

**SECTION 504 OF THE REHABILITATION ACT OF 1973 AND  
TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Similarly, Title II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination against individuals with a disability by state and local governments. To be protected under Section 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or mental impairment that substantially limits one or more major life activities; (2) have a record of such an impairment; or (3) be regarded as having such an impairment.

In order to fulfill its obligation under Section 504/ADA, LEARN recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students, parents/guardians and members of the public who participate in school sponsored programs. In this regard, LEARN prohibits discrimination against any person with a disability in any of the services, programs or activities of the school system.

A student’s local educational agency (LEA) has specific responsibilities under Section 504 to identify, evaluate and provide an educational placement for students who have a physical or mental impairment that substantially limits a major life activity. The LEA’s obligation includes providing access to a free appropriate public education (“FAPE”) for students determined to be eligible under Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met, and that are provided without cost (except for fees imposed on nondisabled students/parents). LEARN is obligated to implement FAPE for enrolled, eligible students, where a LEARN school has been determined to be an appropriate placement, and will collaborate with LEAs in determining appropriate programming for eligible students.

If the parent/guardian of a student disagrees with the decisions made by the professional staff of the LEA with respect to the identification, evaluation or educational placement of his/her child, the parent/guardian has a right to request an impartial due process hearing. Any such complaints received by LEARN will be forwarded to the local educational agency.

In addition, a student or parent/guardian of a student may also file an internal grievance/complaint on any type of discrimination on the basis of disability by or within LEARN by utilizing the grievance/complaint procedures outlined in the Board’s Administrative Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”):

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

Anyone who wishes to file a grievance/complaint with LEARN, or who has questions or concerns about this policy, should contact Associate Executive Director of Student Support Services, the Section 504/ADA Coordinator for LEARN, at phone number 860-400-0840 or 860-434-4800.

Legal References:

29 U.S.C. §§ 705, 794 34  
C.F.R. Part 104 42  
U.S.C. § 12101 et seq.  
28 C.F.R. Part 35

*Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*, Office for Civil Rights (March 17, 2011), available at <http://www.ed.gov/about/offices/list/ocr/504faq.html>

*Dear Colleague Letter*, United States Department of Education, Office for Civil Rights (January 19, 2012)

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