

SECTION 504

The Board of Education shall ensure that a free and appropriate education is provided for students with disabilities in accordance with Section 504 of the Rehabilitation Act of 1973. The Board of Education shall establish standards and procedures to ensure that qualified students are properly identified, evaluated and provided with modified accommodations, specialized instruction or related aids, as deemed necessary.

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, seeing, speaking, breathing, learning and working);
- have a record of such impairment; or
- are regarded as having such an impairment

In recognition of the similarity between the Section 504 and the Individuals with Disabilities Education Act (IDEA) requirements and the need to determine suitable placements for all students with disabilities, the Board assigns to members of the Committee on Special Education (which is required by IDEA) responsibility for the identification, evaluation and placement of students with disabilities in accordance with Section 504 regulations. When operating as the Section 504 Team, these members are no longer fulfilling the role of the CSE.

The Superintendent of Schools is directed to develop district regulations and to make arrangements for the provision of training for the team members on these matters. As a minimum, the regulations for evaluation and placement shall include requirements for:

- notice to staff, students, parents, and community;
- an opportunity for the parent or guardian to examine relevant records;
- an impartial hearing with opportunity for participation by the parent or guardian and representation by counsel; and
- a review process.

Building Principals shall be charged with the responsibility for coordinating the implementation of the Section 504 Team's recommendations for students deemed to have a disability but not otherwise qualified for special educational services.

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 or guardians are notified annually of the Board's responsibilities under Section 504.

Cross-ref: 4321, Programs for Students with Disabilities
5310, Student Discipline.
5313.3, Student Suspension
9110, Equal Employment Opportunity
9110.3, Equal Opportunity for Persons with Disabilities

Ref: Rehabilitation Act of 1973, 29 USC §§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

Note: Policy added