

# HEBRON BOARD OF EDUCATION

5012

## Students

### **POLICY REGARDING STUDENTS AND SECTION 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), 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 Hebron 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 Hebron Public Schools prohibits discrimination against any person with a disability in any of the services, programs, activities of 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 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).

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, and/or educational placement of his/her child, a parent/guardian has a right to request an impartial due process hearing.

In addition, a student or parent/guardian may also file an internal grievance/complaint on these issues or any other type of discrimination on the basis of disability by or within the district by utilizing the complaint procedures outlined in the Board’s Administrative Regulations Regarding Students and Section 504 of the Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office of Civil Rights, U.S. Department of Education (“OCR”):

Office of Civil Rights, Boston Office  
U.S. Department of Education  
8<sup>th</sup> Floor

5 Post Office Square  
Suite 900, Boston, MA 02109-0111;  
TELEPHONE NUMBER (617) 289-0111.

Anyone who wishes to file a complaint, or who has questions or concerns about this policy, should contact the Director of Educational Services, the Section 504 Coordinator for the Hebron Public Schools, at phone number 860-228-2577.

Legal References:    29 U.S.C. § 794  
                          34 C.F.R. § 104  
                          42 U.S.C. 12101 et seq.  
                          28 C.F.R. Part 35

*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:   October 10, 2013  
REVISED:   February 20, 2014  
REVISED:   December 8, 2016