



**Norwalk Public  
Schools  
Section 504  
of the  
Rehabilitation Act  
Manual**

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## Norwalk Public Schools

The Norwalk Board of Education's Manual was developed to provide educators and parents with general information regarding the implementation of Section 504 of the Federal Rehabilitation Act of 1973, 29 USC §§ 791, 793-794 in the Norwalk Public Schools.

### **I. INTRODUCTION**

Section 504 of the Federal Rehabilitation Act of 1973 ( Section 504) provides: “No otherwise qualified individual with a disability in the United States.... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance”.<sup>1</sup> Section 504 is a federal anti-discrimination statute which protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance, including public schools.

#### **Section 504 protects all persons who:**

- have a physical or mental impairment which substantially limits one or more major life activities<sup>2</sup>
- have a record of such an impairment, or
- are regarded as having such an impairment

Section 504 requires a school district to provide a free appropriate public education (FAPE) to each qualified student with a disability, regardless of the nature or severity of the disability. Under 504, FAPE is defined as regular or special education and related services that are designed to meet the student’s individual needs as adequately as the needs of nondisabled students are met. In addition, a student with a disability, as defined by Section 504, is entitled to receive an equal opportunity to participate in athletics and extracurricular activities.

The Office of Civil Rights (OCR) is a component of the United States Department of Education. OCR enforces Section 504. Its role includes receiving complaints from parents and students, conducting compliance reviews and providing technical assistance to parents, school districts and schools upon request. It is important to note that in general, OCR does not review educational decisions so long as the school district complies with Section 504’s procedural requirements.

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<sup>1</sup>29 U.S.C. Section 794; 34 C.F.R. Section 104. The Norwalk Board of Education, as a public school, receives federal financial assistance, and therefore Section 504 applies to the Norwalk Public Schools.

<sup>2</sup> Please see Section VI, pages 10-11 for the11 definitions and explanations of these terms.

## **II. SECTION 504 COORDINATORS**

Under Section 504, each school district is responsible to designate a Section 504 Coordinator. The Superintendent shall designate a Section 504 Coordinator to coordinate the Board of Education's efforts to comply with Section 504. Currently, the District 504 Coordinator is:

Ralph Valenzisi  
[valenzisir@norwalkps.org](mailto:valenzisir@norwalkps.org)  
District 504 Coordinator  
Norwalk Public Schools  
125 East Avenue  
Norwalk, CT 06852  
203-854-4149

The District 504 Coordinator is responsible for:

- Guiding teams to comply with the 504 process
- Coordinating resources and materials necessary to comply with Section 504 plans
- Assisting teams to understand the legal requirements of the 504 process
- Providing staff and administration training as needed
- Appointing Building Level Section 504 coordinators
- Communicating district wide procedures to staff and parents
- Developing a system of reviewing 504 plans
- Insuring overall compliance with Section 504
- Responding to parent complaints

Each school has a Building Level 504 coordinator. The building principal is the Building Level Section 504 Coordinator for each school. The Building Level Section 504 Coordinators are responsible for the following at the building level:

- Guiding parents and students to access the 504 process
- Ensuring timely and accurate completion and issuance of documentation of Section 504 meetings
- Maintaining accurate and complete records of 504 Team meetings and related documentation
- Coordinating and scheduling 504 meetings

- Ensuring the proper composition of the 504 meetings
- Guiding the 504 teams in compliance with Section 504
- Ensuring that parents are provided with their procedural safeguards
- Ensuring that all team members responsible for implementation of the 504 plan are aware of their responsibility for that plan
- Coordinating the transition as a 504 student moves, as applicable, from one Norwalk school to another Norwalk school to ensure the smooth transfer of the student's 504 information and plan from one school to another

The Building Level Section 504 Coordinator may delegate some of these responsibilities to either a guidance counselor, social worker or administrator in the building.

The Building Level Coordinator will assign a case manager to each student found eligible under Section 504 and will assign responsibilities to that case manager, including certain daily management of the student's 504 plan and scheduling of meetings.

The following are the Building Level Section 504 Coordinators:

Brien McMahon High School

Scott Hurwitz, Principal  
 300 Highland Avenue  
 Norwalk, CT 06854  
 (203) 852-9488  
[hurwitzs@norwalkps.org](mailto:hurwitzs@norwalkps.org)

Norwalk Pathways Academy

Jennifer Sweeters, Principal  
 350 Main Avenue  
 Norwalk, CT 06851  
 (203) 899-2820  
[sweetersj@norwalkps.org](mailto:sweetersj@norwalkps.org)

Norwalk High School

Reginald Roberts, Principal  
 23 Calvin Murphy Drive  
 Norwalk, CT 06851  
 (203) 838-4481  
[robertsr@norwalkps.org](mailto:robertsr@norwalkps.org)

Nathan Hale Middle School

Dr. Albert Sackey, Principal  
176 Strawberry Hill Avenue  
Norwalk, CT 06851  
(203) 899-2910

[sackeya@norwalkps.org](mailto:sackeya@norwalkps.org)

Ponus Ridge Middle School

Dr. Damon Lewis, Principal  
21 Hunters Lane  
Norwalk, CT 06850  
(203) 847-3557

[lewisd@norwalkps.org](mailto:lewisd@norwalkps.org)

Roton Middle School

Joseph Vellucci, Principal  
201 Highland Avenue  
Norwalk, CT 0685  
(203) 899-2930

[velluccij@norwalkps.org](mailto:velluccij@norwalkps.org)

West Rocks Middle School

Dr. Lynne Moore, Principal  
81 West Rocks Road  
Norwalk, CT 06851  
(203) 899-2970

[moorel@norwalkps.org](mailto:moorel@norwalkps.org)

Brookside Elementary School

Sandra Faioes, Principal  
382 Highland Avenue  
Norwalk, CT 06854  
(203) 899-2830

[faioess@norwalkps.org](mailto:faioess@norwalkps.org)

Columbus Magnet School

Medard Thomas, Principal  
46 Concord Street  
Norwalk, CT 06854  
(203) 899-2840

[thomasm@norwalkps.org](mailto:thomasm@norwalkps.org)

Cranbury Elementary School

Kristin Goldstein, Principal  
10 Knowalot Lane  
Norwalk, CT 06851  
(203) 846-3600  
[goldsteink@norwalkps.org](mailto:goldsteink@norwalkps.org)

Fox Run Elementary School

James Martinez, Principal  
228 Fallow Street  
Norwalk, CT 06850  
(203) 899-2860  
[martinezi@norwalkps.org](mailto:martinezi@norwalkps.org)

Jefferson Science Magnet School

Nicholas Brophy, Principal  
75 Van Buren Avenue  
Norwalk, CT 06850  
(203) 899-2870  
[brophyn@norwalkps.org](mailto:brophyn@norwalkps.org)

Kendall Elementary School

Zakiyyah Baker, Principal  
57 Fallow Street  
Norwalk, CT 06850  
(203) 899-2880  
[bakerz@norwalkps.org](mailto:bakerz@norwalkps.org)

Marvin Elementary School

Sue-Ellen Barrett O'Shea,  
Principal  
15 Calf Pasture Beach Road  
Norwalk, CT 06855  
(203) 899-2890  
[osheas@norwalkps.org](mailto:osheas@norwalkps.org)

Naramake Elementary School

Jane Wilkins, Principal  
16 King Street  
Norwalk, CT 06851  
(203) 899-2900  
[wilkinsj@norwalkps.org](mailto:wilkinsj@norwalkps.org)

Rowayton Elementary School

Joseph Rodriguez, Principal

1 Roton Avenue

Norwalk, CT 06853

(203) 899-2940

[reillys@norwalkps.org](mailto:reillys@norwalkps.org)

Silvermine Elementary School

Ivette Ellis, Principal

157 Perry Avenue

Norwalk, CT 06850

(203) 899-2950

[ellisi@norwalkps.org](mailto:ellisi@norwalkps.org)

Tracey Elementary School

Theresa Rangel, Principal

20 Camp Street

Norwalk, CT 06851

(203) 899-2960

[rangelt@norwalkps.org](mailto:rangelt@norwalkps.org)

Wolfpit Elementary School

Dr. Jennifer Masone, Principal

1 Starlight Drive

Norwalk, CT 06851

(203) 899-2980

[masonej@norwalkps.org](mailto:masonej@norwalkps.org)

Norwalk Early Childhood Center

Maureen Sullivan, Director

11 Allen Road

Norwalk, CT 06851

(203) 945-0320

[sullivanma@norwalkps.org](mailto:sullivanma@norwalkps.org)

### **III. CHILD FIND**

It is the obligation of the Norwalk Board of Education to ascertain whether a student has a disability that would entitle him/her to Section 504 coverage protection.

This is called Child Find.

Child Find means that the district must identify, locate, and conduct a free evaluation of a student who, because of a disability, needs or is believed to need special education or related services.

Certain circumstances should trigger at least consideration that a student might be eligible for identification under Section 504. Sometimes the referral may come from a parent or guardian, in which event the 504 team should convene to consider the parent's or guardian's referral. However, the district has an obligation to initiate a 504 referral if there is reason to believe that the student may be eligible under Section 504. Documentation from a parent is not required in order for a referral to be made to a 504 meeting. It is, though, acceptable to tell parents that if they have any documentation, it is helpful for them to bring it to the first meeting.

The school nurse may also be an important team member who may be making referrals to the 504 team.

A student may be receiving strategies and interventions prior to referral to a 504. The fact that the student is receiving such interventions is not a reason to not refer, or to not accept a referral. Further, those interventions need not stop during the 504 process. The fact that a student is receiving good grades and achieving well academically is not a reason to not refer a student to a 504 meeting, or to not consider the student for 504 eligibility.

### **IV. 504 TEAM COMPOSITION**

The 504 team should be a multi-disciplinary team, composed of persons knowledgeable about the student, the impairment(s) presented, any evaluation data, and the possible accommodations/placement/resources. There is no one established 504 team for all students.

Consider the following for the 504 team:

- 1) If the student has a medical condition, the school nurse and/or other staff with specialized knowledge of the student's medical condition must be present to provide information about that medical condition.

2) If the student has a psychological condition, the school psychologist, social worker, or counselor, or other staff with specialized knowledge of that psychological condition must participate.

3) An administrator, or someone with the authority to commit district resources, to discuss district policies which may need to be excepted or modified, as needed, to accommodate the student's disability if determined, must be present.

4) Parents/guardians are important members of the team and must always be invited. Attempts should be made to convene the meeting at a mutually agreeable date and time, as parental participation is important in the Section 504 referral and eligibility process.

5) Consider including the student as a member of the 504 team. This is dependent on the student's age, maturity level, and sensitivity to the discussions that will occur at the 504 meeting, as well as input from the parents.

6) Teachers with knowledge of the student are important members of the 504 team and provide important input, both as to the student's performance in class, when discussing possible eligibility, as well as assisting with the development of a 504 plan.

Parents have the right to bring with them to a 504 meeting representatives of their choice, including outside providers.

## **V. EVALUATIONS**

The first step in determining whether or not a student is a qualified disabled student under Section 504 is the evaluation process.

If the 504 team determines that it suspects a disability under 504, it must conduct an evaluation of the student in a timely manner, at no cost to the parents. A student can be suspected of a disability under Section 504 even if he/she is exhibiting only behavioral and not academic challenges. All suspected areas of the disability must be evaluated. An evaluation under Section 504 must draw from a variety of sources in evaluating the student for Section 504 eligibility. Any tests used must be individualized and selected and administered to insure that the test results reflect the factors being measured. They must be validated for the specific purpose for which they are used and appropriate administered by trained personnel.

Information obtained from all evaluative sources must be documented.

A diagnosis by a medical provider, while an important piece of information in considering

eligibility, is not in and of itself sufficient to determine eligibility for Section 504. The team should consider any outside evaluation or information provided by the parents/guardians as part of the evaluation process.

Sources of information to consider as part of the 504 evaluation process may include, but are not limited to:

- Grades
- Information provided by the parents
- Information provided by the student
- Standardized testing
- Academic testing
- Observations of student
- Student work samples
- Informal assessments
- Checklists/behavior rating scales
- Teacher reports
- Behavioral records
- Attendance records
- Medical information
- Section 504 Referral Form

If, based on the facts and circumstances of an individual case, the school district determines that a medical assessment is necessary to conduct an evaluation in order to determine if a student has a disability and requires special education and related services under Section 504, the school district must ensure that the student receives this assessment at no cost to the student's parents<sup>3</sup>. However, the parent may choose to obtain that evaluation at his/her own cost, though they must be provided notice that the district has an obligation to evaluate the student at no cost to the parents.

504 evaluations must be conducted in a timely manner. The Norwalk Public Schools has adopted the same timeline for 504 evaluations as the timeline provided by the State Department of Education for evaluations conducted for students suspected of a disability under the Individuals with Disability Act (IDEA)<sup>4</sup>. This means that the team has 45 school days from the date of referral to the date of implementation of the 504 plan, less any time during which parents have not consented to the evaluations.

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<sup>3</sup> See Parent and Education Resource Guide to Section 504 in Public Elementary and Secondary Schools; U.S. Department of Education; Office of Civil Rights; December 2016, at page13.

<sup>4</sup> See June 27, 2008 Memo from Ann Louise Thompson to Special Education/Pupil Personnel Directors re Evaluation Timeline Data Collection; see also R.C.S.A. Section 10-76d-13(a)(1).

Section 504 requires that a Student be evaluated initially for eligibility and periodically after eligibility. The Norwalk Public Schools evaluates eligible students every three years, consistent with the IDEA, or earlier/later upon the agreement of the team or the request of the parents or guardians, or before making any significant change in placement.

If it is decided that the student will not be evaluated, the parents must be provided with a copy of their Procedural Safeguards, alerting them of their rights to challenge this decision. (See Section re: Procedural Safeguards).

At any point, the 504 team may determine that there is reason to suspect that the student may be a student who has a disability under the IDEA. In that event, the 504 team should refer the student to a planning and placement team meeting.

Parental consent is required for evaluations. Written consent should be obtained for any evaluations conducted by the 504 team.

## **VI. ELIGIBILITY FOR SECTION 504**

In determining whether a student qualifies under Section 504, the Section 504 team must conduct the following inquiry:

1. Does the student have a physical or mental impairment?
2. Which substantially limits
3. One or more of such student's major life activities?

Although the Section 504 team only considers eligibility for a Section 504 plan in regards to the question of whether the student has a physical or mental impairment which substantially limits one or more of such student's major life activities, it is important to note that students who have a record of such an impairment or are regarded as having such an impairment are still protected by Section 504 against discrimination. The 504 team however, does not have an obligation to develop an accommodation plan for those students (unless they also are eligible under the above criteria).

The determination for eligibility for Section 504 must be made on a case by case basis.

When the team considers whether a student meets the criteria for eligibility, it should bear in mind that the definition is to provide broad coverage for individuals.<sup>5</sup>

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<sup>5</sup> 42 U.S.C. Section 1202(4) (A). The 2008 Amendments of the Americans with Disabilities Act (ADA) amended both the ADA's and 504's definition of "disability" by broadening it. See also OCR, *Dear Colleague Letter Americans with Disabilities Act* (January 19, 2012), [www.ed.gov/ocr.letters/colleague-201109.html](http://www.ed.gov/ocr.letters/colleague-201109.html); and [www.ed.gov/ocr/docs/dcl-504-faq-201109.pdf](http://www.ed.gov/ocr/docs/dcl-504-faq-201109.pdf).

## **A. What is a Physical or Mental Impairment?**

Section 504 defines a physical impairment as:

- 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, genito-urinary, hemic and lymphatic, skin and endocrine.

A mental impairment includes:

- any mental or psychological disorder, such as, but not limited to: mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

Given the difficulty of providing a comprehensive list, the above does not include all diseases or conditions that could qualify for physical or mental impairments.

Please also see the Section below regarding ADHD.

**No medical diagnosis is required to satisfy the requirement of a physical or mental impairment.** However, all sources of information, including information provided by parents and the student's medical and private providers, are helpful, and parents may be asked to share such information for consideration by the 504 team.

## **B. What is a Major Life Activity?**

Major life activities include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing speaking, breathing learning and working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating.

Congress also provided a list of "major bodily functions" that are considered major life activities: immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

These lists are not exhaustive and there could be other major life activities not listed above. For the 504 teams, it is important that the 504 team not only consider learning as a major life activity. Any relevant major life activity should be considered.

### **C. What is Substantial Limitation?**

Substantial Limitation is not clearly defined in the law. It must be made on a case by case basis, considering each individual student. No single scale or formula can be used to determine substantial limitation. In determining the existence of a substantial limitation, compare the functioning of the student with the impairment to the functioning of the average student of the same age or grade in the general population.

### **D. Mitigating Measures:**

When determining whether a student is eligible under Section 504, the Section 504 team **must not** consider the ameliorative<sup>6</sup> effects of any mitigating measures that the student is using. Examples of mitigating measures include: medication, medical supplies, appliances, low-vision devices, prosthetics, hearing aids and mobility devices, assistive technology, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy or physical therapy, reasonable accommodations or auxiliary aids or services.

“Ordinary eye glasses or contact lenses” are not considered mitigating measures. This means that the ameliorative effects of ordinary eyeglasses or contact lenses may be considered in determining whether a substantial limitation exists.

In determining the ameliorative effects of mitigating measures, it is useful to have evidence, if possible, of whether the student’s impairment was substantially limiting in the absence of the ameliorative effect of the mitigating measure. For example, if the mitigating measure is medication, the team, which of course includes the parent, can discuss the limitations experienced by the student, as applicable, without the medication.

Please also refer to the Section below regarding ADHD.

### **E. Other Considerations about Eligibility:**

1. Transitory and minor impairments: Impairments which are determined to be transitory in nature, do not provide eligibility under Section 504. A transitory impairment is defined as an impairment with an actual or expected duration of less than 6 months<sup>7</sup>.

2. Episodic impairments/Impairments in remission: When determining eligibility for an impairment which is episodic or in remission the team must consider whether the

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<sup>6</sup> Something that is “ameliorative” would make a certain condition or impairment improved or better.

<sup>7</sup> Nothing prevents the school from providing assistance to a student who does not qualify for 504 due to a transitory impairment. For example, a student with a broken leg which is expected to be of a duration of less than six months may not require a 504 plan, but may still be provided with access to the elevator.

impairment would deem the student eligible when the impairment is active (i.e., whether the impairment substantially limits a major life activity when the student is having an "episode"). An example provided by OCR is that of a student with epilepsy whereby the 504 team should consider if that student, during a seizure (i.e., "an episode") is substantially limited in a major life activity such as thinking, breathing or neurological functioning,<sup>8</sup>

3. Current illegal drug users: Students who are current illegal drug users are excluded from the protection of Section 504. However, if the student is no longer engaged in illegal drug use, has a diagnosis of drug addiction and is currently in a rehabilitation program, the student may be eligible for 504 protections.

4. Students with ADHD: OCR has issued a Dear Colleague Letter and a Resource Guide, specifically addressing students with ADHD and Section 504.<sup>9</sup> Issued based on the percentage of complaints received by OCR involving allegations of discrimination against students with ADHD, OCR provides extensive information and guidance regarding its position as to the identification, evaluation and placement determinations for students with ADHD. Some of their basic conclusions are as follows:

- Students with ADHD may be receiving good grades, but may still require a referral to 504 because they require additional time or effort to achieve those grades, compared to their average peers.
- In making a determination whether to evaluate a student suspected of being eligible for Section 504 because of ADHD, schools need to consider how difficult it is or how much time it takes for that student, compared to students without ADHD, to plan, begin, and complete an assignment or exam.
- Every type of ADHD (inattentive type, hyperactive type, or combined type) affects the functioning of the brain related to thinking, concentrating and planning.
- A determination that a student has ADHD is a determination that a student has an impairment.
- OCR presumes that, unless there is evidence to the contrary, that a student with a diagnosis of ADHD is substantially limited in one of more major life activities.
- If district staff suspect that a student has ADHD and requires special education and related aids services under Section 504 to meet his/her needs as adequately as the needs of his/her nondisabled peers, the district must evaluate to determine if that impairment substantially limits a major life activity.

In view of OCR's guidance, Norwalk staff and administration should be cognizant of potential

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<sup>8</sup> See Parent and Education Resource Guide to Section 504 in Public Elementary and Secondary Schools; U.S. Department of Education; Office of Civil Rights; December 2016.

<sup>9</sup> <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf>

signs of ADHD which could be the reason to suspect eligibility under Section 504, and therefore the basis for a referral<sup>10</sup>. These signs could include a high number of discipline referrals, as compared to peers for incidents involving classroom disruptions; difficulties in beginning a task; difficulties in recalling information and completing assignments; and spending more time or effort than peers to complete tasks.

As discussed above, ameliorative effects of mitigating measures cannot be considered in determining eligibility for a student with ADHD. Mitigating measures for a student with ADHD can include the intervention strategies that are being used by the districts, as well as medication. See Mitigating Measures section above.

## **VII. SERVICES AND/OR ACCOMMODATIONS UNDER SECTION 504:**

Once the 504 team determines that a student has a disability under Section 504, the 504 team, at the 504 meeting, shall develop an individual plan of accommodation and/or services (“the 504 plan”).

The 504 plan must be individualized to the student, based on the student’s needs, and without any presumptions or stereotypes as to any disability. Students with disabilities under Section 504 must be educated with students without disabilities to the maximum extent appropriate to the needs of the student with a disability.

All aspects of the 504 plan shall be in writing, shall be provided to the parents, and shall be provided to all staff members responsible for the implementation of the 504 plan. The 504 plan shall be clear, specific and detailed, so that all who read it understand it. Establish when, where and under what circumstances the student may require the services or accommodations set forth in the 504 plan. The accommodations and services set forth in the 504 plan must be related to the student’s determined 504 disability.

A case manager will be assigned for each student determined to be a student with a disability under Section 504. The building principal and that case manager will be responsible for ensuring the implementation of the 504 Plan.

There may be circumstances under which the 504 team determines that the student is a student with a disability under 504 but, due to the impairment being episodic or in remission, or due to mitigating measures, the student will not require services and accommodations. In that event, the 504 will record the reason for this decision in the summary of its meeting. Under those circumstances, the student will be eligible under Section 504, but does not require accommodations or services on a daily or regular basis, but requires a plan in the event that the disability becomes active or the mitigating measures become ineffective. The student will remain entitled to the protection of Section 504 for purpose of discrimination. In addition, the

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<sup>10</sup> Connecticut regulations also provide for “a prompt referral to a planning and placement team meeting of all children who have been suspended repeatedly or whose behavior, attendance, including truant behavior or progress in school is considered unsatisfactory or at a marginal level of acceptance”. R.C.S.A. Section 10-76-d-7(c).

school should make sure that there is a way of monitoring the student so that if there is a change, the 504 team can be reconvened.

An example of a student who may be eligible as a student with a disability under Section 504 but who does not require services or accommodations would be a student with ADHD who is taking medication that adequately treats the student's ADHD. In the student's "unmitigated state", (that is, without the medication), the student's physical or mental impairment substantially limits one or more major life activities, and therefore, the student is eligible under Section 504. However, due to the effects of the medication, the student does not require any special education, services or accommodations. This student, however, is protected against discrimination under the statute.

### **VIII. 504 Meetings**

504 Review meetings will be held annually, although a parent, student, staff member, or administrator may request that a 504 meeting be convened more frequently.

Any student whom the Section 504 team suspects of having a disability under IDEA will be referred to the Planning and Placement Team for consideration of additional evaluation(s), and/or eligibility for special education services.

### **IX. PROCEDURAL SAFEGUARDS**

Parents and guardians have certain due process rights under Section 504. Parents and guardians shall be provided with their procedural safeguards with the notice of any 504 meeting. The parents or guardian shall be notified that they may examine relevant educational records concerning their child. In addition, parents or guardians will be provided with opportunity for participation in the 504 meeting and have the right to bring with them any representatives of their choice, to the Section 504 meeting.

#### **GRIEVANCE AND HEARING PROCEDURES**

Parents and guardians are always encouraged to seek out and contact the Building Level Section 504 Coordinators in the event of any questions, concerns, disputes or complaints regarding any aspect of Section 504 in an attempt to resolve those questions, concerns, disputes or complaints. This also allows the district an opportunity to address any of these concerns and avoid unnecessary misunderstanding and conflict.

Nonetheless, parents and guardians have the procedural rights under this section, including the right to file a complaint with the District 504 Coordinator or with the Office of Civil Rights, as set forth below.

A. Grievance Procedure:

(1) Complaints about discrimination based on disability, including facilities or services offered by the Norwalk Board of Education may be filed with the District 504 Coordinator. A form is provided for this purpose; however nothing requires the completion of the form in order to make a complaint.

The following information is required when completing a complaint.

- Name(s) of person(s) or group making the complaint.
- Whether the person(s) represents an individual group.
- A concise statement of the facts constituting the alleged discrimination, including the dates of the discrimination.
- Whether the person(s) making the complaint has discussed the problem with the site administrator.
- A summary of the complaint and suggested solution(s).

(2) The complaint shall be presented in writing, with a suggested solution, to the District 504 Coordinator. If assistance is needed in writing the complaint, the complainant may seek assistance from the District 504 Coordinator.

The District 504 Coordinator will have thirty (30) school days, unless further time is required, to mail a response to the complainant. The District 504 Coordinator should interview the complainant, any other pertinent individuals he/she deems necessary, and consider all documents offered before rendering a response.

If the issues in the complaint relate to provision of a free and appropriate public education for an individual student, the student may be referred to a Section 504 team or Planning and Placement Team at any point during the processing of the complaint.

B. Impartial Due Process Proceeding:

Parents/Guardian/Student (a complainant) shall have the right to an impartial hearing (Section 504 due-process hearing). There is no requirement that the above grievance procedure is pursued prior to commencing a due process hearing, although the District 504 Coordinator may suggest that the grievance procedure be attempted prior to a Section 504 due process hearing being held. Parents or guardians have the right to participation in such a hearing and to be represented by a person of their choice, including an attorney.

A request for a Section 504 due-process hearing shall be made in writing by the parent or guardian within thirty (30) school days of the complainants receipt of notice of the Section 504 team's decision and their right to file for an impartial hearing.

Upon receipt of a complainants request for Section 504 due-process hearing, the Board of Education shall appoint an impartial hearing officer, at Board expense, and schedule a Section 504 due process hearing within thirty (30) school days from receipt of the complainants request. The date of the hearing may be extended on mutual agreement by the parties, or on order of the hearing officer.

The request shall be made in writing to:

Ralph Valenzisi  
District 504 Coordinator  
Norwalk Public Schools  
125 East Avenue  
Norwalk, CT 06852

### **Hearing and Appeals Process**

(1) The complainants may file a request for review of the decisions of the Section 504 team by an impartial hearing officer. An impartial hearing officer appointed by the Board of Education will meet with the complainant and the Board as appropriate to hear evidence/facts regarding Section 504 decisions rendered.

(2) The complaint must be filed in writing within thirty (30) school days from the decision being challenged with the District 504 Coordinator. The complaint must fully set out the circumstances, specifically the complaint and how the student is adversely affected by the decision.

(3) A hearing will be conducted by an impartial hearing officer. The hearing officer must be an individual who does not have direct interest in the outcome of the hearing and who is knowledgeable about Section 504.

(4) The hearing officer will be appointed and a hearing will commence within thirty (30) school days of the Board's receipt of the written complaint, unless mutually agreed otherwise by the parties, or if extended by the hearing officer .

(5) The hearing officer will give parties reasonable advance notice of the date, time, and place of the hearing.

(6) The hearing officer will give the complainant and the District a full and fair

opportunity to present evidence relevant to the issue raised. The complainant may, at his/her own expense, be assisted or represented by an attorney.

(7) The hearing officer will make a decision in writing and present it to the District and the complainant within fifteen days after the close of the hearing. Such decision shall include findings of fact and order, which will be binding on all parties. The dated decision shall be sent by mail to the complainant and the District.

(8) The decision of the hearing officer shall be based solely on the evidence presented at the hearing and the applicable law and shall include a summary of the evidence and the reason for the decision. The decision shall be implemented no later than thirty (30) school days following the date that the decision was made.

The complainant at any time may also file a complaint with the Office of Civil Rights:

Office of Civil Rights US Department of Education  
5 Post Office Square 8<sup>th</sup> floor, Suite 900  
Boston, MA 02109-3921  
(617) 289-0111– telephone  
(617) 289-0150 – fax  
(877) 521-2172 – TDD

<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

### **Public Notice**

The Norwalk Board of Education shall provide continuing notice to the public, and the staff and students that it does not discriminate on the basis of disability with regard to admission or access to, or treatment or employment in programs and activities of the Norwalk Board of Education. Continuing notification may include the posting of notices, publication in local newspapers, placement of notices in school district publications and student/parent handbooks and distribution of memoranda or other written communication.

**NOTICE OF NON DISCRIMINATION**

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the Norwalk Board of Education are hereby notified that this District does not discriminate on the basis of race, color, national origin, sex, gender identity, age, or disability in admission or access to, or treatment or employment in its programs and activities. Any person having inquiries concerning the Norwalk Board of Education compliance with the regulations implementing Section 504 is directed to contact:

Ralph Valenzisi  
District 504 Coordinator  
Norwalk Public Schools  
125 East Avenue  
Norwalk, CT 06852  
(203) 854-4149  
valenzisir@norwalkps.org

who has been designed to coordinate the District's efforts to comply with the regulations implementing Section 504.

Or

Office of Civil Rights US Department of Education  
5 Post Office Square 8<sup>th</sup> floor, Suite 900  
Boston, MA 02109-3921  
(617) 289-0111– telephone  
(617) 289-0150 – fax  
(877) 521-2172 – TDD

<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

## **X. DISCIPLINE**

The Norwalk Board of Education recognizes that there are students with disabilities who may be disciplined in the same manner as their non-disabled peers. The Board of Education also recognizes that are specific procedures that must be followed when disciplining a student eligible under Section 504 in certain situations and that the Board will use the discipline procedures consistent with the IDEA when disciplining students who are eligible under Section 504 when these situations arise.

The discipline of students with disabilities does not generally become an issue until the student has been or will be suspended in excess of 10 cumulative days per school year. The reason for the 10 day benchmark is that the exclusion of students receiving special education services for greater than 10 days constitutes a unilateral change in placement in violation of federal law.

When a student receiving Section 504 accommodations and/or services has violated a school policy or rule, and the resulting discipline will result in the student being suspended in excess of 10 school days for the school year, the student's Section 504 team must convene to conduct a manifestation determination Section 504 meeting to determine whether the student's conduct was caused by or had a direct and substantial relationship to the student's disability, or if the conduct in question was a direct result of the district's failure to implement the Student's Section 504 plan. If the Section 504 team determines that the conduct was a manifestation of the student's disability, the Section 504 team shall: 1.) conduct a functional behavior assessment, and implement a behavioral intervention plan for the student, or if such an assessment has already been developed, review the plan and modify it, as necessary, to address the behavior, and 2.) return the student to the placement from which the student was removed, unless the parent and school agree to a change of placement or special circumstances permitting a change in placement are established.

If the Section 504 team determines that the student's behavior is not a manifestation of his/her disability, the Board of Education and school administration may discipline the student as it does the general education population, including suspending the student or expelling the student.

If the parent or the student disagrees with the Section 504 team's manifestation determination, the parents and/or student must be provided with their procedural safeguards under Section 504 and with notice of their right to challenge the decision under Section 504 grievance or hearing procedures.

## **XI. EXTRA CURRICULAR ACTIVITIES**

The Norwalk Board of Education affords an equal opportunity to students with disabilities to participate in its extracurricular activities services and programs as is provided to non-disabled students. This means that the Norwalk Board of Education will make reasonable modifications and provide those aids and services that are necessary to ensure that an otherwise qualified person is provided an equal opportunity to participate in the Board's extracurricular programs, including athletic programs, as provided to a non-disabled person, provided that such modification or accommodation do not cause a fundamental alteration to the program. Further, the fact that a student has a disability does not mean that the student must be allowed to participate in any selective or competitive program that is provided by the district. However, any selective criteria must be non-discriminatory.

All decisions regarding what constitutes reasonable modifications made to a program will be determined based on an individualized inquiry. The Norwalk Board of Education will also consider whether safe participation by a student with a disability can be assured through the reasonable modification or the provisions of aids and services in order to provide the student with disabilities the same opportunity to participate in the program as his or her non-disabled peers.

The Norwalk Board of Education may require a specific level of skill or ability for participation in a competitive program or activity such as specific athletic sports; equal opportunity does not mean, for example, that every student with a disability is guaranteed a spot on an athletic team or for which the other students must try out. The Norwalk Board of Education, however, will ensure that it provides nonacademic services and activities in such a manner that is necessary to provide students with a disability with an equal opportunity for participation in such extracurricular activities and services.

OCR has provided extensive guidance regarding extracurricular activities in its January 2013 Dear Colleague Letter, located at

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague - 201301-504.pdf>.

Section 504 FORMS:

Form A – Section 504 Procedural Safeguards

Form B – Section 504 Referral Form

Form C – Meeting Minutes/Eligibility Determination/Accommodation Plan Sample

Form D – Section 504 Notice & Consent to Conduct an Evaluation

Form E – Section 504 Grievance

**Norwalk Public Schools  
125 East Avenue  
P.O. Box 6001  
Norwalk, CT 06852**

Section 504 Procedural Safeguards Notice

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

Name: Ralph Valenzisi  
Position: District 504 Coordinator  
Phone Number: (203) 854-4044  
E-mail: valenzisir@norwalkps.org

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

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

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

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

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

EVALUATION. Prior to conducting an evaluation of your child for purposes of services under Section 504, the district will seek your informed written consent. An evaluation will not be conducted unless you give consent. However, school officials may review existing records, test scores, grades, teacher reports, and recommendations and other such information without your consent to the same extent they would do so for nondisabled students.

504 Evaluations must be conducted in a timely manner. The Norwalk Public Schools has adopted the same timeline for 504 evaluations as the timeline provided by the State Department of Education for evaluations conducted for students suspected of a disability under the Individuals with Disability Act (IDEA). This means that the team has 45 school days from the date of referral to the date of implementation of the 504 plan, less any time during which parents have not consented to the evaluations.

If, based on the facts and circumstances of your child's case, the school district determines that a medical assessment is necessary to conduct an evaluation in order to determine if your child has a disability and requires special education and related services under Section 504, the school district must ensure that the child receives this assessment at no cost to you.

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

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

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

If your child is identified as an individual with a disability under Section 504 the school will periodically reevaluate your child. The Norwalk Public Schools evaluates eligible students every three years, consistent with the IDEA, or earlier/later upon the agreement of the team or the request of the parents or guardians, or before making any significant change in placement.

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

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

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

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

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

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

Upon receipt of your request for a Section 504 due-process hearing, the Board of Education shall appoint an impartial hearing officer, at Board expense, and schedule a Section 504 due process hearing within thirty (30) school days from receiving your request. The date of the hearing may be extended on mutual agreement by the parties, or on order of the hearing officer.

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

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

**Norwalk Public Schools  
125 East Avenue  
P.O. Box 6001  
Norwalk, CT 06852**

Section 504 Referral Form

**Student:**

**School:**

**Birthdate:**

**Grade:**

**Teacher:**

**Referred by:**

**Reason for referral:**

**Accommodations and interventions attempted:**

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

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, explain:

**Referral action:**

\_\_\_\_\_  
Signature of the District 504 Coordinator

\_\_\_\_\_  
Date

Norwalk Public Schools  
125 East Avenue  
P.O. Box 6001  
Norwalk, CT 06852

### SECTION 504 ACCOMMODATION PLAN SAMPLE

STUDENT INFORMATION			
Student:	Date of Birth:	Gender:	Local ID:
Address:	Age:	Instructional Language:	State ID:
	County:	Interpreter Required:	
Contacts:	Home/Mobile #:	Work #:	Email:
School Year:	School:	Case Manager:	Grade:
Plan Start:	Plan End:	Review Date:	Reevaluation Due by:

MEETING INFORMATION	
Meeting Date:	Reason:
Participants:	
Comments:	

INITIAL OR MOST RECENT EVALUATIONS/REPORTS	
<u>Date</u>	<u>Evaluation/Report</u>

DETERMINATION
It has been determined that the student has a physical or mental impairment that substantially limits a major life activity. Identify the physical or mental impairment:
Identify the major life activity affected by this physical or mental impairment:
Describe how this impairment substantially limits a major life activity:

ACCOMMODATIONS AND SUPPORTS

<u>Related Services</u>	<u>Location</u>	<u>Service Implementer</u>	<u>Start and End Dates</u>	<u>Frequency</u>	<u>Period</u>	<u>Duration</u>
<u>Materials/Books/Equipment</u>	<u>Description</u>					
<u>Tests/Quizzes/Assessments</u>	<u>Description</u>					
<u>Grading</u>	<u>Description</u>					
<u>Organization</u>	<u>Description</u>					
<u>Environment</u>	<u>Description</u>					
<u>Behavior Interventions and Support</u>	<u>Description</u>					
<u>Instructional Strategies</u>	<u>Description</u>					
<u>Assistive Technology</u>	<u>Description</u>					
<u>Other</u>	<u>Description</u>					
<u>Special Transportation</u>						

**Testing Accommodations**

Indicate any individual testing accommodations in the administration of statewide or district-wide assessments of student achievement needed for the student to participate.

**Subject**

**Accommodations**

**Norwalk Public Schools  
125 East Avenue  
P.O. Box 6001  
Norwalk, CT 06852**

Section 504 Notice & Consent to Conduct an Evaluation

Date

To the Parent/Legal Guardian of STUDENT X  
# ABCD St, Apt. 1  
Norwalk, CT 06851

RE: STUDENT X  
DOB: 00/00/2000 ID#: 1234567

Dear Parent/Legal Guardian of STUDENT X:

The 504 Team would like to propose the following action:

Team will conduct an evaluation based on the referral meeting recommendations. Please be advised that the district is requesting your written consent for this assessment. A consent form is enclosed for you to sign and return. When the evaluative information is collected, the Section 504 Team will then formally meet to review the evaluation results and discuss possible recommendations with you. You will have the opportunity to actively participate at the meeting, and you may be accompanied by anyone of your choosing with knowledge or special expertise about STUDENT X. Before the meeting you will receive a written notice of the date, time and location of the 504 meeting, and we encourage your attendance.

Enclosed is a copy of the Section 504 Procedural Safeguards Notice that explains your rights regarding the Section 504 process. If you have any questions regarding this notice or the request for consent, please do not hesitate to contact our office. Upon your request, we will arrange a meeting to discuss any questions that you may have about the proposed evaluation. Otherwise, please sign and return the enclosed consent form as soon as possible so that we can address this student's needs in a timely manner.

Sincerely,

Enc. Section 504 Consent for Evaluation

# Norwalk Public Schools

## Section 504 Consent for Evaluation

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

Date

RE: STUDENT X  
DOB: 00/00/2000 ID#: 1234567

Norwalk Public Schools  
Ralph Valenzisi  
125 East Avenue  
P.O. Box 6001  
Norwalk, CT 06852

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

I understand that I must give written consent to the district in order for STUDENT X to be evaluated. The proposed evaluation (listed below) will draw upon information from a variety of sources, which may include, but is not limited to: a review of student records, observations of the student in school, student interviews, parent interviews, requests for medical or other evaluation records, and the collection of classroom assessment data.

Proposed Evaluation Procedure:

Person Responsible:

I understand that the district is requesting my written consent to evaluate STUDENT X and I have received and understand the aforementioned Notice and Consent to Conduct an Evaluation. I have also received a copy of the Section 504 Procedural Safeguards Notice.

Please check one:

- I grant consent for the aforementioned evaluation procedure.
- I do not grant consent for the aforementioned evaluation procedure.

\_\_\_\_\_  
Parent/Guardian  
(Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Section 504 Grievance**

Complaints about discrimination based on disability, including facilities or services offered by the Norwalk Board of Education may be filed with the District 504 Coordinator or with the Office of Civil Rights.

Parents and guardians are always encouraged to first seek out and contact the Building Level 504 Coordinators in the event of any questions, concerns, disputes or complaints regarding any aspect of Section 504 in an attempt to resolve those questions, concerns, disputes or complaints.

Nonetheless, parents and guardians have the procedural rights under Section 504, including the right to file a complaint with the District 504 Coordinator, as set forth below.

Although the completion of this form is not required when completing a complaint, it is provided to assist the complainant with including all of the required information. The complaint shall be presented in writing, with a suggested solution, to the District 504 Coordinator. If assistance is needed in writing the complaint, the complainant may seek assistance from the District 504 Coordinator.

- Name(s) of person(s) or group making the complaint:

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- Whether the person(s) represents an individual group:

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- A concise statement of the facts constituting the alleged discrimination, including the dates of the discrimination:

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- Whether the person(s) making the complaint has discussed the problem with the site administrator:

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- A summary of the complaint and suggested solution(s):

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The request shall be made in writing to the Board of Education District 504 Coordinator:

Ralph Valenzisi  
District 504 Coordinator  
Norwalk Public Schools  
125 East Avenue  
Norwalk, CT 06852

The complainant at any time may also file a complaint with the Office of Civil Rights:

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5 Post Office Square 8th floor, Suite 900

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