

## **Manchester Essex Regional School District Section 504 Procedures**

### **I. Section 504 Evaluation and Eligibility Procedures**

The Manchester Essex Regional School District (MERSD) shall make all reasonable efforts to identify students with disabilities who reside within the District in order to determine their eligibility for accommodations, aids, and/or services pursuant to Section 504 of the Rehabilitation Act of 1973.

The MERSD Section 504 Procedures interact with other district procedures that apply to students with disabilities including Nondiscrimination on the Basis of Handicap, Special Instructional Programs and Accommodations (Programs for Students with Special Needs), and Program for Students with Disabilities.

Upon receipt of parental permission, the District shall timely conduct an evaluation of any student who, because of disability, needs or is believed to need Section 504 services, that is regular or special education and related aids or services, before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement. It is the District's obligation to conduct evaluations for students suspected of having a disability.

A teacher or other staff member, administrator, and/or parent may refer any student, who is suspected of having a physical or mental impairment that substantially limits a major life activity under Section 504, to the school principal for a Section 504 Team meeting to consider and review the student's evaluation data and to make an eligibility and placement decision. The student's parent or guardian shall be notified of the Section 504 Team meeting prior to the meeting and be invited to participate in the meeting, and the parent or guardian shall be provided with notice of procedural safeguards under Section 504. The Section 504 Team shall be composed of persons knowledgeable about the student's individual needs, the meaning of evaluation data, and the placement options.

Upon receipt of a referral to determine whether a student is eligible under Section 504, the Student's Section 504 Team shall assess whether the Student has a physical or mental impairment that substantially limits a major life activity. The Section 504 Team shall consider all relevant information pertaining to the student to determine whether he/she is disabled under Section 504. Information may include reports from District evaluators, physicians, observations from parents, evaluation reports provided by the parents, information from teachers and school personnel, and the results of standardized tests.

Tests and other evaluations administered by the District shall be validated for the specific purpose for which they are used, administered by trained personnel in conformity with the assessment instructions, and shall be tailored to assess specific areas of educational need and not solely designed to provide a single general intelligence quotient.

Tests and other evaluations are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

The Section 504 Team shall make an individualized determination whether the student is disabled under Section 504. If so, the 504 Team shall develop a written 504 plan describing accommodations, aids and/or services necessary to provide a FAPE to meet the student's individual educational needs as adequately as the needs of nondisabled persons are met.

The Section 504 Team shall also consider the eligible student's access to non-academic, and extracurricular services and activities in such manner as is necessary to afford the eligible student an equal opportunity for participation in such services and activities.

The student's parent or guardian shall be notified in writing of any decisions reached by the District regarding identification, evaluation and/or placement, and be provided with notice of procedural safeguards under Section 504.

The Section 504 Team shall periodically review the student's Section 504 plan, reevaluate the student's eligibility under Section 504, and consider new information that may warrant a reevaluation. Prior to any significant change in placement, a Section 504 reevaluation of the student's needs shall be conducted by the Section 504 Team, and the Student's parent or guardian shall be provided with procedural safeguards under Section 504.

*See Attachment I - MERSD Parent Permission for Section 504 Initial Evaluation*

## **II. Placement Procedures**

1. Provide Parent with a copy of the Procedural Safeguards/Parent Rights under Section 504.
2. Ask if the student been previously evaluated for eligibility under Section 504 or IDEA.
3. Document the names of the Section 504 Team members including their position/role as a Team member.
4. Review and summarize the evaluation information considered (e.g. district's evaluation(s), informal inventories, testing, teacher reports, student work samples, parent data, medical health data, student observations).
5. Review and summarize any additional documentation provided.
6. Discuss qualification determination for services under Section 504:
  - a. Student qualifies because the Student **does have** a physical or mental impairment that substantially limits one or more life activities including but not limited to caring for

one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing or learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating or major bodily functions such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

- i. Identify the impairment and the major life activity affected.
  - ii. Identify the impact of the child's impairment on his/her ability to participate in academic, non-academic, and extra-curricular services and activities.
  - iii. Develop a Section 504 Accommodation Plan. Parental permission in writing is necessary to implement the initial plan.
- b. Student does not qualify because the Student **does not** have a physical or mental impairment which **substantially limits** one or more major life activities, including but not limited to caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing or learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating, or major bodily functions such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions and does not require regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of non-disabled students are met.
7. Consider whether the student may also be eligible under the separate definition of disability under IDEA.
- a. If yes, refer to a special education evaluation.

*See Attachment II – MERSD Section 504 Individualized Evaluation and Eligibility Report*

*See Attachment II a – MERSD Section 504 Accommodation Plan template*

### **III. Reevaluation Procedures**

1. The MERSD will periodically review the progress of a Student who qualifies for a Section 504 Accommodation plan as well as before a significant change in placement.
2. MERSD will provide notice to the Parents of the Section 504 meeting.
3. At the meeting, the Section 504 Team will review the Student's progress, continued eligibility, and contents of the Section 504 Plan.

4. If the Student continues to qualify, the Team will write a new Plan at the meeting and send to Parents within 5 school working days for signature.

#### **IV. Procedural Safeguards/Parents Rights**

Parents 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 and placement of your child.
4. If found eligible under Section 504 of the Rehabilitation Act of 1973, have your child receive a free appropriate public education (FAPE) in the least restrictive environment.
5. Have your child educated in facilities and receive services comparable to those provided for non-disabled students.
6. Have your child receive regular or special education and/or related aids and services if he/she is found to be eligible under Section 504 of the Rehabilitation Act of 1973.
7. Have evaluation, eligibility, and placement decisions based on information from a variety of sources and made by persons who are knowledgeable about 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. This also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school related activities.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, eligibility, and placement.
10. File a local discrimination grievance. A local grievance may be filed verbally or in writing. Please contact the District's Section 504 Coordinator, Dr. Allison Collins at 36 Lincoln Street, Manchester, MA, 01944, 978-525-6060 if you wish to file a local grievance.
11. Request an impartial due process hearing or mediation from the Bureau of Special Education Appeals (BSEA) at any time related to the District's decisions or actions regarding your child's identification, evaluation, eligibility, or placement. You have the right to participate in the hearing, and you have the right to be represented by counsel at your own expense. The BSEA may be reached at 617-626-7270.

12. File a complaint with the U.S. Department of Education, Office for Civil Rights (OCR) at any time. OCR may be reached at 617-289-0111 or online at [www.ed.gov/ocr](http://www.ed.gov/ocr).

*See Attachment III – MERSD Notice of Section 504 Parent/Student Rights*

## **V. Discrimination/Harassment Complaint Procedures**

### **I. WHERE TO FILE A COMPLAINT**

Any Manchester-Essex Regional School District (MERSD) student, employee, or third party who believes that a MERSD student, employee, or third party has discriminated against or harassed them because of their race, color, national origin, sex, disability, or age in admission to, access to, treatment in, or employment in its services, programs, or activities may file a complaint with Superintendent Pam Beaudoin, Office of the Superintendent, 36 Lincoln Street, Manchester by the Sea, MA, 01944, Telephone Number: (978) 526-4919, [BeaudoinP@mersd.org](mailto:BeaudoinP@mersd.org), or the Superintendent's designee, Dr. Allison Collins, Director of Student Services, 36 Lincoln Street, Manchester by the Sea, MA, 01944, Telephone Number: (978) 525-6060, [CollinsA@mersd.org](mailto:CollinsA@mersd.org), who will serve as the grievance officer in such matters, or Dr. Julie Riley, Title IX Coordinator, 36 Lincoln Street, Manchester by the Sea, MA, 01944, (978) 526-2022, [RileyJ@mersd.org](mailto:RileyJ@mersd.org), who will serve as the grievance officer if the Superintendent and Director of Student Services are named as parties to the complaint.

### **II. CONTENTS OF COMPLAINTS AND TIMELINES FOR FILING**

Complaints under this procedure must be filed within twenty (20) days of the alleged discrimination or harassment. Complaints filed after this 20 day period will be accepted, however, the investigation may be impacted due to the passage of time. Complaints may be submitted orally or in writing. The complainant may select another person to help with the filing of the complaint. Any responsible employee who receives an oral complaint will memorialize the allegations in writing and forward the written allegations to the Office of the Superintendent or the Superintendent's designee by the following school day. The written complaint should include the following information:

1. The name and grade level (or address and telephone number if not a student or employee) of the complainant;
2. The name (and address and telephone number if not a student or employee) of the complainant's representative, if any;
3. The name(s) of the person(s) alleged to have committed or caused the discriminatory or harassing action, or event (respondent);
4. A description, in as much detail as possible, of the alleged discrimination or harassment;

5. The date(s), time(s), and location(s) of the alleged discrimination or harassment;
6. The names of all persons who have knowledge about the alleged discrimination or harassment (witnesses) as can be reasonably determined; and
7. A description, in as much detail as possible, of how the complainant wishes to see the matter resolved.

### III. INVESTIGATIONS AND RESOLUTION OF THE COMPLAINT

Complaints will be investigated promptly and resolved as quickly as possible.

Due process procedures apply to issues of identification, evaluation, and placement under Section 504. Any person who alleges discrimination on the basis of a disability relative to the identification, evaluation, or educational placement of a person, who because of a disability is believed to need regular or special instruction and related aids or services, pursuant to Section 504 of the Rehabilitation Act of 1973, Massachusetts General Law chapter 71B, and/or the Individuals with Disabilities Education Act, may use the procedure outlined in the Massachusetts Department of Elementary and Secondary Education's Parents' Rights Brochure, rather than this procedure. Information on this alternative process may be obtained from the Director of Student Services for the MERSD.

The Discrimination/Harassment Complaint Procedure applies to issues of disability discrimination and harassment. Respondents will be informed of the charges as soon as the grievance officer deems appropriate based upon the nature of the allegations, the investigation required, and the action contemplated, and in no case later than fifteen (15) school days following receipt of the complaint. The grievance officer will interview witnesses who are deemed to be necessary and appropriate to determine the facts relevant to the complaint, and will gather other pertinent information. Interviews of students will be conducted in such a way as to reflect the age and emotional condition of the student. The complainant(s) and respondent(s) shall have an equal opportunity to present witnesses and other evidence. Such interviews and gathering of information will be completed within fifteen (15) school days of the receipt of the complaint.

Within twenty (20) school days of receiving the complaint, the grievance officer will meet with the complainant and/or his/her representative and the respondent and/or his/her representative to review information gathered and, if appropriate, to propose a resolution designed to stop the discrimination or harassment, prevent its recurrence and to correct its effect.

Within ten (10) school days of meeting with the complainant and/or his/her representative and the respondent and/or his/her representative, the grievance officer will provide written disposition of the complaint to the complainant and/or his/her representative and to the respondent(s) and/or his/her representative, including a statement regarding whether the

complaint was found to be credible and whether discrimination was found to have occurred. Where the grievance officer finds that discrimination has occurred, MERSD will take steps that are reasonably calculated to end discrimination that has been found; prevent recurrence of any discrimination, and correct its discriminatory effects on the complainant and others, if appropriate. The grievance officer will contact the complainant within 10 school days following conclusion of the investigation to assess whether there has been on-going discrimination or retaliation, and to determine whether additional supportive measures are needed. If the grievance officer determines that additional supportive measures are needed, he or she shall offer such measures to the complainant within fifteen school days following conclusion of the investigation.

Notwithstanding the above, it is understood that in the event a resolution contemplated by the grievance officer involves disciplinary action against an individual, the complainant will not be informed of such disciplinary action, unless it directly involves the complainant (e.g., a directive to "stay away" from the complainant, as might occur as a result of a complaint of harassment). Any disciplinary action imposed upon an individual will be subject to applicable procedural requirements.<sup>1</sup> All the timelines indicated above will be implemented as specified, unless the nature of the investigation or exigent circumstances prevent such implementation in which case the matter will be completed as quickly as practicable. If the timelines specified above are not met, the reason(s) for not meeting them must be clearly documented.

Confidentiality of complainants/respondents and witnesses will be maintained, to the extent consistent with the obligations of the MERSD relating to the investigation of complaints and the due process rights of individuals affected.

#### IV. RETALIATION PROHIBITED

Retaliation against someone because he/she has filed a complaint under this procedure is strictly forbidden. Retaliation against someone who has participated in an investigation is strictly prohibited. MERSD will take appropriate steps as necessary to prevent retaliation. Acts of retaliation may result in disciplinary action, up to and including suspension or expulsion/discharge.

Upon request, the grievance officer will provide the complainant with the names and addresses of those state and federal agencies which handle discrimination and harassment matters.

---

<sup>1</sup> The MERSD disciplinary codes are available in the individual school Student Handbooks which can be found at the following:

For Essex Elementary:

<https://www.mersd.org/cms/lib/MA01807435/Centricity/Domain/273/MERSD%20Elem.%20Handbook%2018-19.pdf>

For Memorial Elementary: <https://www.mersd.org/domain/809>

For Manchester-Essex Regional Middle School: <https://www.mersd.org/Page/443>

For Manchester-Essex Regional High School :

<https://www.mersd.org/site/handlers/filedownload.ashx?moduleinstanceid=1757&dataid=1721&FileName=2019%20Manchester%20Essex%20Regional%20High%20School%20Student%20Handbook%20edits%207-12.pdf>

*See Attachment IV – MERSD Grievance Reporting Form for Disability Complaints*

- VI. The MERSD prohibits retaliation against any individual who asserts rights or privileges under Section 504 or who files a complaint, testifies, assists, or participates in a proceeding under Section 504.



*Attachment I*

*MERSD Permission for Section 504 Initial Evaluation*

MANCHESTER-ESSEX REGIONAL SCHOOL DISTRICT  
PARENT PERMISSION FOR SECTION 504 INITIAL EVALUATION

STUDENT NAME:

DOB:

AGE:

SCHOOL:

GRADE:

PARENT(S) NAME:

TELEPHONE:

ADDRESS:

1. Notice:

- a. A referral for a 504 evaluation has been initiated in order to determine eligibility and possible Section 504 services (that is, regular or special education and related aids or services) for a suspected physical or mental impairment that substantially limits a major life activity. The reasons for this referral are:
  - b. Options considered and general education intervention procedures previously employed:
  - c. Proposed Evaluation: (specify):
  - d. Areas to be addressed in evaluation:
  - e. Proposed assessments:

2. Permission:

The evaluation will be conducted within 30 days of receipt of parental consent. A 504 Team will be held within 45 days of receipt of parental consent to discuss the evaluation and any educational program recommendations. I understand the reasons for the referral and the description of the evaluation process and have checked the appropriate box below:

- Permission is given voluntarily to conduct the evaluation process as described.
- Permission is denied.

3. Rights and Options:

I have received a copy of the MERSD Notice of Section 504 Parent/Student Rights and I have been informed verbally, and in writing, of my rights and options under Section 504.

Parent/Guardian's Signature \_\_\_\_\_ Date: \_\_\_\_\_

*Attachment II*

*MERSD Section 504 Individualized Evaluation and  
Eligibility Report*

**Manchester-Essex Regional School District  
Section 504 Individualized Evaluation and Eligibility Report**

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Grade: \_\_\_\_\_

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

School: \_\_\_\_\_ Referral Date: \_\_\_\_\_ Case Manager/Liaison: \_\_\_\_\_

Parent has been provided with a copy of procedural safeguards under Section 504: DATE \_\_\_\_\_

Has student been previously evaluated for eligibility under Section 504 or IDEA? \_\_\_\_YES \_\_\_\_NO

**TEAM Members** (Group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options):

**Name and Position**

**Signature**

**Date**

Name and Position	Signature	Date

**Summary of Evaluation Information Considered** (e.g. district's evaluation(s), informal inventories, testing, teacher reports, student work samples, parent data, medical health data, student observations):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Attach additional documentation if necessary.

**Determination of Whether the Student Has a Disability Under Section 504/ADA:**

\_\_\_\_\_ Student **qualifies** because he/she has a physical or mental impairment that substantially limits one or more life activities.

Identify impairment and the major life activity(ies) affected: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the impact of the child's impairment on his/her ability to participate in academic, non-academic, and extra-curricular services and activities:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Attach additional documentation if necessary.

\_\_\_\_\_ Student does not qualify because he/she **does not** have a physical or mental disability which substantially limits one or more major life activities, including but not limited to caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing or learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating, major bodily functions such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, pain, respiratory, circulatory, endocrine, and reproductive functions, and does not require regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of non-disabled students are met. \*Attach additional documentation if necessary.

The 504 Team has determined that this student may also be eligible under the separate definition of disability under IDEA:

\_\_\_\_\_ NO    \_\_\_\_\_ YES    If yes, refer for special education evaluation.

*Attachment II a*

*MERSD Section 504 Accommodation Plan template*

Manchester Essex Regional School District  
36 Lincoln Street - Manchester, MA 01944

**Section 504 Accommodation Plan**

Effective date:

Review date:

Name:

ID:

Date of birth:

Grade:

School:

YOG:

Parents/Guardians:

Address:

Phone:

Summary of meeting to discuss student's disability and request accommodation(s):

Meeting date:

Participants in meeting:

Student's disability:

How does disability affect one or more of student's life activities in school?

Parent/guardian and/or student concerns:

List of evaluations:

<u>Date</u>	<u>Type</u>	<u>Description</u>
-------------	-------------	--------------------

Student history and any evaluative data considered at meeting:

Manchester Essex Regional School District  
36 Lincoln Street - Manchester, MA 01944

**Section 504 Accommodation Plan**

Effective date:

Review date:

Accommodations to be provided with responsible personnel noted and implementation dates:



Manchester Essex Regional School District  
36 Lincoln Street - Manchester, MA 01944

**Section 504 Accommodation Plan**

Effective date:

Review date:

\_\_\_\_\_  
Signature of Parent, Guardian, or Student (if 18 years or older)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Principal or Designee

\_\_\_\_\_  
Date

If the parent(s), guardian(s), or student (if 18 years or older) disagrees with the identification of the student's disability, the evaluative data, or the accommodations to be provided, a grievance may be filed in conformance with the District's Grievance Procedure.

*Attachment III*

*MERSD Notice of Section 504 Parent/Student Rights*

**MANCHESTER-ESSEX REGIONAL SCHOOL DISTRICT  
NOTICE OF SECTION 504 PARENT/STUDENT 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 and placement of your child.
4. If found eligible under Section 504 of the Rehabilitation Act of 1973, have your child receive a free appropriate public education (FAPE) in the least restrictive environment.
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 Section 504 of the Rehabilitation Act of 1973.
7. Have evaluation, eligibility, and placement decisions based on information from a variety of sources and made by persons who are knowledgeable about 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. This also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school related activities.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, eligibility, and placement.
10. File a local grievance. A local grievance may be filed verbally or in writing. Please contact the District's Section 504 Coordinator, Allison Collins at 36 Lincoln Street, Manchester, MA, 01944, 978-525-6060 if you wish to file a local grievance.
11. Request an impartial due process hearing or mediation from the Bureau of Special Education Appeals (BSEA) at any time related to the District's decisions or actions regarding your child's identification, evaluation, eligibility, or placement. You have the right to participate in the hearing, and you have the right to be represented by counsel at your own expense. The BSEA may be reached at 617-626-7270
12. File a complaint with the U.S. Department of Education, Office for Civil Rights (OCR) at any time. OCR may be reached at 617-289-0111 or online at [www.ed.gov/ocr](http://www.ed.gov/ocr).

*Attachment IV*  
*MERSD Grievance Reporting Form for Disability*  
*Complaints*

**MANCHESTER ESSEX REGIONAL SCHOOL DISTRICT**  
**Section 504 of the Rehabilitation Act of 1973 and**  
**Title II of the Americans with Disabilities Act**  
**GRIEVANCE REPORT FORM**

DATE OF FILING \_\_\_\_\_

PERSON FILING COMPLAINT \_\_\_\_\_

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 PERSON FILING GRIEVANCE

Attach additional papers, documents or explanation as necessary.

The person filing the grievance is an: employee; \_\_\_\_\_ student; \_\_\_\_\_ parent \_\_\_\_\_.

**Please return this form to Dr. Allison Collins, Section 504 Coordinator, 36 Lincoln Street, Manchester, MA, 01944, 978-525-6060.**