

**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 (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/ADA, the Berlin Public Schools (the “District”) recognize a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs, which may require reasonable modifications to such policies and practices. In this regard, the District prohibits discrimination against any person with a disability in any of the services, programs or activities of the school system.

The District 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 District’s obligation includes providing access to a free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. 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 similarly imposed on nondisabled students/parents).

If a student’s parents/guardians disagrees with the decisions made by the professional staff of the District with respect to the identification, evaluation or educational placement of their child, such parents/guardians have a right to request an impartial due process hearing.

In addition, a student or parent/guardian of a student 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 grievance/complaint procedures outlined in the Administrative Regulations Regarding Students and Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act associated with this policy, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”).

Office for Civil Rights, Boston Office
U. S. Department of Education, 8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111

SERIES: 5000 STUDENTS

5145.401

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| ADOPTED: 7/16/07 | REVISED: 6/8/09, 9/13/10, 1/14/13, 1/27/14, 10/11/16 & 11/28/22 |
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Anyone who wishes to file a grievance/complaint with the District, or who has questions or concerns about this policy should contact the Supervisor of Special Education, the Section 504/ADA Coordinator for the Berlin Public Schools, at phone number 860-828-6581. In the absence of a Supervisor of Special Education, the Director of Pupil Personnel Services should be contacted.

Legal References: 29 U.S.C. §§ 705,794
 34 C.F.R. § Part 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)

Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973, Office for Civil Rights (July 2022), available at https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term