794-8613

IV. *Complaints to State and Federal Agencies*

At any time, the complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 8<sup>th</sup> Floor, 5 Post Office Square, Suite 900, Boston, MA 02109-0111 (TELEPHONE NUMBER (617) 289-0111).

Any employee who believes that he or she has been discriminated against on the basis of disability may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, 1229 Albany Avenue, Hartford, CT 06112 (TELEPHONE NUMBER 566-7710) and/or the Equal Employment Opportunity Commission, Boston

Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02114 (TELEPHONE NUMBER 617-565-3200).

Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within one hundred and eighty (180) days of the date when the alleged discrimination. Remedies for discrimination include cease and desist orders, back pay, compensatory damages, hiring, promotion, or reinstatement.

## **BETHEL PUBLIC SCHOOLS**

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

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as “Section 504”) is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination on the basis of disability. Under Section 504, the school district also has specific responsibilities to identify, evaluate, and provide an educational placement for students who are determined to have a physical or mental impairment that substantially limits a major life activity. The school district’s obligation includes providing such eligible students access to free appropriate public education (“FAPE”). Section 504 defines FAPE as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents).

A student is covered under Section 504 if it is determined that he/she suffers from a mental or physical disability that substantially limits a major life activity such as (but not limited to) caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity may also include the operation of a major bodily function, such as an individual’s immune, digestive, respiratory, or circulatory systems.

A student can be disabled and be covered by Section 504 even if he/she does not qualify for, or receive, special education services under the IDEA.

The purpose of this notice is to provide parents/guardians and students with information regarding their rights under Section 504. Under Section 504, you have the right:

1. To be informed of your rights under Section 504;
2. To have your child take part in and receive benefits from the Bethel Public School District’s education programs without discrimination based on his/her disability.
3. For your child to have equal opportunities to participate in academic, nonacademic, and extracurricular activities in your school without discrimination based on his/her disability;
4. To be notified of decisions and the basis for decisions regarding the identification, evaluation, and educational placement of your child under Section 504;
5. If you suspect your child may have a disability, to request an evaluation, and eligibility decision by a team of persons who are knowledgeable of your child, the assessment data, and any placement options;

6. If your child is eligible for services under Section 504, for your child to receive a free appropriate public education (FAPE). This includes the right to receive regular or special education and related services that are designed to meet the individual needs of your child as adequately as the needs of students without disabilities are met.
7. If your child is eligible for services under Section 504, for your child to receive reasonable accommodations and services to allow your child an equal opportunity to participate in school and school-related activities;
8. For your child to be educated with peers who do not have disabilities to the maximum extent appropriate;
9. To have your child educated in facilities and receive services comparable to those provided to non-disabled students;
10. To review all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, and educational placement;
11. To examine or obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. To request changes in the educational program of your child;
13. To an impartial hearing if you disagree with the school district's decisions regarding your child's Section 504 identification, evaluation, or educational placement. The costs for this hearing are borne by the local school district. You and the student have the right to take part in the hearing and to have an attorney represent you at your expense.
14. To file a local grievance or complaint with the district's designated Section 504 Coordinator to resolve complaints of discrimination other than those involving the identification, evaluation, or placement of your child.
15. To file a formal complaint with the U.S. Department of Education, Office for Civil Rights.

The Section 504 Coordinator for this district is:

Dr. Janice M. Jordan  
Associate Superintendent of Schools

Telephone: 203-794-8613

For additional assistance regarding your rights under Section 504, you may contact:

Boston Regional Office  
Office for Civil Rights  
U.S. Department of Education  
8<sup>th</sup> Floor  
5 Post Office Square, Suite 900

Boston, MA 02109-3921

Telephone: (617) 289-0111

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

Telephone: (860) 807-2030

7/5/12

**Section 504 Referral Form**

**I. Identifying Information**

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Date of Referral: \_\_\_\_\_

\_\_\_ Male \_\_\_ Female      Primary Language: \_\_\_ English \_\_\_ Other: \_\_\_\_\_

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

Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

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

Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Current School: \_\_\_\_\_ Grade: \_\_\_\_\_ Referring Person: \_\_\_\_\_

**II. Background Information**

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

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

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

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

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

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

D. Other Relevant Information:

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E. Special Services History

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

yes  no

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

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4. Parent Notification:

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

Yes

No

If Yes, method of notification: \_\_\_\_\_

Date(s) parent/guardian was notified: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

(Signature of individual completing this form)

**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 Plan Development meeting will be convened on behalf of your child,

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

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

Location: \_\_\_\_\_

The purpose of this meeting is to:

- \_\_\_\_\_ Determine Eligibility
- \_\_\_\_\_ Develop Section 504 Plan
- \_\_\_\_\_ Review 504 Plan
- \_\_\_\_\_ Other

The following individuals have been invited to attend:

_____ Name	_____ Administration	_____ Name	_____ Title
_____ Name	_____ Instruction	_____ Name	_____ Title
_____ Name	_____ Related Service	_____ Name	_____ Title
_____ Name	_____ Title	_____ Name	_____ Title
_____ Name	_____ Student, if appropriate	_____ Name	_____ Title

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

Sincerely, \_\_\_\_\_  
[Name and Title]

**SECTION 504 PLAN**

NAME: \_\_\_\_\_ DOB: \_\_\_\_\_ GRADE: \_\_\_\_\_

SCHOOL: \_\_\_\_\_

DATE OF MEETING: \_\_\_\_\_

1. Describe the nature of the concern:

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2. Identify the disability (if any):

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

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4. Describe how the disability affects a major life activity:

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5. In determining the potential impact on a major life activity, the team must consider the impact of the disability **without** consideration of the ameliorating effects of any “mitigating measures,” except for ordinary eyeglasses or contact lenses. Mitigating measures may include, but are not limited to, medication, medical supplies, equipment, prosthetics, hearing aids and cochlear implants, mobility devices, assistive technology, reasonable accommodations and or learned behavioral or neurological modifications.

Did the team consider the impact of the disability on a major life activity **without** the potential impact of any mitigating measures (except for ordinary eyeglasses and contact lenses)? For example, if the student is currently using a hearing aid, did the team consider whether the student has a physical or mental impairment that substantially limits a major life activity if the student were not using the hearing aid?

Yes                      No

Please describe:

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6. Does the student require accommodations in order to access his/her educational program(s) and/or to receive educational benefit? If so, please describe the accommodations which are necessary:

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Review/Reassessment Date: \_\_\_\_\_  
(*must be completed*)

Participants (Name and Title)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

cc: Student's Cumulative File

**Section 504**  
**Student Eligibility Determination Worksheet**

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Male: \_\_\_\_\_ Female: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Current School: \_\_\_\_\_ Grade: \_\_\_\_\_

Case Manager: \_\_\_\_\_

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

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

Home phone: \_\_\_\_\_

\_\_\_\_\_

Work phone: \_\_\_\_\_

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

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

Home phone: \_\_\_\_\_

\_\_\_\_\_

Work phone: \_\_\_\_\_

Reason for Meeting: Initial \_\_\_\_ Review \_\_\_\_ Revise Plan \_\_\_\_

**Describe the nature of the concern:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Cognitive:(dated)\_\_\_\_\_

Social/Emot./Beh:(dated)\_\_\_\_\_

Classroom Observation:(dated)\_\_\_\_\_

Developmental:(dated)\_\_\_\_\_

Health/Med:(dated)\_\_\_\_\_

Adaptive:(dated) \_\_\_\_\_

Communication:(dated)\_\_\_\_\_

Motor:(dated)\_\_\_\_\_

Achievement:(dated)\_\_\_\_\_

Other:(dated)\_\_\_\_\_

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

\_\_\_\_\_ Consent to communicate with student's physician/medical provider requested

\_\_\_\_\_ Request for Parent(s)/Guardian(s) to provide additional medical information

\_\_\_\_\_ Consultation with school district's medical advisor and/or school nurse requested

\_\_\_\_\_ Other (please describe): \_\_\_\_\_

**Specify the mental or physical disability:**

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

**Indicate the Major Life Activity Substantially Affected by the Disability:**

\_\_\_\_\_

\_\_\_\_\_ **Does Require a 504 Plan**

\_\_\_\_\_ **Does NOT Require a 504 Plan**

**Section 504**  
**Student Eligibility Determination Worksheet/Meeting Summary**

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

**A. The purpose of the meeting:**

- Review initial referral
- Determine eligibility under Section 504 and consider need for appropriate services/accommodations.
- Review eligibility and/or Section 504 Plan.
- Reevaluation
- Review before significant change in placement.

**B. 504 Team Members Present**

Name: _____	Role: _____

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**D. Eligibility Determination:**

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

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

- School records review (dated) \_\_\_\_\_  Observations of student (dated) \_\_\_\_\_
- Grades & report card review (dated) \_\_\_\_\_  Teacher reports (dated) \_\_\_\_\_
- Parent and/or student report (dated) \_\_\_\_\_  Informal assessments (dated) \_\_\_\_\_
- Medical information (dated) \_\_\_\_\_  Nursing Assessment (dated) \_\_\_\_\_
- Standardized testing (dated) \_\_\_\_\_  Parent/Student Interviews (dated) \_\_\_\_\_
- Checklists/behavior rating scales (dated) \_\_\_\_\_

Other (dated) \_\_\_\_\_

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

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

No If "No," Specify the type of additional information that is needed: \_\_\_\_\_

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➤ If the team determines additional information is necessary and the information to be obtained includes testing, team must obtain parent consent on *Consent for Section 504 Testing*. If it is necessary to communicate with outside providers, obtain a release to communicate with professionals outside of district. Once needed information is gathered, reconvene a 504 meeting and continue the process of determining eligibility.

3. Does the student have a physical or mental impairment?

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

NO

YES

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

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

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

➤ **If the team determines that the student is identified as having a physical or mental impairment, continue to the next page to determine whether there is a substantial limitation to a major life activity.**

4. Does the Identified Impairment Substantially Limit a Major Life Activity? Please describe degree of limitation as compared to other students.

*A "major life activity" includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.*

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5. **Mitigating Measures:**

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

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

Yes  No

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

**Please include any information relevant to consideration of mitigating measures:**

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

1. Does the student have a **Physical or Mental Impairment**?  No  Yes
2. Does the physical or mental impairment **Substantially Limit** a Major Life Activity?  No  Yes

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

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

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

**F. Does the student require a Section 504 Accommodation Plan in order to provide the student with a free appropriate public education and access to educational programs (e.g. curriculum, facilities etc.)?**

No  Yes

*If “Yes,” the team must develop a Section 504 Plan.*

**G. Is this an evaluation (i.e. review of current plan/status) before a significant change in placement?**

No  Yes *[If “NO,” skip to Section H]*

1. What is the anticipated significant change of placement?

- Graduation
- Change in program due to Disciplinary Action
- Other (specify) \_\_\_\_\_

2. Consider: Does the plan continue to be necessary for the student?  No  Yes

3. If “Yes,” is it appropriate as designed?  Yes  No

4. If “No,” what changes to the plan are required? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. What is the recommendation of the Section 504 Team prior to this significant change in placement?

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**H. Is this a re-evaluation?**                      **Yes**                       **No**

If "Yes," please describe the updated information considered by the team in conducting the reevaluation.

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If additional information, individualized testing and/or evaluations are necessary to provide FAPE and/or determine an appropriate 504 Plan, please indicate.

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**I. Other Relevant Information Discussed at Meeting**

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**J. Summary of Actions Taken**

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

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Recorder

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Title

7/5/12

## Section 504 Request for Mediation/Hearing

*This form is intended to be used if a parent or guardian wishes to pursue mediation or an impartial hearing with respect to the identification, evaluation, or educational placement of his/her child .*

Name of person requesting mediation/hearing: \_\_\_\_\_

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

Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

I/we request a **MEDIATION** / **HEARING** (please circle) concerning  
\_\_\_\_\_, who resides at  
(Name of student) (Date of birth)

\_\_\_\_\_ and attends \_\_\_\_\_.  
(Address of student) (Name of school)

The date of the Section 504 meeting at which the parties failed to reach agreement: \_\_\_\_\_

Description of the issues in dispute between the parties:

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

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

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

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date



**SECTION 504/ADA  
EMPLOYEE REQUEST FOR ACCOMMODATION**

1. Name of Employee: \_\_\_\_\_ Title/Position: \_\_\_\_\_

2. Eligibility Determination:

*Individuals considered eligible for protection from discrimination under Section 504/ADA are those who have a physical or mental impairment that substantially limits a major life activity.*

A. Please describe your mental or physical disability:

\_\_\_\_\_

—

B. Please describe the major life activity substantially limited by your disability:

\_\_\_\_\_

—

C. Please describe how your disability affects your ability to perform essential job functions:

\_\_\_\_\_

—

\_\_\_\_\_

—

\_\_\_\_\_

—

\_\_\_\_\_

—

D. Please describe the specific accommodation(s) being requested:

\_\_\_\_\_

—

\_\_\_\_\_

—

\_\_\_\_\_

—

E. Have you attached medical documentation to support your request? Yes No

F. If “no”, please provide the name and contact information for your treating physician:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel. # \_\_\_\_\_

4. Authorization to Communicate with Medical Provider

I hereby authorize my employer, the **Bethel Public Schools**, to obtain, and for the medical provider listed above, to release, confidential protected health information to **Mrs. Laila Rudinas, Human Resources Office**, for the limited purpose of determining any work related restrictions and/or accommodations which may be necessary in order to fulfill the essential function of my employment responsibilities. Any information received by my employer pursuant to this authorization shall be subject to all applicable state and federal confidentiality laws governing further use and disclosure of such information. In addition, pursuant to the Genetic Information Nondiscrimination Act of 2008 (GINA), this authorization does **not** include permission for my medical provider to provide any genetic information relating to me or a family member, except as otherwise specifically allowed by GINA, to my employer. ‘Genetic information,’ as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

\_\_\_\_\_  
Employee signature

\_\_\_\_\_  
Date

**ONCE COMPLETED, THIS FORM, ALONG WITH SUPPORTING DOCUMENTATION SHOULD BE FORWARDED TO Mrs. Laila Rudinas in Human Resources.**

Cc: *Section 504 Coordinator*

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

Student: \_\_\_\_\_ DOB: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ 504 Plan Being Changed: \_\_\_\_\_

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

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

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

\_\_\_\_\_  
 School District Representative \_\_\_\_\_  
 Date

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

**The following documents are attached to this agreement:**

	Amendments (please specify)	
	Other (please specify)	

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

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

Dear \_\_\_\_\_

Your child, \_\_\_\_\_, \_\_\_\_\_ has been referred for an evaluation to  
 (student's name) (DOB)

determine eligibility for services under Section 504. The school district must obtain the consent of parents before conducting such an evaluation.

The tests/evaluation procedures listed below were recommended:

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

Special adaptations or accommodations are to be considered when indicated by the student's language, cultural background or physical status. Adaptations/accommodations required for this evaluation are:

- No adaptations/accommodations required
- Adaptations/accommodations required: (specify)

\_\_\_\_\_

\_\_\_\_\_

PARENTAL CONSENT

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

\_\_\_\_\_

Parent/Guardian Signature Date

**I do not give** my consent for the Bethel Public Schools to conduct the evaluations described above. I understand that the school district must take steps as are necessary, which may include requesting an impartial hearing, to ensure that my child continues to receive a free appropriate public education.

\_\_\_\_\_

Parent/Guardian Signature Date

BETHEL PUBLIC SCHOOLS  
NOTICE AND CONSENT TO PROVIDE SECTION 504 ACCOMMODATIONS/SERVICES

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

Dear \_\_\_\_\_

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

recommended for the receipt of accommodations/services under Section 504 of the Rehabilitation Act. The district requires your consent prior to the implementation of a Section 504 Plan. Included with this form are your procedural rights under Section 504.

**Placement Description**

The following Section 504 accommodations/services are being proposed for your child

\_\_\_\_\_  
(student's name)

**Initial Receipt of Accommodations/Services under Section 504 and is described in the Section 504 Plan dated** \_\_\_\_\_.

PARENTAL CONSENT

**I give my consent** for the Bethel Public Schools to provide the accommodations/services described above. I understand that this consent may be revoked at any time.

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

\_\_\_\_\_  
Date

**I do not give** my consent for the Bethel Public Schools to provide the accommodations/services described above.

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

\_\_\_\_\_  
Date

**WORKSHEET FOR MANIFESTATION DETERMINATION**

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

**STUDENT:** \_\_\_\_\_ **GRADE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**1. Section 504 Meeting Participants:**

NAME	Title
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**2. DESCRIBE NATURE OF STUDENT’S DISABILTY:**

**3. DESCRIPTION OF MISCONDUCT:**

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

**5. INFORMATION CONSIDERED IN CONDUCTING A MANIFESTATION DETERMINATION:**

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

- Teacher Observations of the Student
- Relevant Information Supplied by Parents
- Evaluations and Diagnostic Results
- Student's 504 Plan
- Relevant Information Supplied by School Staff
- Other (describe)

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

YES  NO

Comments:

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

[ ] YES [ ] NO

Comments:

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

9. If the answer to **both** #6 and #7 is “**No**”, the behavior under review **is not** considered a manifestation of the student’s disability.

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

If the manifestation determination team determines that the misconduct in question is **not** a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as the procedures would be applied to a student without disabilities.

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

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

1) conduct a functional behavioral assessment unless the district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student;

**or**

2) if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; **and**

3) return the student to the placement from which the student was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.