

MILLER PLACE UFSD
OFFICE OF PUPIL PERSONNEL SERVICES

SECTION 504 CRITERIA

The purpose of Section 504 of the Rehabilitation Act of 1973, as amended by ADA in 2008, is to eliminate discrimination on the basis of disability in any program or activity that receives federal financial assistance, such as public education. Eliminating discrimination on the basis of disability is accomplished by providing equal access to educational opportunity by providing reasonable accommodations and/or services. Any pupil who has a temporary or permanent mental or physical impairment; has a record of such impairment; or is regarded as having an impairment, which substantially limits one or more of their major life activities, is considered eligible for Section 504. A **“major life activity”** includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. The impairment must be so severe in that it results in a substantial limitation of one or more of the major life activities listed above.

The Miller Place UFSD has defined an impairment of major life activity as one that limits a person's ability to perform that activity in a way that the average person in the general population can perform it. Furthermore, the impairment to the major life activity is substantially limited if a person is significantly restricted in the condition, manner or duration under which he can perform the life activity, as compared to an average person in the general population.

The determination of whether a student is substantially limited in the educational setting within the meaning of Section 504 will be based upon information from a variety of sources. In gathering information for a student's Section 504 eligibility an evaluation refers to looking for data or information from a variety of sources so that the 504 committee can make the required determinations. The committee will carefully consider any pertinent information as it relates to the pupil in the school setting. The information typically considered comes from several sources: physician reports, parents, teachers, school records, observation, or interviews by school personnel, etc. When a medical condition is suspected as constituting a significant impairment of the major life activity of learning, school personnel have the responsibility for reviewing the medical diagnostic reports and determining whether or not the medical condition does, in fact, substantially limit learning.

The Section 504 Committee may include the pupil personnel administrator or designee, psychologist, guidance counselor, nurse, teachers and other school personnel. Parent and pupil are invited to attend. Based upon the information presented at the committee meeting, decisions are made regarding whether or not the pupil has a temporary or permanent mental or physical impairment, which substantially limits his/her learning. If the pupil is found eligible, a Section 504 services/accommodation plan is then developed. The pupil's eligibility and the specific plan of services will be reviewed periodically. Students who are found ineligible may be referred to building IST teams for consideration of support services.

SECTION 504 PROCEDURAL SAFEGUARDS NOTICE

Section 504 is a federal law designed to eliminate discrimination on the basis of disability and to ensure that the individual needs of a students with disabilities are met to the same extent as the needs of students without disabilities. A student may be referred to the Section 504 Committee to determine whether the student is eligible for Section 504 accommodations. A student may be deemed eligible if he/she has a mental or physical impairment or psychological disorder that substantially limits a major life activity or major bodily function. If the Section 504 Committee determines that the student meets the eligibility criteria, the 504 Committee will develop a Section 504 Accommodation Plan.

Section 504 provides parents and persons in parental relationship with the following procedural safeguards:

- The right to examine your child's educational records;
- The right to an evaluation that draws on information from a variety of sources;
- The right to be informed of any proposed actions related to eligibility, re-evaluation, and/or plan for services;
- The right to periodic re-evaluations prior to any significant change in program or service modifications;
- The right to file a grievance with the District's Section 504 compliance officer over an alleged violation of Section 504 regulations;
- The right to an impartial hearing if meetings with the Section 504 compliance officer do not resolve the issue and you are still in disagreement with the school's proposed action. This request must be made in writing to the District's Section 504 compliance officer;
- The right to be represented by counsel in the impartial hearing process;
- The right to appeal the impartial hearing officer's decision;
- The right to file a complaint with the Office for Civil Rights (OCR) for alleged violations of Section 504; and
- The right to a manifestation determination before a child may be subjected to a disciplinary change in placement (i.e., suspension of more than 10 days) for violation of the District's Code of Conduct.

Provided to parents/persons in parental relationship:

- with Notice of Referral and Consent Form
- with Notice of Consent for Reevaluation

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