

SECTION 504 DUE PROCESS

It is the policy of the Newtown Board of Education to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 ("Section 504") are identified, evaluated, and provided with a free and appropriate public education, regardless of the nature and severity of the disability.

It is the policy of the Newtown Board of Education to ensure that disabled students have opportunities to participate in academic, non-academic and extracurricular activities. Students who are disabled have the right to receive accommodations, modifications and related services that will enable such students to be educated with their non-disabled peers to the extent possible.

Moreover, it is the intent of the Newtown Board of Education to not discriminate against any individual with a disability as defined by Section 504 including students, staff and parents in any of its employment practices, programs or activities.

The Assistant Superintendent is designated as the Section 504 Coordinator:

Newtown Board of Education
Canaan House
4 Fairfield Circle South
Newtown, CT 06470

Students may be disabled under Section 504 even though they are not eligible for special education and related services under the Individuals with Disabilities Education Act ("IDEA"). A student is disabled under Section 504 if he or she has a physical or mental impairment which substantially limits one or more major life activities including, but not limited to, walking, speaking, breathing or learning. A student may also be disabled for purposes of Section 504 if he or she has a record of such impairment or is regarded as having such an impairment. Some students may be covered under both Section 504 and the IDEA.

Parents of students with disabilities under Section 504 have the right to participate in the decision-making process concerning the referral, evaluation and programming of their children. Parents have the right to review and obtain copies of their children's educational records. Parents also have the right to an impartial hearing.

Parents may request a Section 504 impartial hearing concerning the identification, evaluation or educational placement of their child with a disability under Section 504. An impartial hearing must be requested within forty-five (45) calendar days of the action or decision at issue. The Connecticut State Department of Education does not conduct such hearings except in certain cases where the student is also eligible under the IDEA.

The District shall select a hearing officer to conduct the hearing. The hearing officer shall not: be a District employee, have a personal or professional interest in the child; be a Board member; or be involved in the formulation of state policy affecting students with disabilities.

The hearing officer may only review issues related to the identification, evaluation or program of the student with a disability. The hearing officer does not have jurisdiction to hear claims alleging harassment, discrimination or retaliation unless such claim is directly related to the identification, evaluation or placement of the student.

Parents have the right to representation of their choice at their expense at any stage of the impartial hearing process. Parents may be entitled to reimbursement of attorneys' fees if they prevail.

Any individual who feels he or she has been discriminated against in violation of Section 504 may file a complaint with the Boston Regional Office of the Office of Civil Rights (the "OCR") at:

Office of Civil Rights
J. W. McCormack
Post Office and Courthouse Building, Rm. 701
Post Office Square
Boston, MA 02109
Telephone No.: (617) 223-9662

Adopted 2/13/01