

PROGRAMS FOR STUDENTS WITH DISABILITIES

Any student who needs or is believed to need special education or related services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certified school employee to the School Based Support Team (SBST) for identification and evaluation of the student's individual education needs. The SBST will be composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The building Principal will monitor the composition of the SBST to ensure that qualified personnel participate. The SBST will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the SBST will inform the parents or guardian of this decision and of their procedural rights.

Evaluation

Any student who requires or is believed to require special accommodations, related services or programs under Section 504 of Rehabilitation Act of 1973, may be referred to the Section 504 Team for evaluation.

The Section 504 Team shall be composed of persons knowledgeable about the student's school history, the student's individual needs, the interpretation of evaluation data, and the placement options.

The student's parent or person in parental relationship shall be notified of the Section 504 Team meeting at least 10 calendar days prior to the meeting and invited to participate in it.

The Section 504 Team shall consider all relevant information on the student to determine whether he/she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, school personnel, and results of standardized tests, etc.

The Section 504 Team shall determine whether the student is disabled under Section 504, and, if so, develop a written accommodation plan describing what accommodations, services or programs will be provided to meet the student's needs.

The student's parent or person in parental relationship shall be notified in writing of the Section 504 Team determination and recommendation.

Review of the Student's Evaluation

The Section 504 Team shall meet annually to review the student's evaluation. In addition, prior to any significant change in placement, a reassessment of the student's needs shall be conducted.

Plan for Services

- For a student who has been identified as disabled within the meaning of Section 504 and in need of accommodations or related services, the 504 Team shall be responsible for determining what accommodations are needed.
- In making such determination, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff.
- The parent(s) or guardian shall be invited to participate in the 504 Team meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.
- The 504 Team will develop a written plan describing the disability and the accommodations and/or related services needed. The plan will specify how the services will be provided, and by whom.
- The team may also determine that no accommodations or related services are appropriate. If so, the record of the SBST proceedings will reflect the identification of the student as a disabled person and will state the basis for the decision that no special services are presently needed.
- A disabled student shall be placed in the regular educational environment of the District, with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.

Appeals Procedure

A Section 504 due-process hearing may be called at the request of the school district or a parent or person in parental relationship. The proceedings shall be presided over and decided by an impartial hearing officer.

Requests for a due-process hearing must be submitted in writing to the district's Section 504 Coordinator, Franklin Public Schools, Franklin, MA 02038. Parents or persons in parental relationship shall be notified of the hearing at least ten (10) days prior to the date set for the hearing. The notice shall contain:

- A statement of time, place, and nature of the hearing.
- A statement of the legal authority and jurisdiction under which the hearing is being held.
- A statement of the matters asserted.

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- A statement of the right to be represented by counsel.
- A statement of the right to examine relevant records.

The school district's notices to the student's parent or person in parental relationship shall be in English or in the native language or mode of communication of the parent or person in parental relationship.

At the hearing, each party shall have an opportunity to present relevant information and outside expert testimony.

A copy of the hearing officer's decision shall be delivered to the school district and the parent or person in parental relationship within five (5) days following completion of the hearing.

The decision of the hearing officer is binding on all parties involved; it is subject to review by the Commissioner of Education, or the State Review Officer, as appropriate, and by a federal court of competent jurisdiction.

The 504 Team shall notify the parents or guardian in writing of its final decision concerning the services to be provided.

If a plan for providing related services is developed, all school personnel who work with the student shall be informed of the plan.

Review of the Student's Progress

The 504 Team will monitor the progress of the disabled student and the effectiveness of the student's education plan annually to determine whether special education or related services are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of nondisabled students.

Procedural Safeguards

- The parents of guardian shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of students made under this policy.
- The parents or guardian shall be notified that they may examine relevant records.

- As to such decisions by the district, the parents or guardian shall have the right to an impartial hearing ("Section 504 due-process hearing") with opportunity for participation by the parents or guardian and their counsel. In the notification of any District decision concerning identification, evaluation, or placement, the parents or guardian will be advised that:

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- A request for a Section 504 due-process hearing should be made within thirty-five (35) days notice of right to file (but not less than 30 days).
- The request shall be made to:
Section 504 Coordinator
Franklin Public Schools
Franklin, MA 02038

If a state due-process hearing has been or will be held under the Individuals with Disabilities Act (1997) concerning issues relevant to the Section 504 proceeding, a hearing officer qualified as to IDEA and Section 504 proceedings may preside in a joint hearing. The issues for either IDEA or Section 504 determination shall be clearly defined at the outset and determinations by the hearing officer will be separate and distinct.

Section 504 Due-Process Hearing Procedures

An impartial due-process hearing will be utilized to resolve differences involving the education of Section 504 qualified disabled student when such differences cannot be resolved by means of a less formal procedure. In this instance, due process is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the Committee regarding application of Section 504. A Section 504 due-process hearing may be called at the request of the District or a parent, guardian, or surrogate of an affected student. Impartial hearing officer means a person selected to preside at a due-process hearing to assure that procedures are followed and to assure the protection of the rights of both parties.

In all related hearing matters the following definitions shall apply:

- Days mean calendar days.
- Placement plan means the program by which the decision concerning the educational placement of the student is decided.
- Parent's means parents, guardian, or surrogate parent.

Parents or the District may initiate a due process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, or (3) provision of a free and appropriate public education to the student.

Requests for a due-process hearing must be submitted in writing to the Superintendent. Hearing notifications to the parents shall be given at least twenty (20) days prior to the date set for the hearing. The notice shall contain:

- A statement of time, place and nature of hearing.

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- A statement of the legal authority and jurisdiction under which the hearing is being held.
- A reference to the particular section of the statutes and rules involved.
- A statement of the availability of relevant records for examination.
- A short and plain statement of the matters asserted.
- A statement of the right to be represented by counsel.

**All written correspondence shall be provided in English and/or interpreted in the primary language.

Hearing Procedures

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

- Present their evidence.
- Produce outside expert testimony and be represented by legal counsel and by individuals with knowledge or training with respect to problems of handicapped students.

Parents involved in the hearing will be given the right to:

- Have the student present at the hearing.
- Open the hearing to the public.

In cases where there are language differences, an interpreter shall be provided. The hearing officer shall review all relevant facts concerning the educational placement.

- The hearing officer shall determine, subject to appeal by judicial review, whether the district has met all procedural aspects of the education accommodation plan.
- The hearing officer shall render a decision, subject to judicial review that is binding on all parties, except that in all cases any action taken must comply with current Commonwealth of Massachusetts statutes and federal court decisions.

The hearing officer shall ascertain that:

- The procedures utilized in determining the student's needs have been appropriate in nature and degree.
- The student's rights have been fully observed.
- The provisions of aids, services, or programs to the student may afford a free and appropriate education.

If the parents' primary language is other than English, then the hearing officer shall appoint an interpreter.

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Decision of the Hearing Officer

A copy of the hearing officer's decision shall be delivered to the District and the parent, guardian, or surrogate within 10 days following completion of the hearing, which in no event shall be later than 45 days after receipt of the request for a hearing.

- Notification will include a statement that either party may appeal the decision

The decision of the hearing officer is binding on all parties concerned; it is subject only to judicial review.

Record of Hearing

A written or electronic verbatim recording of the Section 504 due-process hearing shall be on file at the District office and will be available for review upon request to the parents and/or any of the involved parties. Parents may have a copy of the proceedings, in English and in the primary language of the home.

