

## RIGHTS OF STUDENTS WITH DISABILITIES UNDER SECTION 504

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Individuals protected by Section 504 of the Rehabilitation Act of 1973 are those individuals who: have a physical or mental impairment which substantially limits one or more major life activities (e.g. caring for one's self, performing manual tasks, walking, standing, lifting, bending, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating and working); have a record of such impairment; or are regarded as having such an impairment. Students who qualify for protection under Section 504 are: of an age during which non-disabled children are provided preschool, elementary or secondary education services; of an age during which it is mandatory under state law to provide such educational services to disabled children; or to whom a state is required to provide a free appropriate public education (e.g. under IDEA).

The Board directs the administration to identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. A student whose disability is episodic or in remission is still eligible to be qualified under the Act. In addition, the determination that a student has an impairment that substantially limits a major life activity will be made without regard to whether mitigating measures (such as medication, devices, prosthetics, hearing aids, etc.) ameliorate the effects of the disability.

Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

The Board directs the Superintendent to provide the staff appropriate training in this area of the law so as to ensure that the district is able to comply with the law in not discriminating against students with disabilities.

The Board shall adopt a grievance procedure to resolve Section 504 complaints and designate an individual to coordinate compliance with Section 504. The Board shall ensure that students with disabilities and their parents are notified annually of the Board's responsibilities under Section 504.

Cross-ref: 0100, Equal Opportunity  
4321, Programs for Students with Disabilities  
5030, Student Complaints and Grievances  
5420, Student Health Services

Ref: Americans with Disabilities Act Amendment Act of 2008, 42 USC §§12101 et seq,  
Rehabilitation Act of 1973, 29 USC §§705, 794 et seq. (Section 504)  
34 CFR Part 104  
Individuals with Disabilities Education Act, 20 USC §§1400 et seq.  
(IDEA)  
Education Law, §§4401 et seq. (Article 89)  
8 NYCRR Part 200

Adoption date: 4/7/09

**STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504  
EXHIBIT**

**SECTION 504/AMERICANS WITH DISABILITIES ACT (ADA)  
COMPLIANCE OFFICER**

In order to maintain compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), a Section 504/ADA Compliance Officer will be appointed by the district.

*Qualifications*

1. College graduate/minimum
2. Possess the knowledge and experience relevant to Section 504 and the Americans with Disabilities Act (ADA)

*Reports to:* Superintendent of Schools

*Performance Responsibilities*

1. facilitates the implementation of the Board-approved Compliance Plan and Policy Statement;
2. develops, continually revises, and implements consistent procedures to identify and locate individuals who are disabled according to Section 504 and ADA;
3. develops and disseminates procedural safeguards (Rights and Options) for Section 504 and the ADA;
4. provides personnel development in the implementation of Section 504 and ADA to:
  - a. Superintendents/Boards
  - b. Building Administrators (general and special education)
  - c. Teachers (general and special education)
  - d. Support staff (nurses, transportation, all pupil services)
  - e. Paraprofessionals
  - f. Parents (PTO, etc.)
  - g. Community-at-large
5. coordinates hearings for parent, student, employee or applicant grievances;
6. coordinates hearings, mediation requests, and reviews (appeals) for student/parent issues;
7. coordinates free access to program activities for students, parents, and community-at-large;
8. collects and stores all Section 504/ADA data (i.e., conference reports, etc.) for future reference;
9. serves as the district's liaison to the Office of Civil Rights;
10. assists general education by modifying, where necessary, the educational environment;

11. continually monitors the reduction of architectural barriers for individuals with disabilities;
12. facilitates and/or conducts an Annual Review for all Section 504/ADA eligible recipients;
13. facilitates the periodic re-evaluation of Section 504/ADA eligible students;
14. conducts Causal Relation Conferences for eligible students being considered for exclusion/suspension for infractions of local school rules and regulations;
15. works closely with hospitals and other community agencies to promote follow-up to students placed for drugs/alcohol and other pertinent reasons;
16. serves as a daily resource to the community to explain, publicize and promote compliance with Section 504 and the ADA;
17. facilitates the defining of terms based upon local forms relating to Section 504/ADA compliance (e.g., "physical/mental impairment," "substantially limits", etc.); and
18. recommends to the Superintendent of Schools and Board policies, positions and needs relative to Section 504/ADA compliance.

Adoption date: April 23, 1997

**STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504  
EXHIBIT**

**INFORMATION REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973  
AND THE AMERICANS WITH DISABILITIES ACT**

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA), which prohibit discrimination against persons with disabilities who are receiving federal financial assistance. The Acts define a person with a disability as anyone who:

1. has a mental or physical impairment which substantially limits one or more major 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);
2. has a record of such impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the 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 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 services.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to a hearing with an impartial hearing officer.

For further information, please feel free to contact the district's Section 504/ADA Compliance Officer.

Adoption date: April 23, 1997

**STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504  
EXHIBIT**

**PARENT/STUDENT RIGHTS  
IN IDENTIFICATION, EVALUATION AND PLACEMENT**

Please keep this explanation for future reference  
(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. 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:

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 notice with respect to identification, evaluation, or placement of your child;
4. have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the district make reasonable 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 nondisabled students;
6. have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act;
7. have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
9. have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement;
11. obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. a response from the district to reasonable requests for explanations and interpretations of your child's records;



13. request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you;
15. ask for payment of reasonable attorney fees if you are successful on your claim; and
16. file a local grievance.

The person in this district who is responsible for ensuring that the district complies with Section 504 is the Compliance Officer.

Adoption date: April 23, 1997

13. request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you;
15. ask for payment of reasonable attorney fees if you are successful on your claim; and
16. file a local grievance.

The person in this district who is responsible for ensuring that the district complies with Section 504 is the Compliance Officer.

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### *Other Channels for Filing Complaints*

There are other agencies with which complaints alleging discrimination based upon disabilities can be filed. Please note that since each agency has its own rules on deadlines for filing complaints, a check should be made with each agency to determine its particular rules for filing complaints.

The complainant may also file a complaint alleging discrimination based on disability with:

- a. Federal Office for Civil Rights  
6 Federal Plaza  
New York, New York 10278
- b. New York State Division of Human Rights  
Alfred E. Smith State Office Building  
P.O. Box 7063  
Albany, New York 12225-0063
- c. Complainants who are employees (not students) may also file a complaint of employment discrimination with:

Equal Employment Opportunity Commission (EEOC)  
New York District Office  
90 Church Street - Room 1505  
New York, New York 10007  
(212) 264-7161

Also, as detailed in Section 310 of the New York State Education Law, and Part 275 of the Regulations of the Commissioner of Education, "Any person conceiving himself aggrieved may appeal or petition to the Commissioner of Education." The address is:

New York State Commissioner of Education  
New York State Education Department  
Washington Avenue  
Albany, New York 12234

Although not legally required, it is strongly recommended that complaints go through the school district's grievance procedure before filing a complaint through the other channels listed above.

### *Definitions*

1. **Grievance**: an issue that reaches Level One Procedure. This issue involves the violation, interpretation, or application of any article of Part 86, Rules and Regulations, Title IX, Federal Education Amendment of 1972 and/or Section 504 of the Rehabilitation Act of 1973.
2. **Student**: any person enrolled as a student in any school and/or educational or recreation program authorized by the district.

3. Employee: any full-time or part-time teacher, secretary, clerk, custodian, cleaner, administrator, or other person receiving compensation for services rendered the district.
4. Complainant: person making the complaint alleging discrimination based upon sex or disability.
5. Compliance Officer: the person(s) designated by the Board of Education to coordinate efforts to comply with Title IX Rules and Regulations, and with Section 504 of the Rehabilitation Act of 1973.
6. Superintendent: the Superintendent of Schools or his/her designated representative.
7. District Superintendent: the District Superintendent of Schools or his/her designated representative.

Adoption date: April 23, 1997

**STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504  
EXHIBIT**

**GRIEVANCE FORM**

Title IX and Section 504 of the Rehabilitation Law of 1973

Name of Student \_\_\_\_\_

Name of Employee \_\_\_\_\_

School or Department \_\_\_\_\_

Statement of Complainant

Solution Suggested by Complainant

\_\_\_\_\_  
Signature of Student or Employee

\_\_\_\_\_  
Date Submitted

PLEASE FORWARD TO THE SECTION 504/ADA COMPLIANCE OFFICER

Adoption date: April 23, 1997

**STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504  
EXHIBIT**

SECTION 504 REFERRAL

A. Personal Information:

Student \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Parents \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ School \_\_\_\_\_  
Teacher \_\_\_\_\_ Grade \_\_\_\_\_  
Referred By \_\_\_\_\_  
\_\_\_\_\_

B. Referral Information:

1. Reason for Referral \_\_\_\_\_  
\_\_\_\_\_
2. Strategies/Intervention Initiated (attached copies of intervention documentation)  
\_\_\_\_\_

Referral Made by	Date	Principal	Date
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C. Direction of the Referral: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

cc: Parent  
Section 504 Compliance Officer  
Principal  
Teacher  
Educational Record

Adoption date: April 23, 1997

**STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504  
EXHIBIT**

**SECTION 504/ADA REFERRAL**

A. Personal Information:

Employee \_\_\_\_\_ Assignment \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

B. Referral Information:

- 1. Reason for Referral \_\_\_\_\_  
\_\_\_\_\_
- 2. Supportive Date Received \_\_\_\_\_  
\_\_\_\_\_
- 3. Referral Direction \_\_\_\_\_  
\_\_\_\_\_

_____	_____	_____	_____
Supervisor	Date	Employee	Date

**FOR OFFICE USE ONLY**

Date Received by Section 504/ADA Compliance Officer \_\_\_\_\_

Conference Date \_\_\_\_\_

cc: Employee  
Section 504/ADA Compliance Officer  
Principal/Immediate Supervisor  
Personnel File

Adoption date: April 23, 1997

**STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504  
EXHIBIT**

**STUDENT ACCOMMODATION PLAN**

NAME \_\_\_\_\_ Birthdate \_\_\_\_\_ Grade \_\_\_\_\_

School \_\_\_\_\_ Date of Meeting \_\_\_\_\_

1. Describe the nature of the concern

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

2. Describe the basis for the determination of disability (if any)

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

3. Describe how the disability affects a major life activity

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

4. Describe the reasonable accommodations that are necessary

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

Review/Reassessment Date \_\_\_\_\_  
(Must be completed)

Participants (Name and Title)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

cc: Student's Cumulative File

Attachment: Information regarding Section 504 of the Rehabilitation Act of 1973

Adoption date: April 23, 1997

**STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504  
EXHIBIT**

ALTERNATIVE LEARNING PLAN - ADDENDUM

REASONABLE ACCOMMODATIONS UNDER SECTION 504  
FOR

\_\_\_\_\_  
Student's Name

- \_\_\_\_\_ Mark student's correct and acceptable work, not his/her mistakes
- \_\_\_\_\_ Examinations and quizzes should be given orally
- \_\_\_\_\_ Reading assignments should be presented on cassette tapes
- \_\_\_\_\_ Make arrangements for homework assignments to reach home with clear, concise directions
- \_\_\_\_\_ Reversals and transpositions of letters and numbers should not be marked wrong. Instead, reversals or transpositions should be pointed out for correction
- \_\_\_\_\_ Recognize and give credit for student's oral participation in class
- \_\_\_\_\_ Provide extra test time
- \_\_\_\_\_ Student should be allowed to tape classroom lectures or discussions
- \_\_\_\_\_ Student should be allowed to copy another student's class notes
- \_\_\_\_\_ Student should be provided a carbon copy of another student's class notes
- \_\_\_\_\_ Use of peer tutoring
- \_\_\_\_\_ Use of cross-age tutoring
- \_\_\_\_\_ Avoid placing student under pressure of time or competition
- \_\_\_\_\_ Accept homework papers typed by the student or dictated by him/her and recorded by someone else, if need be
- \_\_\_\_\_ Do not return handwritten work to be copies over; paper is often not improved and student's' frustration is increased
- \_\_\_\_\_ Quietly repeat directions to him/her after they have been given to the class; then have him/her repeat and explain directions to you



\_\_\_\_\_ Let him/her dictate themes or answers to questions on a cassette tape

\_\_\_\_\_ Accompany oral directions with written directions for a child to refer to (on blackboard or paper)

\_\_\_\_\_ Do not require lengthy outside reading assignments

\_\_\_\_\_ Student should be permitted to use cursive writing

\_\_\_\_\_ Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

cc: Parent  
Section 504 Compliance Officer  
Principal  
Teacher  
Educational Record

Adoption date: April 23, 1997