

**HAMILTON-WENHAM REGIONAL
SCHOOL DISTRICT**

SECTION 504

**PARENT HANDBOOK
2014-2015**

HAMILTON-WENHAM REGIONAL SCHOOL DISTRICT

**5 School Street
Wenham, Massachusetts 01984**

504 POLICY

The Hamilton-Wenham Regional School District provides Equal Education Opportunity without regard to race, religion, color, national origin, sex, marital status, disability, or sexual orientation.

The School District complies with all applicable State and Federal Laws, including but not limited to, Title VI, Title VII, Title IX, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and Massachusetts General Laws, c.151C and c. 71B.

The School District has a duly appointed individual responsible for the overall monitoring, auditing and ensuring compliance with this policy as it pertains to students attending the Hamilton-Wenham Regional School District. For compliance issues or in the event that individuals believe they have been discriminated against in any of the District's educational activities, please contact Dr. Celeste Bowler, Section 504 Coordinator, 5 School Street, Wenham, Massachusetts, 01984 (978-468-5310).

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Dear Student and Parents:

The following notifications of federal law are brought to your attention as required:

SECTION 504:

Section 504 of the Rehabilitation Act of 1973, provides that no person with a disability in the United States shall, solely by reason of his/her 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.

Any inquiries concerning the application of Section 504 to the practices and policies of the Hamilton-Wenham Regional School District may be addressed to: United States Department of Education, Office for Civil Rights, Region I, John W. McCormack Post Office and Courthouse, Post Office Square, Boston, Massachusetts 02109-4557.

Questions or concerns regarding any of the above may also be referred to the campus principal or to my office.

Sincerely,



Michael M. Harvey
Superintendent of Schools

NOTE: Any grievances or instances of non-compliance concerning Section 504 with respect to students and adults should be reported to Dr. Celeste Bowler, Section 504 Coordinator, Hamilton-Wenham Regional School District, 5 School Street, Wenham, Massachusetts 01984, on a Grievance Form which is available at the Administration Building at the above address, and in each campus principal's office.

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WHAT IS 504?

The Rehabilitation Act of 1973, as amended by P.L. 100-259 (the Civil Rights Restoration Act of 1981) commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have the same educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has; (b) has a record of having; or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, walking, seeing, hearing, breathing, working or performing manual tasks. Parents with disabling conditions may also be protected by Section 504. For example, parents who are deaf may be entitled to an interpreter if they need such an accommodation in order to have an equal opportunity to participate in school-initiated activities regarding their child.

School districts must provide a free appropriate public education (FAPE) to school age children within the district's jurisdiction who qualify under Section 504. Instruction must be individually designed to meet the student's needs as adequately as the needs of non-disabled students. Before a child is deemed eligible for services under Section 504, the parents must be notified, and the child must be evaluated using data derived from sources such as validated tests, informal inventories, teacher reports, student work samples, parent input, medical/health data, and student observations. Placement decisions must be made by a group of persons identified by the school district who are knowledgeable about the child, the meaning of the evaluation data, and the placement options. Periodic re-evaluations must be conducted prior to any significant change in placement.

Students, parents and employees may file a grievance alleging a violation of Section 504 using Hamilton-Wenham's Grievance Report Form available from the district's Section 504 Coordinator, Dr. Celeste Bowler, and from each principal on every school campus. A complaint may also be made to the Bureau of Special Education Appeals (BSEA), One Congress Street, Boston, MA 02114 (617-626-7250) or the Office of Civil Rights (OCR), 1 City Hall Ave., Boston, MA, 02201-2001 (617-635-2500).

WHAT ARE THE PROCEDURAL SAFEGUARDS FOR 504?

The parent or person in parental relationship shall be notified in writing of any District decision concerning the identification, evaluation, and placement of a student under Section 504.

The parent or person in parental relationship shall have the right to examine the student's records.

Parents or persons in parental relationship who disagree with the identification, evaluation or placement of a student with disabilities shall have the right to request a meeting with the Section 504 Coordinator, Dr. Celeste Bowler, 5 School Street, Wenham, MA, 01984 (978-468-5310; c.bowler@hwschools.net). If the matter is not resolved, the parent may request a hearing before the Superintendent. An impartial due-process hearing may be requested from the Bureau of Special Education Appeals (BSEA), One Congress Street - 11th Floor, Boston, MA 02114 (617-626-7250) or a complaint made to the Office of Civil Rights (OCR), 1 City Hall Ave., Boston, MA, 02201-2001 (617-635-2500), at any time.

The parent or person in parental relationship shall have an opportunity to participate and be represented by counsel at the due process hearing.

If an impartial due-process hearing is to be held under the IDEA concerning issues relevant to the Section 504 proceeding, a Hearing Officer qualified to conduct IDEA proceedings may consider 504 issues at the impartial hearing. The issues under IDEA and Section 504 shall be separately addressed in the hearing decision.

The parent or person in parental relationship shall be notified in writing of the hearing officer's decision.

The school district or parent may seek review of the decision by a court of competent jurisdiction.

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504: NOTICE OF STUDENT/PARENT RIGHTS

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability.
2. Have the school district advise you of your rights under federal law.
3. Receive notification with respect to identification, evaluation or placement of your child.
4. Have your child receive a free appropriate public education (FAPE) in the least restrictive environment. It also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school and school related activities.
5. Have your child educated in facilities and receive services comparable to those provided for non-disabled students.
6. Have your child receive special education and/or related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (IDEA) or accommodations under Section 504 of the Rehabilitation Act of 1973 (§504).
7. Have evaluation, educational, and placement decisions made on a variety of information sources and by persons who know the student, the evaluation data, and placement options.
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district.
9. Examine all relevant records relating to decisions regarding your child's identification evaluation, educational program and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. A response from the school district to requests for explanations and interpretations of your child's records.

12. Request amendment of your child's educational records if there is cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you accordingly and advise you of the right to a hearing.
13. File a local grievance (see Grievance Procedures).
14. Request an impartial due process hearing or mediation from the Bureau of Special Education Appeals (BSEA) at any time related to decisions or actions regarding your child's identification, evaluation educational program or placement. You and your child may take part in the hearing.
15. File a complaint with the Office of Civil Rights (OCR) at any time.

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GLOSSARY OF TERMS

1. **504** - Refers to Section 504 of the Rehabilitation Act of 1973, as amended by P.L. 100-259 (the Civil Rights Restoration Act of 1987) which is a non-funded broad civil rights federal law. Section 504 prohibits discrimination against disabled persons including both students and staff members by school districts that receive federal financial assistance. It protects all disabled students or employees defined as having any physical or mental impairment that substantially limits one or more major life activities including learning, but it is not an aspect of special education. The intent is to provide accommodations in order to achieve a free appropriate public education (FAPE). Regular educators are responsible for its implementation within school systems. The Bureau of Special Education Appeals and the Office of Civil Rights (OCR) are the agencies charged with enforcement responsibility.
2. **FAPE** - Free Appropriate Public Education - Under Section 504, this requirement is guaranteed. Regulations require identification, evaluation, provision of appropriate services and procedural safeguards in every public school in the United States.
3. **M.G.L. c.71B** - A state law that requires every school district in Massachusetts to identify, diagnose, evaluate, and propose or arrange for the provision of a special education program to meet the needs of school age children with disabilities residing within the district.
4. **IDEA** - Individuals with Disabilities Act - Federal funding statute that defines as eligible only students who have specified types of disabilities and who because of one of those conditions needs special education (specially designed instruction).
5. **Appropriate Education** - An education comparable to the education provided to non-disabled students
6. **LRE** - Least Restrictive Environment
7. **REI** - Regular Education Initiative refers to efforts to modify or accommodate as part of the regular education program.
8. **DISABILITY** - (a) A physical or mental impairment which substantially limits one or more major life activities or a person; (b) a record of having such impairment; or (c) being regarded as having such impairment; but such term shall not include current illegal use of a controlled substance.
9. **ADA** - The Americans with Disabilities Act is a federal law which directs that no qualified individual with a disability shall, by reasons of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or subject to discrimination by such entity.

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GRIEVANCE PROCEDURES

1. As soon as possible following the occurrence of an act alleging a violation of Section 504, the aggrieved party shall submit, in writing, to his/her building principal a statement describing the circumstances and specifying the nature of the alleged discrimination. The principal should send a copy of the grievance to Dr. Celeste Bowler, Section 504 Coordinator, Hamilton-Wenham Regional School District, 5 School Street, Wenham, Massachusetts, 01984 (978-468-5310; c.bowler@hwschools.net). Within a period of time, not to exceed ten (10) days, the Principal shall investigate the circumstances and reply in writing to the aggrieved party.
2. If the grievance has not been satisfactorily addressed at that level, the aggrieved party may request a meeting in writing with the Section 504 Coordinator, Dr. Celeste Bowler, Hamilton-Wenham Regional School District, 5 School Street, Wenham, Massachusetts, 01984 (978-468-5310), who will meet with the parties involved to review all facts in the case. Within ten (10) days following this meeting, Dr. Bowler shall submit a written answer to the aggrieved party.
3. If the matter is still not resolved, the aggrieved party shall submit in writing, the circumstances of the grievance to the Superintendent. The Superintendent will conduct a hearing at a time convenient to all parties as soon as possible. The Superintendent will give a written response to the matter ten (10) days following this hearing.
4. At any time during the process, a hearing may be requested at the Bureau of Special Education Appeals (BSEA), One Congress Street - 11th Floor, Boston, MA 02114 (617-626-7250) or a complaint made to the Office of Civil Rights (OCR), 1 City Hall Ave., Boston, MA, 02201-2001 (617-635-2500).

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SECTION 504 GRIEVANCE REPORT FORM

DATE OF FILING

NAME OF GRIEVANT

ADDRESS

HOME PHONE

WORK PHONE

SCHOOL

NATURE OF GRIEVANCE

NAME AND ADDRESSES OF OTHERS INVOLVED IN THE GRIEVANCE AND THE
NATURE OF THEIR INVOLVEMEINT

PERSON RECEIVING GRIEVANCE

SIGNATURE OF GRIEVANT

Attach additional papers, documents or explanation as deemed necessary.

The grievant is a(n): employee, student, parent.

Return this form to the campus principal and Dr. Celeste Bowler, Section 504
Coordinator, Hamilton-Wenham Regional School District, 5 School Street, Wenham,
Massachusetts, 01984.