

SECTION 504

Administrative Regulations

Lansing Central School District

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INTRODUCTION

Section 504 is a Civil Rights Act that prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Under Section 504's regulations, a school district is required to provide a qualified student with a disability an opportunity to benefit from a school district's programs equal to that of a student without a disability. Under Section 504, a person with a disability is one who 1) has a physical or mental impairment that substantially limits one of more major life activities; 2) has a record of such impairment; or 3) is regarded as having such an impairment.

IMPLEMENTATION OF POLICIES AND PROCEDURES

The District's Section 504 Coordinator ("District Coordinator") and Compliance Officer is the District's Director of Special Education. He/ She shall prescribe the standard procedures and forms used for notice of Section 504 rights, Section 504 referrals and evaluations for each school year. Additionally, he/she shall maintain data regarding which students have Section 504 Plans, the accommodations given, and written records of any incidents related to, or resulting from, the student's Section 504 Plan.

Each building principal will be appointed as the School-Based Section 504 Chairperson to oversee the implementation of this administrative regulation at the school level. In addition to building principals, 504 chairpersons may be teachers, school counselors, or any other qualified person. The 504 Chairperson shall ensure that parents receive appropriate Section 504-related notices; shall ensure that parents receive notice of their Procedural Safeguards; shall convene Section 504 teams to evaluate requests for accommodations; and shall ensure that Section 504 Plans are distributed as appropriate to parents, teachers and other appropriate District personnel.

Contact information for the District Coordinator and Chairpersons for each building is attached to these Policies and Procedures as Appendix A.

ELIGIBILITY PROCESS AND PROCEDURE

504 Committee Memberships

Section 504 requires the use of a multi-disciplinary team that includes persons knowledgeable about the student, the meaning of evaluation data and the suspected disability. The team composition may vary according to the needs of the student. To the extent possible, on-site personnel should participate as the Section 504 Team members. Examples of appropriate personnel include, but are not limited to classroom teachers, school psychologists, school counselors, and school nurses.

REFERRAL

Role of Response to Intervention

If a student is experiencing persistent academic or behavioral problems and there is no suspicion of a disability, a referral should be made to the building level Response to Intervention team, also known as the Student Support Team, where interventions to address the academic and/ or behavioral concerns will be developed and implemented. Progress monitoring will be carried out to determine the student's response to the interventions and modifications to the plan will be made as needed. If the student fails to demonstrate sufficient improvement despite evidence-based interventions that are implemented with fidelity, the possibility of a referral to the Committee on Special Education or the 504 team should be considered.

Students Suspected of Having a Mental or Physical Impairment

LCSD has a duty to convene a Section 504 team to evaluate any student who, as a result of having a mental or physical impairment that substantially limits a major life activity, either needs or is believed to need special education or related services.

School personnel may initiate a request for an evaluation by a Section 504 team for any student who is reasonably believed to be disabled and in need of accommodations within the meaning of Section 504 by making a request in writing to either the Chairperson of the school the student attends or the District Coordinator.

Parental requests for Section 504 accommodations must be submitted in writing to the District Coordinator, or the appropriate building Chairperson. A sample referral form can be obtained from the District Coordinator.

If a student is declassified as a student with an educational disability under the Individual's with Disabilities Educational Act (IDEA), the Committee on Special Education may make a referral to a Section 504 team if the members believe that, notwithstanding declassification, the students continues to have an impairment which substantially limits a major life activity.

Request to Parent/Guardian for Permission to Evaluate

Within ten (10) days of receipt of a referral, the Chairperson, of the school in which the referred student is enrolled, or the District Chairperson, shall provide prior written notice of the referral to the referred student's parents, and request the parents' written permission to conduct an initial evaluation. At the time, the Chairperson may also ask the parents to authorize the 504 team to contact the student's outside medical and/ or psychological providers and/ or to obtain medical records.

EVALUATION

After parental consent for an evaluation has been obtained, an individual evaluation of the referred student shall be initiated by the Chairperson. The Chairperson shall use the best efforts to complete initial evaluations with 60 days of receipt of parental consent.

The individual evaluation completed must accurately and thoroughly assess the nature and extent of the disability and focus on specific areas of suspected impact. The 504 evaluation should:

Be based on information from a variety of sources, e.g. teacher(s), other school staff members, a parent/ legal guardian, physician, nurse, and other professionals or persons in the community;

Document and consider all available pertinent information, e.g. student records, assessment data or medical reports related to the suspected physical or mental impairment, which may be substantially limiting a major life activity; be conducted by a group of people, including those who are knowledgeable about the student, the suspected disabling condition, evaluative procedures, the meaning of evaluative data, and accommodation/ placement options; and

Use materials, tests or evaluation procedures tailored to assess specific areas of educational need that are not racially or culturally discriminatory and are validated for the specific purpose for which they are being used.

The type of disability suspected and the type of services or accommodation or modification that may be needed will determine the specific evaluation procedures employed. Sources of information gathered may include, but are not limited to, formal individualized testing, a review of existing school records, observational data, progress monitoring data, response to intervention data, and/ or behavioral rating scales. Available information from sources outside the school district will be reviewed and considered in conjunction with the evaluation of the 504 Committee to determine if a disabling condition under Section 504 exists. The Section 504 Committee determines the weight to be given to outside evaluations including medical diagnosis and all the data it reviews. A medical diagnosis alone does not suffice as an evaluation for the purpose of determining a disability under Section 504. A sample 504 referral is attached as Appendix B.

ELIGIBILITY DETERMINATION

At the conclusion of the evaluation, the Chairperson will convene a Section 504 Team to determine whether the student qualifies as a student with a disability within the meaning of Section 504, and whether the student qualifies as a student with a disability within the meaning of the Section 504, and whether the student requires special education or related services to obtain a Free Appropriate Public Education. Parents and guardians will be invited to participate in the decision making process as well as to participate in the writing of their child's Section 504 plan, if the committee determines that a plan is appropriate.

ACCOMMODATION PLANS

Determination of Need for an Accommodation Plan

A Section 504 plan will be written only if it is determined that a student has an impairment that substantially limits a major life activity and the student is found to be in need of accommodations, modifications, programs or services from the school in order to receive a Free Appropriate Public Education (FAPE). Section 504 defines FAPE to mean the provision of general or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of nondisabled students are met. In

cases where a student with a disability does not require an individualized written plan, protection from discrimination will remain under the general non-discrimination provisions.

Writing of Accommodation Plans

Accommodation plans are written by the building or district level 504 teams. The accommodations and services provided must be directly related to the substantial impact of the established physical or mental impairment of the identified major life activity. They must be designed and implemented to afford the student an equal opportunity or equal access.

Implementation of Accommodation Plans

Teachers and related service providers are responsible for knowing which of their students have section 504 accommodation plans and they are responsible for implementing the accommodation plans as written.

Transfer Students

Students with Section 504 plans who transfer from another school district will have their plan and supporting documentation reviewed by the Section 504 team within a reasonable period following enrollment but not to exceed 45 days. Comparable accommodations will be implemented until the student's Section 504 Plan can be reviewed. If the team determines that the plan may not be required for the student to receive FAPE, a reevaluation of the student's suspected disability will be carried out.

Provision of Section 504 Accommodations to IDEA – Classified Students who are Ineligible for Extended School year Services

LCSD supports the provision of reasonable and necessary accommodations and modifications during summer a school programming to IDEA-classified students, even where summer school program is not essential for the provision of a Free Appropriate Public Education pursuant to the IDEA. Where LCSD's Committee on Special Education (CSE) determines that an IDEA-classified student is not entitled to Extended School Year (ESY) services, and the student enrolls in any summer school program operated by the District, including Summer Academic Intervention Services, the student's Individualized Education Plan (IEP) shall serve as the student's Section 504 Plan during the summer. The District shall ensure that the student receives the accommodations and/ or modifications that are set forth in the student's IEP during the summer school program to the extent such accommodations or related services are necessary for the student to participate in the summer programming to the same extent as his or her nondisabled peers.

Review or Accommodation Plans

Once the accommodation plan has been developed, the team will meet periodically to review the plan to determine (a) if the student continues to have an impairment that substantially limits a major life activity (b) if the student still requires a Section 504 Plan, and (c) if the plan continues to afford the student an equal opportunity for learning. This review will also consider new circumstances such as a change in nature or degree of the impairment, or changes in the

expectations or physical nature of the environment. Reviews of the accommodation plans will occur annually.

REEVALUATION

LCSD will conduct a re-evaluation of a student with a disability when the educational or related services needs, including improved academic achievement and functional performance, of the student warrant a re-evaluation. Periodic (but no less frequently than every three years) re-evaluations will be conducted to assist in determination of continued eligibility under Section 504, as well as to assist in the determination of appropriate services, accommodations and program modifications. Re-evaluations will also be considered prior to a significant change in placement. The following may constitute a “significant change in placement”: (1) a transfer to a new school or program; (2) a dramatic shift in the student’s behaviors or grades; (3) discontinuation of Section 504 Plan; or (4) excessive absenteeism indicating additional disability-related needs.

TESTING MODIFICATIONS

Students who are officially classified as having a disability under Section 504 are eligible for appropriate modifications/ accommodations in accordance with the NYS Education Department’s Test Access and Accommodations Guidebook. Students with disabilities may need modified test formats, special test arrangements, or a different test environment to demonstrate achievement. Approved testing modifications for students with disabilities must be consistent with instructional practices that are routinely used in the general education classroom are documented in a current written Section 504 Accommodation Plan. The modifications needed and specific tests involved should be clearly written in the Accommodation Plan.

Principals may approve testing accommodations for general education students who incur an injury or experience the onset of either a short-term or long-term disability (cognitive or physical) within 30 days prior to test administration. Eligibility for such accommodations is based on the principal’s professional judgment. Students who have not recently incurred a disability are not eligible for test accommodations authorized in this way. These accommodations must not significantly change the construct/ skills being tested and are limited to those outlined in the NYS ELA and Mathematics Test School Administrator’s Manual.

Prior permission need not be obtained from the State Education Department to authorize these testing accommodations for general education students. However, a full report concerning each such authorization must be sent to the Office of State Assessment via fax to 518-402-5596. The report must be on school letterhead, signed by the principal, and include the name of the student(s), test taken with accommodations, nature of the disabilities and types of accommodations provided with the principal’s authorization.

If the student is expected to continue to need testing accommodations, the principal should immediately make the appropriate referral for the development of an IEP or 504 Plan.

NON-PUBLIC SCHOOL PLACEMENTS MADE BY PARENTS/ GUARDIANS

If the District has made available a free appropriate public education to a student that conforms to the requirements of Section 504 but that a student's parent(s) or guardians(s) choose to place the student in public school outside of the District or in a private school, the district is not responsible for ensuring that the student obtains a FAPE. If the student has a 504 Plan on the file at the time of transfer, the District will keep this plan on file for use if the student returns.

DISCIPLINE

The discipline procedures described in the Student Code of Conduct shall be used in all situations in which a qualified student with e a disability under Section 504 (or suspected qualifying disability) may be subject to disciplinary action. LCSD shall not suspend a student with e a disability more than ten (10) consecutive school days unless it conducts a manifestation determination and finds that the student's misconduct is not related to his or her disability. If the student's misconduct is not related to his or her disability. If the student's misconduct is not related to a disability, LCSD may discipline the student as it does the general education population, including suspending the student for more than ten (10) consecutive days.

LCSD will also conduct a manifestation determination prior to suspending a Section 504 student from school for a series of short-term suspensions that constitute a pattern of removals that total more than ten (10) school days. Among the factors considered in determining whether a series of suspensions has resulted in a significant change in placement are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

Parents will be given notice of a manifestation determination involving their child, as well as an opportunity to participate in the manifestation determination meeting.

If it is determined that the behavior or pattern of behaviors that led to the suspension is directly related to the student's disability, the student will not be suspended. Instead, the 504 committee will review and modify the accommodation plan as determined necessary to address the needs of the student. In addition, a functional behavior assessment intervention plan should be completed or revised if currently in place.

CHILD-FIND ACTIVITIES

LCSD shall make all reasonable efforts to locate, identify, and evaluate all students with disabilities who reside within the district who are not receiving a public education.

PROCEDURAL SAFEGUARDS

A. Notice

The School Coordinator shall ensure that parents are provided with a copy of these Section 504 policies and procedures: (1) annually; (2) when a student is referred for evaluation; and (3) upon a parent's request.

Parents of a student with a disability must be notified by a Chairperson or by the District Coordinator with respect to any proposed actions regarding the identification, evaluation, or educational placement of their child. The notice shall explain the action LCSD proposes or declines to take and the reasons why it has decided to proceed in that fashion. The notice shall be detailed enough to allow parents to meaningfully evaluate whether they wish to consent to the proposed action, refuse to act, or request due process. The notice shall be accompanied by a Section 504 Procedural Safeguards notice. **See Appendix B.**

B. Opportunity to Examine Relevant Records

Parents have the right to examine the records of their child relating to the referral, evaluation, development and implementation of their child’s 504 Plan in accordance with the District’s procedures.

C. Impartial Hearing Process

Parents may initiate complaints regarding the referral, evaluation, development and implementation of a Section 504 Plan by requesting an impartial hearing. The request must be made in writing and must be received by the Superintendent within ten (10) calendar days of the date of the decision challenged by the parent.

The written request shall contain the following:

The specific nature of the decision(s) made by the District with which the person disagrees.

The specific relief the person seeks.

Any other information the person believes will assist in understanding the request.

The Superintendent shall select an impartial hearing officer who is qualified to review District decisions relating to Section 504, and is not an employee of the district. The hearing shall be conducted within sixty (60) calendar days after the Superintendent’s receipt of the request for an impartial hearing. The party requesting the hearing shall have the burden of production and the burden of proof. Any party to the hearing shall be afforded the following rights:

The right to present written and/ or oral evidence.

The right to examine relevant records.

The right to be accompanied by counsel at his or her own expense.

The District shall make a record of the proceedings.

Any exhibits to be admitted into evidence shall be exchanged by the parties at least five (5) days prior to the hearing.

D. Review Procedure

The impartial hearing officer’s decision may be appealed to the Board of Education or to United States District Court. Such appeals shall be made in writing within thirty (30) calendar days of the date of the decision of the impartial hearing officer. The Board of Education shall act on the appeal within thirty (30) calendar days of the receipt of the appeal request.

E. Filing a Complaint with the United States Department of Education, Office for Civil Rights

Any parent with a complaint regarding LCSD’s compliance with Section 504 may file a complaint with the Office of Civil Rights of the United States Department of Education. The address for the Regional Office that investigates complaints involving NY residents is:

Region II
(NJ, NY, Puerto Rico, Virgin Islands)
Office of Civil Rights
US Department of Health and Human Services
Jacob Javits Federal Building
26 Federal Plaza – Suite 3312
NY, NY 10278
Voice Phone (800) 368-1019
FAX (212) 264-3039
TDD (800) 537-7697

GRIEVANCE PROCEDURE

It is the policy of LCSD not to discriminate on the basis of disability. LCSD has adopted this internal grievance procedure providing prompt and equitable resolution of complaints alleging any discrimination on the basis of disability. Any person who believes that he or she has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for LCSD to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Grievances must be submitted to the Section 504 Coordinator within 10 school days of the date the person filing the grievance becomes aware of the alleged discriminatory action. If the Section 504 Coordinator is the subject of the complaint, the grievance should be made to the Superintendent. If the Superintendent is the subject of the grievance, the grievance should be made to the Board of Education.

The complaint must be in writing, containing the name and the address of the person filing it. The complaint must state the problem or alleged action alleged to be discriminatory and the remedy or relief sought.

The Superintendent (or the Board of Education, if the Superintendent is the subject of the complaint) shall appoint either the Section 504 Coordinator or another investigator to investigate the complaint. The investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The investigator will maintain the files and records of LCSD relating to such grievances.

The investigator will issue a written decision on the grievance no later than 10 school days after its filing and provide a copy of the decision to the complainant.

The person filing the grievance may appeal the decision of the investigator by writing to the Superintendent of Schools, or, where the Superintendent is the subject of the Complaint, directly to the Board of Education in accordance with the procedure below, within 10 school days of receiving the Investigator's decision. The Superintendent shall afford all parties involved the opportunity to be heard with respect to the appeal, formulate a decision, and respond in writing to the complainant within 10 school days. The Board of Education shall issue a response no later than 30 days after the appeal filing if the Superintendent is the subject of the complaint.

The availability of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the United States Department of Education, Office of Civil Rights.

LCSD will take steps to prevent recurrence of any disability discrimination, including disability harassment, found to have occurred and to correct discriminatory effects on complainant and others, if appropriate.

This grievance procedure applies to complaints alleging discrimination carried out by employees, other students, or third parties.

NOTICE OF NONDISCRIMINATION

LCSD shall take steps to notify all participants, employees, and applicants of district responsibilities under Section 504. The notice attached as Appendix C shall appear on our school district website, handbooks and staff workrooms.

APPENDIX A

SECTION 504 CONTACT DIRECTORY

Director of Special Services
Colleen Valletta
(607) 533-3020 Ext. 4412
cvalletta@lcsd.k12.ny.us

RC Buckley Elementary School
Principal Lorri Whiteman
607-533-3020 Ext. 1110
lwhiteman@lcsd.k12.ny.us

Lansing Middle School
Principal Christine Rebera
607-533-3020 Ext. 2121
crebera@lcsd.k12.ny.us

Lansing High School
Principal Colleen Ledley
607-533-3020 Ext. 3101
clledley@lcsd.k12.ny.us

APPENDIX B

Lansing Central School

Office of Special Services

533-3020 x2131

533-3543 Fax



Referral for Suspected Section 504 Disability

Student Name _____	D.O.B. _____
Grade _____	School _____
Teacher/School Counselor _____	
Parent /Guardian _____	
Address _____	
Home # _____	Cell # _____ Work# _____
Parent /Guardian _____	
Address _____	
Home # _____	Cell # _____ Work# _____

In order to qualify for accommodations under 504 law, a student must be determined to have a physical or mental impairment which substantially limits one or more major life activities. The student must have a record of impairment or be regarded as having an impairment.

Physical or mental impairment:

Limited major life activity (ies): (e.g. walking, seeing, hearing, speaking, breathing, caring for oneself, performing manual tasks, and/or learning.)

Substantially limits - Indicate how the major life activity is substantially limited.

The term “substantially limits” means that the student is either unable to perform a major life activity that the average student of the approximate same age can perform or is significantly restricted as to the condition, manner, or duration under which a particular life activity is performed. The impairment must be substantial when compared to the average student of approximately the same age.

What accommodations or special supports or interventions have been implemented?

What parent/guardian contacts have been made with regard to this referral and related concerns?

List attached documentation of suspected mental/physical impairment (e.g. physician’s note, report of testing).

List attached documentation that shows in *what manner* and *to what degree* the impairment substantially limits one or more major life activities (e.g. attendance records, direct observation, grade reports, test reports).

I suspect that _____ may have a physical or mental impairment that substantially limits one or more major life activities.

(Signature)

(Date)

<u>Reviewed by</u>
504 Chair

APPENDIX C

PROCEDURAL SAFEGUARDS – SECTION 504

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep the parents/caregivers fully informed concerning decisions about their child and to inform them of their rights if they disagree with any of the 504 Plan decisions.

Parents/Caregivers have the right to:

1. Receive all information in their native language and primary mode of communication.
2. Have their child take part in, and receive benefits from public education programs without discrimination because of his/her disabling condition.
3. Receive notice with respect to identification, assessment, or provision of instructional services for their child under a 504 Accommodation Plan.
4. Have their 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 school district make reasonable accommodations to allow their child an equal opportunity to participate in school and school-related activities.
5. Have their child educated in facilities and receive services comparable to those provided non-disabled students.
6. Have assessment and educational decisions and decisions regarding services be based upon a variety of information sources, and by persons who know their child, the assessment data, and service options.
7. Have an assessment and/or periodic reassessment before any significant change in programs/services.
8. Have their child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
9. Examine all relevant records relating to decisions regarding their child's identification, assessment, educational program, and services.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny them access to the records.
11. Receive a response from the school district to reasonable requests for explanations and interpretations of their child's records.

12. Request amendment of their child's educational records if there is a reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of their child. If the school district refuses this request it will notify them within a reasonable time, and advise you of the right to a hearing.
13. Have reasonable accommodations made to provide equal access for them or their child to effectively participate in meetings, activities or events sponsored by the school/district or provided in district facilities.
14. File a local grievance, with the district's Section 504 Compliance Officer:
Colleen Valletta, Director of Special Services
Lansing Central School District
Special Serviced Office
Lansing, NY 14882
(607) 533-3020 Ext. 4412
15. Request an impartial due process hearing related to decisions or actions regarding their child's identification, assessment, educational program or services. They and their child may take part in the hearing and have an attorney represent them. Hearing requests must also be made to the district's Section 504 Compliance Officer.
16. File a complaint with the Office for Civil Rights. The address of the Regional Office which covers New York:
Region II -New York
(New Jersey, New York, Puerto Rico, Virgin Islands)
Michael Carter, Regional Manager
Office for Civil Rights
U.S. Department of Health and Human Services
Jacob Javits Federal Building
26 Federal Plaza - Suite 3312
New York, NY 10278

Voice Phone (212)264-3313
FAX (212)264-3039
TDD (212)264-2355

APPENDIX D

NOTICE OF NON-DISCRMINATION UNDER 504

It is the policy of the Lansing Central School District that, in accordance with 504 of the Rehabilitation Act of 1973 (504), no other qualified person with a disability shall, solely by reason of his/her disability, be excluded from or otherwise denied participation in, be denied the benefits of, or be subject to discrimination under any program or activity sponsored or provided by the Lansing Central School District. Confidentiality rights of persons with disabilities will be respected.

Inquiries regarding the Lansing Central School District's compliance with Section 504 rights or procedures should be directed to:

Colleen Valletta, Director of Special Services
Special Services Office
Lansing, NY 14882
(607) 533-3020 Ext. 4412

