



# Somerset Public Schools

## Somerset Berkley Regional School

*All Students Achieving Excellence*

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### **SECTION 504 ELIGIBILITY GUIDELINES AND PROCEDURES**

The Somerset Public Schools and Somerset Berkley Regional School District are committed to a policy of nondiscrimination against qualified persons with disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended (ADA).

Section 504 of the Rehabilitation Act (1973) is a federal civil rights law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance. Specifically, Section 504 requires that “No otherwise qualified individual with disabilities in the United States...shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance...” This includes access for students with disabilities to district before-school, after-school or summer programs comparable to those provided to nondisabled students. A provision for extended school day and/or school year services in an Individualized Educational Program (IEP) is not a requirement for participation in any of these programs.

Section 504 requires school districts to provide a free, appropriate public education (FAPE) to eligible students with disabilities. This means that the educational services provided to students with disabilities must be equivalent to the services provided to students without disabilities. All students who have been identified as eligible for special education services under the Individuals with Disabilities Education Act/Chapter 766 (IDEA) are also protected by Section 504. However, the same is not always true of students who qualify for Section 504. There are students who are not eligible for services or programs under IDEA, but who still may be determined to have a disability within the definition of Section 504. Section 504 accommodations are appropriate for those students who have a mental or physical impairment that “substantially limits one or more major life activities such as walking, hearing, speaking, breathing, learning, working, caring for oneself, and performing tasks.” (Please note the added emphasis on the words major and substantial, which determine eligibility.)

If school staff has reason to believe that because of a disability as defined under Section 504, a student needs either accommodations or related services in order to participate in the general school program, the school must evaluate the student. A group of persons knowledgeable about the student must interpret the meaning of the evaluation and other data, and must document all information considered in order to develop an Accommodation Plan. The school must then

implement that Plan (commonly referred to as a 504 Plan).

### **Eligibility**

A student is eligible for services under Section 504 when s/he:

1. Has a physical or mental impairment that substantially limits one or more major life activities. A physical or mental impairment may include, but is not limited to, physical disabilities or conditions, psychological disorders, and specific learning disabilities
2. Has a record of such an impairment
3. Is regarded as having an impairment

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. Although not exhaustive, examples of the range and variety of disabilities included under Section 504 are provided below.

Non-ambulatory Disabilities	Physical impairments, regardless of cause, that require an individual to use a wheelchair. In this category are individuals who are paraplegic, quadriplegic, hemiplegic, or who have had a limb or limbs amputated, etc.
Semi-ambulatory Disabilities	Physical impairments that cause a person to walk with difficulty, perhaps with the assistance of crutches, walkers or braces
Coordination Disabilities	Impairments of muscle control of the limbs, resulting in faulty coordination
Sight Disabilities	Impairments affecting vision totally or partially
Hearing Disabilities	Impairments affecting hearing totally or partially
Speech Impairments	Impairments affecting totally or partially the ability to communicate orally
Mental and Emotional Disabilities	Impairments affecting such as attention deficit disorder or depression

### **Regulatory Requirements**

Section 504 regulations require that all students with disabilities be provided:

- a free and appropriate public education (FAPE), including individually-designed programs
- equal access to programs and services, including non-academic and extra-curricular activities

- notice to parents or guardians with respect to Section 504 procedures
- determination of Section 504 eligibility, done by a team composed of people knowledgeable about: the student, the meaning of the evaluation data, and the placement options.
- evaluation data based on a variety of sources
- development of a 504 Plan, if deemed appropriate
- an annual review of the student's 504 plan and re-evaluation every three years
- due process/grievance procedures available to parents/guardians

### **Complaints**

Somerset Public Schools and Somerset Berkley Regional School District does not discriminate in admission to, access to, treatment in, or employment in its services, programs, and activities, on the basis of race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972; on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA); or on the basis of age, in accordance with the Age Discrimination Act of 1975 (Superintendent's Circular, Equity, No. 4).

Any student, parents, and/or guardian who believes s/he has been the victim of discrimination or harassment based upon disability or who believes s/he has been denied a free appropriate public education to which s/he as a student with a disability is entitled, may file a complaint to the Section 504 Compliance Officer.

The District's Section 504 Coordinator is:

Lisa Martiesian  
Section 504 Coordinator  
Somerset Public Schools and Somerset Berkley Regional School District  
580 Whetstone Hill Road  
Somerset, Massachusetts 02726  
Phone: 508.324.3100 ext. 217  
E-mail: [martiesianl@sbrregional.org](mailto:martiesianl@sbrregional.org)

In addition to the district's complaint procedure, alleged violations for Section 504 may be referred to the United States Department of Education, Office for Civil Rights. That office is responsible for investigating complaints, monitoring compliance and conducting compliance reviews to ensure that local school systems are following the regulations and requirements cited above. Inquiries regarding the applicability of Title VI, Title IX, Section 504, the Americans with Disabilities Act, the Age Discrimination Act, and their respective implementing regulations to Somerset Public Schools and Somerset Berkley Regional School District may be directed to:

U.S. Department of Education  
 Office for Civil Rights (OCR)  
 5 Post Office Square  
 8<sup>th</sup> Floor  
 Boston, Massachusetts, 02109  
 (617) 289-0111

**Role of the District Section 504 Coordinator**

The District Section 504 Coordinator is responsible for overseeing allegations of discrimination or harassment based on disability, as outlined in the Section 504 Grievance Procedures (See Attachment).

**Section 504 Referral Procedure**

All Principals and other Administrative Heads are responsible for ensuring that students with disabilities within their jurisdiction have educational opportunities and benefits equal to those provided to students without disabilities. If a parent or school staff member believes a child may have a disability and may be entitled to accommodations and/or services under Section 504, the following procedures shall be followed:

	<b>PROCEDURE</b>	<b>PERSON(S) RESPONSIBLE</b>	<b>APPLICABLE FORM(S)</b>
1.	<p><b>504 REFERRALS FROM PARENTS</b>                      Parents and/or guardians may request a Section 504 evaluation to the child’s teacher, school leader, other administrative staff, school nurse, school psychologist, school social worker, or guidance counselor.</p> <ul style="list-style-type: none"> <li>- If the parent/guardian requests a 504 evaluation, the staff member shall provide a Section 504 Referral Form (Form 1)</li> <li>- If the parent/guardian requires assistance in writing the referral, the School-based 504 Coordinator shall follow established procedures to assist the parent in filling out the referral form</li> </ul>	Parent  School Staff  School-based 504 Coordinator	<p><b>Section 504                      Referral Form                      (Form 1)</b></p>

	<p><b>504 REFERRALS FROM STAFF AND OTHER PROVIDERS</b></p> <p>Other individuals, such as a child’s teacher, school leader, administrative staff, school nurse, school psychologist, school social worker, or guidance counselor, may refer a student for a Section 504 evaluation. All SPS and SBRSD policies and procedures regarding confidentiality must be followed.</p> <ul style="list-style-type: none"> <li>- When school staff, such as a teacher, school psychologist, nurse, or other staff, suspects that a child has a present disabling condition that substantially limits a major life activity, the school may refer the student to the Student Success Team prior to a referral for a 504 evaluation.</li> <li>- Upon receiving a third party 504 referral, school staff must immediately forward the form to the School-based 504 Coordinator for next steps.</li> <li>- Upon receipt of a third-party referral, parents/guardians <u>must be notified of the referral</u> indicating whether or not the school suspects the child has a present disabling condition that substantially limits a major life activity.</li> </ul>	<p>School Staff</p> <p>School-based 504 Coordinator</p> <p>IEP Team (in some cases)</p>	<p><b>Section 504 Referral Form (Form 1)</b></p> <p><b>Section 504 Notice to Parents and accompanying documentation (Form 2, 3 4, 5)</b></p>
2.	<p><b>POST-REFERRAL</b></p> <p>Referrals from parents or third-parties should be sent to the School-based 504 Coordinator. <b>The School-based 504 Coordinator shall sign and date the referral upon receipt.</b></p>	<p>School-based 504 Coordinator</p>	
3.	<p><b>PARENT/GUARDIAN NOTIFICATION AND CONSENT FOR EVALUATION</b></p> <p>Parents/guardians <u>must be notified of any referrals for Section 504 evaluation.</u> Appropriate school personnel shall send the Section 504 Notice to Parents (Form 2) and copies of information regarding Section 504 and Parent/Student rights (Forms 3 and 4) upon receipt of the third-party 504 referral.</p> <p>Prior to conducting an evaluation, the <b>school must receive written consent from the parent/guardian.</b></p>		<p><b>Section 504 Notice of Referral to Parents (Form 2)</b></p> <p><b>Information Regarding Section 504 (Forms 3 &amp; 4)</b></p>

4.	<p><b>504 EVALUATION STUDENTS INELIGIBLE UNDER IDEA</b></p> <p>If the student has gone through the IDEA referral and evaluation process and is deemed ineligible for an IEP, the student shall be referred to the school's Section 504 team to determine eligibility. Current evaluation data through the IDEA process can be used to assist in the determination of 504 eligibility. The Section 504 team has the discretion to obtain additional information.</p> <p>*This may occur at the conclusion of the IEP process</p>	<p>IEP Team</p> <p>School-based 504 Coordinator</p> <p>Section 504 Team</p>	<p><b>IEP Evaluation Data</b></p>
	<p><b>504 EVALUATION</b></p> <p>If the Section 504 school team suspects that the student may be qualified under Section 504, the team must move forward with a full Section 504 evaluation.</p> <ul style="list-style-type: none"> <li>- The Section 504 team shall include people knowledgeable about the student and able to understand and interpret evaluation and assessment data. Recommended members for the team include, but are not limited to: the child's general education teacher(s), parents/guardians, nurses, guidance advisors, and other appropriate staff.</li> <li>- The Section 504 Team will plan the evaluation process and gather information about the student from a variety of sources. The evaluation process includes the gathering of information and may include assessments conducted by designated individuals.</li> <li>- Assessors will be selected based on their knowledge and expertise in the area of the referring disability, their knowledge of the student, and other relevant factors</li> <li>- Parents/guardians <u>must be sent written notice of the meeting and an invitation to attend</u>. The School team will make reasonable efforts to include the parent throughout this process.</li> </ul>	<p>School-based 504 Coordinator</p> <p>Section 504 Team</p>	<p><b>Section 504 Invitation to Attend (Found in Aspen)</b></p>
5.	<p><b>DETERMINATION OF ELIGIBILITY</b></p> <p>Upon completion of the evaluation process, the Section 504 team shall notify the parent/guardian in writing whether the student is eligible under Section 504.</p> <ul style="list-style-type: none"> <li>- If the student is found to be eligible, the school team will determine the services and accommodations needed by the student based on the disability and evaluation data, if necessary. The accommodations and/or modifications must be specific and related to an educational need.</li> </ul>	<p>School-based 504 Coordinator</p> <p>Section 504 Team</p>	<p><b>Determination of Eligibility (Form 7 or 8)</b></p> <p><b>Section 504 Grievance Procedures (Form 5)</b></p>

	<ul style="list-style-type: none"> <li>- If the student is found to be not eligible, the school team should provide the parent/guardian with notice and information regarding Section 504 eligibility and a copy of the Section 504 Grievance Procedures</li> </ul>		
6.	<p><b>SECTION 504 PLAN</b></p> <p>If necessary, the Section 504 team will develop a Section 504 Plan for the student. <u>Consent of the parent/guardian must be obtained before implementing the plan.</u></p>	Section 504 Team	<b>Section 504 Plan is found in ASPEN</b>
7.	<p><b>IMPLEMENTATION</b></p> <p>Upon development of the Section 504 Plan, the School-based 504 Coordinator will provide copies of the Plan or notify that the Plan can be viewed in Aspen to the following persons:</p> <ol style="list-style-type: none"> <li>1. The parent/guardian</li> <li>2. The child's general education teachers</li> <li>3. The school nurse, when applicable</li> <li>4. The school psychologist, when applicable</li> <li>5. Student's permanent file</li> </ol> <p>When necessary, the appropriate school personnel will also receive training for certain accommodations, as determined by the Section 504 team.</p>	School-based 504 Coordinator	
8.	<p><b>PERIODIC REVIEW</b></p> <p>A review of the student's Section 504 Plan will be conducted on an annual basis, unless the parent/guardian or other school staff determines a need to review it sooner or more frequently.</p> <p>Re-evaluations should be completed every three years, or when a significant change in placement or services is being considered.</p> <p>Parents/guardians and/or teachers may request a meeting at any time to modify or update the plan. If there are changes to the plan, all teachers and providers responsible for implementation must be notified of any changes to the plan.</p>	School-based 504 Coordinator	<b>Section 504 Plan (Found in Aspen)</b>
9.	<p><b>MAINTENANCE OF RECORDS</b></p> <p>The School-based 504 Coordinator will keep a record of all Section 504 plans in the school in a secure location.</p>	School-based 504	

	The District's Section 504 Coordinator will keep a log of all Section 504 plans in the district. The School-based 504 Coordinator and/or appropriate personnel will be responsible for providing the District Section 504 Compliance Officer with updated records.	Coordinator  District Section 504 Coordinator	
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**Attachments:**

- Form 1: Section 504 Referral Form
- Form 2: Section 504 Notice of Referral to Parents
- Form 3: Information Regarding Section 504 of the Rehabilitation Act of 1973 and The Family Education Rights and Privacy Act
- Form 4: Parent/Student Rights
- Form 5: Section 504 Grievance Procedure for Student Complaints
- Form 6: Section 504 Grievance Form
- Form 7: Notice of Determination of Eligibility
- Form 8: Notice of no finding of eligibility for Section 504



**FORM 1**

*Somerset Public Schools and Somerset Berkley Regional School District*  
**SECTION 504 REFERRAL FORM**

**I. Student Information**

Student Name: \_\_\_\_\_ Student ID: \_\_\_\_\_ D.O.B.: \_\_\_\_\_  
 School: \_\_\_\_\_ Grade: \_\_\_\_\_ Home Room: \_\_\_\_\_  
 Referral Role/Relation to Student:  
 From: \_\_\_\_\_  
 Date of Referral: \_\_\_\_\_  
 Parent/Guardian(s): \_\_\_\_\_  
 Telephone: (h) \_\_\_\_\_ (c): \_\_\_\_\_  
 Race/Ethnicity: \_\_\_\_\_ Gender: \_\_\_\_\_

**II. Background Information**

Reason for Referral (attach additional pages, if necessary):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Please indicate which major life activity(s) and/or major bodily functions appear to be limited:

- |  |  |                                      |                                   |
|--|--|--------------------------------------|-----------------------------------|
| <input type="checkbox"/> Caring for self | <input type="checkbox"/> Eating        | <input type="checkbox"/> Seeing      | <input type="checkbox"/> Hearing  |
| <input type="checkbox"/> Sleeping        | <input type="checkbox"/> Breathing     | <input type="checkbox"/> Standing    | <input type="checkbox"/> Speaking |
| <input type="checkbox"/> Communicating   | <input type="checkbox"/> Concentrating | <input type="checkbox"/> Perform     | <input type="checkbox"/> Walking  |
| <input type="checkbox"/> Lifting         | <input type="checkbox"/> Bending       | Manual Tasks                         | <input type="checkbox"/> Reading  |
| <input type="checkbox"/> Immune System   | <input type="checkbox"/> Respiratory   | <input type="checkbox"/> Learning    | <input type="checkbox"/> Thinking |
| Function                                 | Function                               | <input type="checkbox"/> Normal Cell | <input type="checkbox"/> Working  |

- Digestive Function
- Bladder Function
- Growth
- Brain Function
- Circulatory Function
- Reproductive Function
- Neurological Function
- Endocrine Function
- Other: \_\_\_\_\_

Indicate specifically how the major life activity and/or major bodily function is being limited:

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

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Parent (or person making referral): \_\_\_\_\_

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

\_\_\_\_\_  
Signature of School-based Section 504 Coordinator

Date of Receipt: \_\_\_\_\_

**This referral must be:**

- Provided to the School-based 504 Coordinator
- Signed by the School-based 504 Coordinator
- Copied and provided to the parent
- Placed in the student's education file



**Your participation in this process is extremely important. Please indicate your consent for this evaluation by checking the appropriate box below and returning this signed notice to the school. Upon receipt of your signature, the 504 Coordinator will invite you to an eligibility determination meeting to review all assessment results and discuss eligibility for a 504 plan.**

\_\_\_\_\_ I want the 504 Evaluation to proceed.  
\_\_\_\_\_ I do not want the 504 Evaluation to proceed

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

Print name: \_\_\_\_\_

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

**PLEASE RETURN TO COORDINATOR WITHIN 10 DAYS**

Enclosures: Information Regarding Section 504 (Form 3)  
Parent/Student Rights (Form 3)  
  
504 Due Process/Grievance Procedures (Form 5)

**FORM 3**

***Somerset Public Schools and Somerset Berkley Regional School District***  
**INFORMATION REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT**

Section 504 is an Act which prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. The Act defines a person with a disability as anyone who:

1. has a mental or physical impairment which substantially limits one or more life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working); or
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, Somerset Public Schools/Somerset Berkley Regional School District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs, services, activities and practices in the school system.

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate and if the child is determined to be eligible under Section 504, to afford access to appropriate educational programs, services and activities.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to an impartial due process hearing before the Massachusetts Department of Elementary and Secondary Education, Bureau of Special Education Appeals.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This act gives the parent or guardian the right to: 1) inspect and review his/her child's educational records; 2) make copies of these records; 3) receive a list of all individuals having access to those records; 4) ask for an explanation of any item in the records; 5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and 6) a hearing on the issue if the school refuses to make the amendment.

**FORM 4*****Somerset Public Schools and Somerset Berkley Regional School District*****PARENT/STUDENT RIGHTS  
(Section 504 of the Rehabilitation Act of 1973)**

The following is a description of the rights granted by federal law to students found to be eligible under Section 504 of the Rehabilitation Act. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

- have your child take part in, and receive benefits from, public education programs or activities without discrimination based on his/her disability;
- be notified by the school district of your child's rights under Federal law (this document provides that notice);
- receive notice with respect to identification, evaluation or placement of your child;
- have your child receive a free appropriate public education in the least restrictive environment. This includes, to the maximum extent possible, the right to be educated with children who are not disabled, and the right to reasonable accommodations that allow your child an equal opportunity to participate in school-related activities, including nonacademic and extracurricular activities. Parents/guardians are responsible for the same costs as the parents/guardians of children who are not disabled;
- have your child educated in or have access to services, facilities and activities comparable to those provided to nondisabled students;
- have evaluation, educational, and placement decisions made based on a variety of information sources, and by persons who know your child and who are knowledgeable about the evaluation data and placement options;
- to have your child receive special education and related services if he/she is found eligible under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act;
- review relevant educational records related to your child that are maintained by the school. You may also obtain a copy of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
- a response from the school district to reasonable requests for explanations and interpretations of your child's records;
- present a grievance or complaint to the school district's Section 504 Compliance Officer. The district's Section 504 Compliance Officer is: Lisa Martiesian, Director of Special Education, 580 Whetstone Hill Road, Somerset, MA 02726 (Phone: (508) 324-3100);
- to contest an action taken by a Section 504 team by means of an impartial due process hearing. A Request for Hearing must be submitted to: Bureau of Special Education Appeals (BSEA), One Congress Street, 11<sup>th</sup> floor, Boston, MA 02114, or by fax to the BSEA at

617-626-7270 (A copy of the written request for hearing must also be provided to the districts' Section 504 Compliance Officer); and

- to file a complaint with the Office of Civil Rights of the United States Department of Education, 5 Post Office Square, 8<sup>th</sup> floor, Boston, MA 02109-3921; Phone: (617) 289-0111 or Fax: (617) 289-0150.

The school personnel who are responsible for assuring compliance with Section 504 and coordinating the evaluation process are:

Principal: \_\_\_\_\_

School-based 504 Coordinator: \_\_\_\_\_

District Section 504 Compliance Officer: **Lisa J. Martiesian, Director of Special Education**

**FORM 5**

***Somerset Public Schools and Somerset Berkley Regional School District***

**SECTION 504 –PROCEDURE FOR STUDENT COMPLAINTS**

**PURPOSE**

The purpose of the Section 504 – Grievance Procedure for Student Complaints is to address complaints of disability discrimination under Section 504 and Title II. The intent of these uniform procedures is to assure that, to the greatest extent possible, grievances of discrimination or harassment are resolved in a positive spirit. All complaints will be received and investigated in a fair and expeditious manner. The District will take affirmative steps to address and correct any substantiated finding of discrimination.

This policy does not deny the right of the complaining party to file formal complaints at any time with the U.S. Department of Education, Office for Civil Rights or to seek private counsel for complaints alleging discrimination.

**GENERAL POLICIES**

- a. Retaliation against any student, family member or other third party for processing a grievance or participating in any way in the grievance procedure is strictly prohibited.
- b. Whenever possible, conferences should be scheduled during a mutually convenient time that does not conflict with regularly scheduled school programs.
- c. The filing of a complaint shall not be construed as reflecting unfavorably on a student, family or other third party's good standing, performance, loyalty, or desirability to the Somerset Public Schools/Somerset Berkley Regional School District.
- d. Personal information regarding the complainant, the alleged harasser, and the witnesses will be protected from disclosure to the extent permitted by the investigative process and the nature of the complaint.
- e. In determining whether alleged conduct constitutes discrimination or harassment, the Superintendent or his or her designee will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances.

**PROCEDURES**

**I. Informal Complaints**



Students, families and other third parties are encouraged, where appropriate, to attempt to resolve complaints regarding an alleged discriminatory practice on an informal basis. A student who chooses to seek informal resolution of his or her complaint should present the complaint to the principal or to any school administrator with the authority to resolve the complaint. Upon receiving an informal complaint regarding an allegedly discriminatory practice, the school official shall attempt, within his/her authority, to work with the individual to resolve the complaint fairly and expeditiously.

Students, families or other third parties who do not wish to seek informal resolution of their discrimination complaints, or who are dissatisfied with attempts at informal resolution, may also present their complaints directly to the District Section 504 Compliance Officer.

## **II. Formal Complaints**

**Section A.** A student, family or third party who is dissatisfied with the attempts to resolve his or her complaint informally, or who wishes to bypass the informal complaint procedures entirely, may also seek formal resolution of his or her complaint. Nothing in this policy shall prevent a student from reporting discrimination or harassment directly to the District Section 504 Compliance Officer.

**Section B.** A student, family or third party may file a formal complaint with the District Section 504 Compliance Officer by filling out a Discriminatory Practice Review/Student Grievance Form (the last 2 pages of this document) after the alleged discriminatory practice occurred. It is advised to file this complaint as close to the incident as possible, as complaints are more easily resolved at the time of the incident. Complaints should be received no later than thirty (30) calendar days after the alleged conduct occurred unless extenuating circumstances exist. The Discriminatory Practice Review/ Grievance Form asks the complainant to state the name of the individual against whom the complaint is being filed, the location of the school/department where the alleged discriminatory practice occurred, the basis for the complaint, and the corrective action that the student is seeking. In the event a student is unable to complete the form the District Section 504 Compliance Officer shall take such information in person.

**Section C.** After a student files a formal written complaint, the District Section 504 Compliance Officer may, within five (5) school days, give written notification to the appropriate school/department identified in the complaint and to the individual against whom the complaint has been filed.

The District Section 504 Compliance Officer- shall make a thorough and expeditious investigation of the complaint. At a minimum, the investigation shall include contacting the complainant and the person against whom the complaint was filed and/or the principal or appropriate authority involved. The investigation may include a private interview with the person filing the complaint. The Investigator may also contact those individuals that have been identified as having pertinent information related to the complaint or other individuals that he/she believes would be useful to the investigation.

**Section D.** After completing the formal investigation of the complaint, the District Section 504 Compliance Officer may request a meeting with the person against whom the complaint was filed

and/or the supervisor or appropriate authority involved, to discuss the findings and recommended resolutions from the District Section 504 Compliance Officer. The results of the District Section 504 Compliance Officer's investigation shall be reduced to written findings of fact. Upon completion of the investigation, to the extent appropriate, the person filing the complaint and the person alleged to have committed the conduct will be informed of the results of that investigation in writing. A copy of the final determination as to whether a discriminatory act has occurred shall be furnished to the appropriate administrator/supervisor, and the Superintendent of Schools.

**Section E.** Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. Most complaints are resolved within thirty (30) school days after the formal complaint is received. If more than thirty (30) school days is required for the investigation, the District Section 504 Compliance Officer may inform the complainant of the need for extended time and of the reason why additional time is required to complete the investigation. If additional extended time is needed this step may be repeated every (30) school days until the complaint is resolved.

**Section F.** If the District Section 504 Compliance Officer finds that there is reasonable cause for believing that a discriminatory practice has occurred, he/she will determine ways to resolve the matter.

District Section 504 Compliance Officer:

1. Take seriously all complaints of discrimination or harassment
2. Take necessary steps to end any discrimination or harassment that is determined.
3. Take necessary steps to prevent this discrimination or harassment from happening again in the future.
4. When appropriate, individuals found at fault of discrimination or harassment may be referred for disciplinary action.

For employees such action may include written warning, suspension, termination or another action deemed appropriate under the circumstance.

For students such action may include suspension, expulsion or another action deemed appropriate under the circumstance.

**Section G.** If the District Section 504 Compliance Officer determines that there is not sufficient cause to believe that the employee or applicant has been discriminated against, and there is no basis for corrective action, the District Section 504 Compliance Officer will give written notification of that determination to the employee or applicant at that point.

**Section H.** If satisfactory resolution is not reached through either the informal or formal resolution procedures detailed above, the student, family or third party making the complaint may submit a written appeal to the Superintendent of Schools within thirty (30) days of the District Section 504

Compliance Officer's determination. The Superintendent of Schools or designee will respond, in writing, within fifteen (15) working days.

**Section I.** District Section 504 Compliance Officer will maintain records of all complaints of discrimination and harassment made to the District Section 504 Compliance Officer, noting the school or department in which the complaint occurred, the person accused, and the results of the investigation of any such complaints.

The District Section 504 Compliance Officer will annually review records to identify any patterns or issues for future training and take appropriate action as necessary. The District's Section 504 Compliance Officer will report the results of its annual reviews to the Superintendent of Schools.

## **STATE AND FEDERAL REMEDIES**

Using the Somerset Public Schools/Somerset Berkley Regional School District's complaint process does not prohibit you from also filing a complaint with a state or federal agency. Most of these agencies have a short time period for filing a claim (OCR – 180 days; ESE – within same school year)

### **United States Department of Education Office for Civil Rights (OCR)**

John W. McCormack Post Office and Courthouse  
5 Post Office Square,  
8<sup>th</sup> Floor, Suite 900  
Boston, MA 02109  
(617) 289-0111

### **Massachusetts Department of Elementary & Secondary Education (ESE)**

350 Main Street  
Malden, MA 02108  
(781) 388-3300

**FORM 6**

***Somerset Public Schools/Somerset Berkley Regional School District***

**SECTION 504  
DISCRIMINATORY PRACTICE REVIEW/  
GRIEVANCE FORM**

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Home Phone # \_\_\_\_\_ Cell Phone # \_\_\_\_\_

Work Phone # \_\_\_\_\_ E-mail address \_\_\_\_\_

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

Basis for complaint:

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

Date Most Recent or Continuing Discrimination (month, day, year – time if applicable):

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

Person(s) the allegation is against (include position and/or title if applicable):

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

Witness(es) to the allegation (include position and/or title if applicable):

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



**FORM 7**

***Somerset Public Schools and Somerset Berkley Regional School District***  
**NOTICE OF DETERMINATION OF ELIGIBILITY**

**Student Name:** \_\_\_\_\_ **Student ID:** \_\_\_\_\_ **D.O.B.:** \_\_\_\_\_  
**Race/Ethnicity:** \_\_\_\_\_ **Gender:** \_\_\_\_\_  
**School:** \_\_\_\_\_ **Grade:** \_\_\_\_\_  
**Referral Date:** \_\_\_\_\_ **Referred by:** \_\_\_\_\_

Dear Parent / Guardian,

Your child has been determined eligible for services and/or accommodations under Section 504 of the Rehabilitation Act of 1973. A 504 Evaluation Team met on \_\_\_\_\_ to review the information gathered and evaluation findings. The team has determined the services and accommodations needed by your son/daughter based on his/her disability and the evaluation data.

Please read the attached 504 Plan carefully. This Plan describes the specific services and accommodations which have been recommended by the team. If you have any questions regarding this Plan, or need additional information, please contact: \_\_\_\_\_ at \_\_\_\_\_.

Before this Plan can be implemented, you must provide your written consent to implement these services for your child. Please sign the bottom portion of this notice and return it in the enclosed envelope or return it to your child's school.

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I \_\_\_\_\_ (Parent's Name) have received and reviewed the proposed 504 Plan for \_\_\_\_\_ (Student's Name), my son/daughter. By signing below, I hereby provide consent for the recommended services and accommodations to be implemented as proposed.

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

Enclosure: 504 Due Process / Grievance Procedures

**PROCEDURAL SAFEGUARDS**

Yes  No Parent sent "Information Regarding Section 504" and copy of Parent/Guardian/Student's rights before meeting.

Yes  No Parent sent "Invitation to Attend 504 Meeting" on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ .

Yes  No Student of age 17 years, parent/guardian and student notified of rights that will transfer to student at age 18 years of age.

Yes  No Student at age 18 years, given notice of above procedural safeguards.

**Form 8**

***Somerset Public Schools and Somerset Berkley Regional School District***  
**NOTICE OF NO FINDING OF ELIGIBILITY FOR SECTION 504**

**Student Name:** \_\_\_\_\_ **Student ID:** \_\_\_\_\_ **D.O.B.:** \_\_\_\_\_  
**Race/Ethnicity:** \_\_\_\_\_ **Gender:** \_\_\_\_\_  
**School:** \_\_\_\_\_ **Grade:** \_\_\_\_\_  
**Referral Date:** \_\_\_\_\_ **Referred by:** \_\_\_\_\_

Dear Parent/Guardian,

It has been determined by a 504 Evaluation Team which met on \_\_\_\_\_, \_\_\_\_\_, that your son/daughter is not eligible for services and/or recommendations under Section 504 of the Rehabilitation Act of 1973.

You have the right to request an explanation for this decision and/or to file a grievance through the 504 Grievance Procedure; file a complaint with the United States Department of Education, Office for Civil Rights; or request assistance from the Massachusetts Department of Elementary and Secondary Education (see attachment).

We are committed to working with you and may be able to identify other instructional strategies to meet the educational needs of your son/daughter. If you would like to discuss these findings, please contact \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_  
School-based 504 Coordinator

\_\_\_\_\_  
School Name

Enclosure: 504 Grievance Procedures