**SECTION 504**

**PROCEDURAL SAFEGUARDS NOTICE**

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a federal nondiscrimination statute. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

Public elementary and secondary schools must employ procedural safeguards regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity (such as learning, self-care, walking, seeing, hearing, speaking, breathing, working and performing manual tasks) or a major bodily function (such functions include immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions).

**Referral and Evaluation Process:**

Any student who needs or is believed to need special accommodations, related services or programs under Section 504 of Rehabilitation Act of 1973, may be referred to the Section 504 Committee for evaluation. All school districts are mandated to have a Section 504 Committee.

The Section 504 Committee shall be composed of persons knowledgeable about the student’s school history, the student’s individual needs, the meaning of evaluation data, and the placement options.

The student’s parent or person in parental relationship shall be notified of the Section 504 Committee meeting at least 5 calendar days prior to the meeting and shall be invited to participate in the meeting.

The Section 504 Committee shall consider all relevant information on the student to determine whether he or she is disabled under Section 504.

Information may include reports from physicians, observations from parents, teachers, school personnel, results from standardized tests, etc.

The Section 504 Committee has the responsibility to refer a student to the Committee on Special Education if it is felt that the student may have an educational disability, which may be more appropriately addressed by the Committee on Special Education.

**Accommodation Plan:**

The Section 504 Committee shall determine whether the student is disabled under Section 504, and, if so, develop a written educational plan describing what accommodations, services or programs will be provided to meet the student’s needs. The student’s parent or person in parental

relationship shall be notified in writing of the Section 504 Committee’s determination and recommendations.

**Review of the Student’s Evaluation and Plan:**

The Section 504 Committee shall meet periodically to review the student’s evaluation and plan. In addition, prior to any significant change in the plan, a review or reassessment of the student’s needs shall be conducted.

**Procedural rights:**

The purpose of this Notice is to delineate the procedural rights assured by Section 504. It is important that you understand that a parent or person in parental relationship have the following legal rights according to Section 504 of the Rehabilitation Act of 1973.

1. Your child has the right to an appropriate education in the least restrictive environment that is designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met.

2. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student.

3. Your child has a right to placement in the least restrictive environment.

4. Your child has a right to facilities, services, and activities that are comparable to those provided to nondisabled students.

5. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent change in placement.

6. Testing and other evaluation procedures must conform to the requirements of *34 CFR § 104.35* as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and assessment scores.

7. Placement decisions must be made by a group of persons (i.e., Section 504 Committee), including persons knowledgeable about your student, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities.

8. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three (3) years.

9. You have the right to prior written notice to any action by the District in regard to the identification, evaluation, or placement of your child.

10. You have the right to examine relevant records upon request.

11. You have the right to obtain copies of your child’s educational records at a reasonable cost unless the fee would effectively deny you access to the records.

12. You have the right to request an 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.

13. You have the right to an impartial hearing with respect to the District’s actions regarding your child’s identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney.

14. If you wish to challenge the actions of the District’s Section 504 Committee in regard to your child’s identification, evaluation, or educational placement, you should file an oral or written request for a due process hearing with the District’s Director of Pupil Services.

15. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction.

16. You also have a right to file a complaint with the Office of Civil Rights if you believe that you or your child have been subjected to discrimination on the basis of disability. The contact information is as follows:

Office for Civil Rights
New York Enforcement Office
32 Old Slip
26th floor
New York, NY 10005-2500
Email: OCR\_NewYork@ed.gov646-428-3900, TDD: 212-637-0478
FAX: 646-428-3890