

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 the 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.

Both a student's parent/guardian and any District staff member may submit a referral to the respective building principal (i.e., the building's 504 Chairperson) or the District's Section 504 Compliance Officer that they have a suspicion a student may have a major mental or physical impairment which substantially limits one or more major life activities and thus there is reason to believe they may be eligible for a Section 504 Accommodation Plan. All referrals should contain the nature of the concern, the action to date, substantive documentation, the report card, and other relevant information.

Upon receipt of a referral, the respective Section 504 Chairperson (i.e. the building principal) shall convene a meeting of the Section 504 Committee, comprised of a group knowledgeable about the student, to determine the assessments/evaluations needed. Following this meeting, the Section 504 Committee must send a Due Process/Procedural Safeguards Notice to the parent(s) and a Notice of Consent to obtain the parent's consent for the District to conduct the recommended assessments/evaluations. The parent must provide his/her consent for the initial Section 504 assessments/evaluations. Additionally, if the parent is requesting that the Section 504 Committee conduct a particular assessment/evaluation and the Section 504 Committee declines to do so, the Parent may utilize the District's Section 504 grievance procedures to challenge such declination. All such assessments/evaluations must be conducted in a student's native language.

All assessments/evaluations recommended by the Section 504 Committee should be completed within 60 days of the parent providing consent for such assessments/evaluations. Following the completion of such assessments/evaluations, the Section 504 Committee should

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reconvene within 60 days of the parent providing consent for such assessments/evaluations to determine whether the student is eligible for a Section 504 Accommodation Plan. If the student is determined to be eligible, then the Section 504 Committee must develop an appropriate Section 504 Accommodation Plan for the student.

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 all instructional staff with 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
 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: