

Pelham School District Section 504 Procedural Safeguards

The Meaning of Disability Under Section 504 Under Section 504, an individual with a disability (also referred to as a *student with a disability* in the elementary and secondary education context) is defined as a person who: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) must be made on a case by case basis. Major life activities include but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, thinking, and learning.

Evaluation Process Any student who needs or is believed to need special accommodations and/or related services under Section 504 of the Rehabilitation Act of 1973, may be referred to the Section 504 Committee for evaluation.

- The Section 504 Committee shall obtain the consent of the student's parent or person in parental relationship prior to conducting an initial evaluation of the student.
- The Section 504 Committee shall be composed of persons knowledgeable about the student's school history and the student's individual needs.
- The Section 504 Committee shall consider all relevant information on the Student to determine whether he/she has a disability under Section 504. Information may include reports from physicians, observations from parents, teachers, school personnel, results of standardized tests, etc.
- The Section 504 Committee shall determine whether the student has a disability, and if so, develop a written accommodation plan describing the accommodations and/or services 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 accommodation plan.
- The student's parent or person in parental relationship shall be permitted to review all records considered by the Section 504 Committee.

Section 504 Due Process Hearing In the event a parent or person in parental relationship wishes to contest an action or omission on the part of the Pelham School District with regard to the identification, evaluation, or placement of a disabled child under §504 of the Rehabilitation Act of 1973 the parent has a right to an impartial hearing before an impartial Hearing Officer. A parent who wishes to challenge an action or omission with regard to the identification, evaluation, or placement of a disabled child under §504 must submit a written Request for a Due Process Hearing to the Director of Pupil Personnel Services, who is the Superintendent's Designee. Upon receipt of a request for a Hearing, the District shall conduct a hearing in accordance with the District's Section 504 Due Process Hearing Procedures. If either party is not satisfied with the decision of the Hearing Officer, the party may seek review of the Hearing Officer's decision in a court of competent jurisdiction.

Complaints to the Office for Civil Rights (OCR) At any time, a parent may file a complaint with OCR if he or she believes that the District has violated any provision or regulation of §504. The filing of a complaint does not affect the hearing process or the time lines set forth above. OCR addresses §504 complaints separately and independently of the local hearing process, in accordance with the guidelines set forth in OCR's Complaint Resolution Manual.

The OCR office is located at: Office for Civil Rights U.S. Department of Education 400 Maryland Avenue, SW Washington, D.C. 20202-1475 Telephone: 202-453-6020 FAX: 202-453-6021; TDD: 877-521-2172 Email: OCR.DC@ed.gov