

Spackenkill Union Free School District



Section 504 Rehabilitation Act of 1973 District Handbook

(Updated August 2012)

504 PROCEDURES MANUAL

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**SPACKENKILL UNION FREE SCHOOL DISTRICT
15 CROFT ROAD
POUGHKEEPSIE, NY 12603**

NOTICE

In compliance with Section 504 of the Rehabilitation Act of 1973, the Spackenkill Union Free School District Board of Education prohibits and condemns all forms of discrimination and harassment on the basis of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex in the educational programming activities that it offers. This nondiscriminatory policy includes the following areas: recruitment and employment of personnel, employment pay and benefits, access by students to educational programs, course offerings, and activities.

The Spackenkill Union Free School District hereby advises students, parents, employees, and the general public that it offers employment and educational opportunities, including vocational education opportunities, without regard to gender, race, color, national origin, marital status, or disability. Inquiries regarding this non-discrimination policy for students may be directed to Dr. Lois Powell, Superintendent, or her designee, Dr. Lori A. Mulford, Pupil Personnel Services Director, at 15 Croft Road, Poughkeepsie, NY 12603; telephone number 463-7800. These officials will provide information, including complaint procedures, to any citizen, student, or employee who feels that he/she or his/her rights under Section 504 may have been violated by the District or its officials.

**SPACKENKILL UNION FREE SCHOOL DISTRICT
PERSONS WITH DISABILITIES LAW
504 POLICY**

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, eating, sleeping, 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). Individuals may be covered if their impairment is episodic or in remission, and, when active, the impairment would substantially limit a major life function.

The Board directs the administration to identify, evaluate, refer, place, provide adaptations for, and review all eligible students with disabilities. The administrator of each building shall be directed to implement those procedures established pursuant to this policy. The building administrator shall be responsible for assigning the appropriate individuals to participate in a Section 504 committee meeting to include, at a minimum, a staff person familiar with the nature of the student's disability, the evaluations completed, and the curriculum and/or program in which the student's participation may be affected, the parent of the student, and the student, where appropriate.

The District shall post on its website the District procedures for requesting an evaluation of a child suspected of having a disability for an evaluation, identification, and an appropriate plan and shall post its general policy of nondiscrimination in multiple locations and publications, as appropriate.

If the Parent or Person in Parental Relationship seeks to challenge any matter relating to the evaluation, identification, or plan developed for a child with a disability or suspected of having a disability under Section 504, such person may file a complaint with the Director of Pupil Personnel Services, the Section 504 Compliance Officer of the District, Dr. Lori A. Mulford, who shall immediately commence an investigation. The Compliance Officer will investigate the substance of the complaint in a thorough and impartial manner. The complainant shall discuss the grievance informally with the Compliance Officer, or may file a written complaint with the Compliance Officer. The Compliance Officer will reply to the complainant in writing within thirty (30) days of the initiation of the complaint.

If the grievant does not feel his/her complaint has been satisfactorily resolved, the grievant may, within fifteen (15) days after he/she has received the report of the Compliance Officer, file a written request for an impartial hearing to the Compliance Officer. The Superintendent will appoint a Hearing Officer, in accordance with board policy, who will conduct a hearing after the grievance has been filed. The Hearing Officer shall give the grievant a full and fair opportunity to present evidence relevant to the issues raised under the grievance. The grievant may, at his/her own expense, be assisted or represented by individuals of his/her choosing, including an attorney.

The Hearing Officer shall render a determination in writing stating whether or not there has been a violation of Section 504 and shall include a proposal for resolving the complaint. Such determination shall include a finding that there has or has not been a violation of the Section 504 Rehabilitation Act and a proposal for equitably resolving the complaint if appropriate.

If the grievant disagrees with the decision of the Hearing Officer, he/she may contact make an appeal to the Office of Civil Rights, Department of Education, Washington, D.C. 20201 and/or federal court.

Inquiries about Section 504 issues and referrals to the Section 504 Team shall be directed to the building principal where the student is enrolled.

Adoption Date:

SPACKENKILL UNION FREE SCHOOL DISTRICT SECTION 504 INFORMATION AND PROCEDURES

1. When a concern arises about a student due to a *physical or mental impairment* that may be substantially limiting a major life activity, the student may be considered for Section 504 eligibility by the Section 504 Committee in each building.
2. Evaluation for Section 504 eligibility must draw information from a variety of sources, including, but not limited to, aptitude and achievement tests, teacher recommendations, medical information, and educational and psychological evaluations. Section 504 defines “a student with a disability” as any person who:
 - has a mental or physical impairment which substantially limits one or more major life activities (major life activities include caring for one's self, performing manual tasks, walking, standing, lifting, bending, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, eating, sleeping, communicating, and working);
 - has a record of such an impairment;
 - is regarded as having such an impairment.
3. Parents/persons in parental relationship may initiate a referral to determine Section 504 eligibility by writing or contacting the building principal, pupil personnel director, or the 504 Coordinator in the school building (School Psychologists). The School Psychologist for Hagan and Nassau Elementary Schools is Duane Tolomeo. The School Psychologist for Todd Middle School is Kate Casucci. The School Psychologist for the High School is Peggy Pisano.
4. If a student is referred for consideration of 504 eligibility, the building Section 504 Coordinator schedules an appointment with the parent. A referral form is completed describing the nature of the disability and the substantial limitation that affects a major life activity. Upon referral, the parent is notified and consent is requested. A notice of due process rights is provided to the parent(s). Upon receipt of parental consent, the Section 504 Committee will convene, review all evaluative information, and will determine student eligibility. The parent(s) will be invited to attend the meeting. If the 504 Committee finds the student eligible for Section 504 accommodations, an accommodation plan is developed at the meeting. The accommodation plan will be sent to the parent/person in parental relationship. The 504 Committee will conduct a review on an annual basis of the student’s continued eligibility and needs. The parent/person in parental relationship will be invited to the review meeting.
5. If a Section 504 disability is determined, an accommodation plan must be completed and consented to by the parent. A copy of the plan will be sent to the parent(s). Appropriate school personnel must be informed of the accommodations in order to ensure consistent and uniform implementation of the plan.

6. Parents/persons in parental relationships have the right to initiate a grievance procedure that may culminate in an impartial hearing if they disagree with the determination of the Section 504 Team. The impartial Hearing Officer will be appointed by the Superintendent.
7. Prior to suspension from school for more than ten (10) days, or after a series of short-term suspensions that create a pattern of exclusion equivalent to ten (10) consecutive days, a student declared eligible for Section 504 accommodations must be referred to the Section 504 Team to determine whether or not the conduct at issue is a manifestation of the student's disability. If the team determines that the misconduct is unrelated to the disability or that the behavior entails the use of illegal drugs or alcohol, the student may be suspended for the same amount of time as a student who does not have a disability.
8. Information regarding Section 504 eligibility will be published on an annual basis on the school website.
9. Questions regarding eligibility or services that may be provided for students should be directed to the District's Section 504 Student Compliance Officer, Dr. Lori A. Mulford.

**SPACKENKILL UNION FREE SCHOOL DISTRICT
SECTION 504 ROLES AND RESPONSIBILITIES**

DIAGNOSIS OF SECTION 504 DISABILITY

Medical doctor, clinical psychologist, clinical social worker, speech pathologist, occupational therapist, and/or physical therapist

SECTION 504 REFERRAL

Parents, RTI team, teachers, staff

SCHEDULE SECTION 504 ACCOMMODATION MEETING

Building Section 504 Coordinator

OBTAIN CONSENT, DISTRIBUTE DUE PROCESS, AND GRIEVANCE PROCEDURES

Building Section 504 Coordinator

SCHEDULE SECTION 504 ACCOMMODATION REVIEW MEETING(S)

Building Section 504 Coordinator

OBTAIN SCHOOL-BASED EVALUATION INFORMATION

School psychologist, general education teacher, special education teacher, speech therapist, occupational therapist, and/or physical therapist

DISTRIBUTE SECTION 504 PLAN

Building Section 504 Coordinator

IMPLEMENT ACCOMMODATIONS AND MODIFICATIONS

All teachers and staff working with the student

ADDRESS GRIEVANCES

District Section 504 Compliance Officer

**SPACKENKILL UNION FREE SCHOOL DISTRICT
SECTION 504 PROCEDURAL SAFEGUARDS NOTICE**

As a parent or person in parental relationship of a child who will be considered for, or has been determined to have, Section 504 eligibility because of a disability that substantially limits a major life activity, you have the following due process rights:

1. The right to examine your child's educational records.
2. The right to an evaluation that draws information from a variety of sources.
3. The right to be informed of any proposed actions to eligibility, reevaluation, and/or plan for services.
4. The right to receive information in your primary language.
5. The right to periodic reevaluations and a reevaluation prior to any significant change in program or service modifications.
6. The right to file a grievance with the Building Principal or 504 Compliance Officer over an alleged violation of Section 504 regulations.
7. The right to an impartial hearing if meetings with the Principal or 504 Compliance Officer do not resolve the issue and you are still in disagreement with the school district's proposed action.
8. The right to be represented by counsel in the impartial hearing process.
9. The right to appeal the impartial Hearing Officer's decision to the Office of Civil Rights and/or federal court.

SPACKENKILL UNION FREE SCHOOL DISTRICT
SECTION 504 GRIEVANCE PROCEDURES

Any individual who believes he/she is aggrieved because of discrimination prohibited by Section 504 of the Rehabilitation Act may file a grievance with the Section 504 School Compliance Officer. The full grievance procedure is provided as an avenue for the expeditious processing of complaints. All grievances will be reviewed in accordance with the following procedures:

1. For informal conciliation, students should confer with the appropriate teacher or school personnel to achieve prompt resolution. Students may appeal to the highest authority in the school building, i.e., the Building Principal, who has the final determination on all such matters.
2. If an individual believes there has been a violation of his/her rights under Section 504, the student or person in parental relationship (grievant), shall submit a claim in writing fully setting out the circumstances giving rise to his/her grievance. Such claims must be filed with the District's Section 504 Compliance Officer.
3. As soon as possible, the Section 504 Compliance Officer will meet with the grievant to review all aspects of the complaint. If possible, the complaint will be resolved at this initial meeting.
4. If an investigation becomes necessary to gather additional information regarding the circumstances of the complaint, the Section 504 Compliance Officer will conduct such an investigation. The District Section 504 Compliance Officer shall report his/her findings within thirty (30) days of receipt of the complaint indicating whether or not there has been a violation of the Section 504 Rehabilitation Act. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
5. If the grievant does not feel his/her complaint has been satisfactorily resolved, the grievant may, within fifteen (15) days after he/she has received the report of the Compliance Officer, file a written request for an impartial hearing to the Compliance Officer. The Superintendent will appoint a Hearing Officer in accordance with board policy, who will conduct a hearing after the grievance has been filed.
6. The Hearing Officer shall give the grievant a full and fair opportunity to present evidence relevant to the issues raised under the grievance. The grievant may, at his/her own expense, be assisted or represented by individuals of his/her choosing, including an attorney.

7. The Hearing Officer shall render a determination in writing stating whether or not there has been a violation of Section 504 and shall include a proposal for resolving the complaint. Such determination shall include a finding that there has or has not been a violation of the Section 504 Rehabilitation Act and a proposal for equitably resolving the complaint if appropriate.
8. If the grievant disagrees with the decision of the Hearing Officer, he/she may make an appeal to the Office of Civil Rights, Department of Education, Washington, D.C. 20201 and/or federal court.

**SPACKENKILL UNION FREE SCHOOL DISTRICT
DETERMINATION OF SECTION 504 ELIGIBILITY
RELEVANT CONDITIONS**

DIAGNOSIS/EVIDENCE OF DISABILITY:

A student considered for accommodations under Section 504 should have documentation of the disability from a medical doctor (MD), licensed (clinical) psychologist, clinical social worker (CSW), speech pathologist, occupational therapist (OT), or physical therapist (PT). It should be noted that even if a student has such documentation, this does not automatically result in Section 504 Accommodations.

SUBSTANTIAL LIMITATION:

A substantial limitation is based on the functional impact. It is being unable to perform a life activity that the average person in the general population can perform. Accommodations are intended to provide equal access and opportunity.

DETERMINATION OF APPROPRIATE ACCOMMODATIONS BY SECTION 504 COMMITTEE:

The Section 504 Accommodation Committee convenes in order to find consensus as to accommodations which are needed by the student. These accommodations must be a result of the student's disability.

An individual with a temporary impairment should generally not be considered disabled under Section 504 unless such impairment has an actual or expected duration of more than six (6) months. There are two exceptions to the six (6) month requirement. An individual with an impairment that is episodic or in remission may be eligible for services or accommodations under Section 504 if the impairment would substantially limit a major life activity when active.

CONDITIONS OF ACCOMMODATIONS:

Attached to accommodation(s) are specific characteristics such as the exact setting, persons, and conditions in an effort to reduce ambiguity of action and increase plan integrity.

**SPACKENKILL UNION FREE SCHOOL DISTRICT
SECTION 504 REFERRAL FORM**

A. General Information

Student Name: _____ Birth Date: _____ Today's Date: _____

Address: _____ City: _____ State: _____ Zip: _____

Parent/Guardian(s): _____

School Building: _____

Building 504 Chairperson: _____

B. Referral Information

1) Identify the areas of concern. The student appears to be experiencing difficulties in the following area(s):

- | | | |
|---|---|---|
| <input type="checkbox"/> Frequent absences | <input type="checkbox"/> Physical or mental impairment | <input type="checkbox"/> Medical/health concerns |
| <input type="checkbox"/> Inattention in class/
easily distracted | <input type="checkbox"/> Low grades | <input type="checkbox"/> Reading/writing below grade
level |
| <input type="checkbox"/> Incomplete assignments/
homework | <input type="checkbox"/> Illegible handwriting | <input type="checkbox"/> Pragmatic language deficits |
| <input type="checkbox"/> Behavior problems | <input type="checkbox"/> Inability to access
areas in school | <input type="checkbox"/> Other: _____ |
| | | <input type="checkbox"/> Other: _____ |
| | | <input type="checkbox"/> Other: _____ |

2) Describe the nature of the student's suspected or actual disability or impairment:

3) Does the disability or impairment substantially limit one or more major life activities?

Yes No

If yes, identify which major life activity is limited: (check one or more, as appropriate)

- Caring for one’s self Performing manual tasks Walking
- Seeing Hearing Speaking
- Breathing Learning Working
- Reading Concentrating Thinking
- Communicating Eating Sleeping
- Standing Lifting Bending
- Operation of the following major bodily function¹: _____
- Other: _____
- Other: _____

4) Describe the interventions that have been attempted prior to this referral and the results of their implementation:

5) To the extent you are able, describe any specialized services, accommodations, adaptations, modifications, and/or related aids and services that you think should be considered by the Section 504 Team:

6) Any parent contacts made? If so, provide details and outcome:

Referred by:

Received by:

Signature of Referrer

Date

Signature

Date

Relationship to Student

¹ Major bodily functions include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. See 42 U.S.C. § 12102(2)(B).

**SPACKENKILL UNION FREE SCHOOL DISTRICT
SECTION 504 COMMITTEE CONSENT FOR EVALUATION**

I understand that my child has been referred to the Section 504 Committee to determine if my child has a disability that substantially limits one or more major life activities. I understand that I must give written consent to the District in order for my child to be evaluated. An evaluation includes sources and factors that may include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior.

I have received and understand the notice that my child has been referred to the Section 504 Committee. I have also received a copy of the Section 504 Procedural Safeguards Notice.

I hereby grant consent for evaluation by the Section 504 Committee:

Student Name

Student Date of Birth

Parent/Guardian Signature

Date

**SPACKENKILL UNION FREE SCHOOL DISTRICT
INITIAL SECTION 504 MEETING NOTICE**

Date: _____

Dear: _____

Student: _____

The Section 504 Committee will be conducting a meeting to discuss the possible need for Section 504 accommodations.

The meeting is scheduled for:

Date:
Time:
School:
Room #:

The 504 Committee is comprised of personnel knowledgeable about your child and the evaluative information being reviewed.

We hope you will make every effort to attend. If you cannot attend the meeting or have any questions, please call me at _____.

I look forward to seeing you at this meeting.

Sincerely,

Section 504 Coordinator

**SPACKENKILL UNION FREE SCHOOL DISTRICT
NOTICE OF ANNUAL REVIEW MEETING**

Date: _____

Dear: _____

Student: _____

The Section 504 Committee is required to conduct a periodic review of your child's progress and determine his/her continued eligibility and need for 504 accommodations. You are invited to meet with the 504 Committee and actively participate in this review meeting. You are also invited to provide any evaluation material that you want to be considered by the 504 Committee. You may be accompanied to the meeting by anyone of your choosing who has knowledge of special expertise about your child. If you require an interpreter, translator, or other special accommodations, please notify the building principal and building 504 coordinator so they can make appropriate arrangements.

The meeting is scheduled for:

Date:
Time:
School:
Room #:

The 504 Committee is comprised of personnel knowledgeable about your child and the evaluative information being reviewed.

We hope you will make every effort to attend. If you have any questions, please feel free to contact me at _____.

Sincerely,

Section 504 Coordinator

**SPACKENKILL UNION FREE SCHOOL DISTRICT
15 CROFT ROAD
POUGHKEEPSIE, NY 12603
(845) 463-7800
Fax: (845) 463-7804**

Dear _____,

Enclosed you will find your child's Section 504 Accommodation Plan which has been developed for your child. This plan is in fulfillment of Section 504 of the Rehabilitation Act of 1973.

I understand that the Section 504 Committee has recommended that my child has a disability that substantially limits one or more major life activities and receive reasonable accommodations as indicated on the enclosed Section 504 Accommodation Plan.

If you have any questions regarding this accommodation plan, please contact me.

Sincerely,

Section 504 Coordinator