Book	District Policies
Section	5000 Students
Title	RIGHTS OF STUDENTS WITH DISABILITIES UNDER SECTION 504
Code	5020.3
Status	Active

( ) Required
( ) Local
(X) Notice

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. 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, 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).

The Board directs the administration to identify, evaluate, refer, place, provide adaptations for and review all eligible students with disabilities. A student whose disability is episodic or in remission is still eligible to be qualified under the Act. In addition, the determination that a student has an impairment that substantially limits a major life activity will be made without regard to whether mitigating measures (such as medication, devices, prosthetics, hearing aids, etc.) ameliorate the effects of the disability.

Students with disabilities pursuant to Section 504 shall be provided a free appropriate public education which may include, but is not limited to, providing a structured learning environment; repeating and simplifying instructions about in-class and homework assignments; supplementing verbal instructions with visual instructions; using behavioral management techniques; adjusting class schedules; modifying test delivery; using tape recorders, computer-aided instruction, and/or other audiovisual equipment; selecting modified textbooks or workbooks and tailoring homework assignments or modification of nonacademic times such as lunchroom, recess and physical education.

The Board directs the Superintendent to provide the staff appropriate training in this area of the law so as to ensure that the district is able to comply with the law in not discriminating against students with disabilities.

The Board shall adopt a grievance procedure to resolve Section 504 complaints and designate an individual to coordinate compliance with Section 504. The Board shall ensure that students with disabilities and their parents are notified annually of the Board's responsibilities under Section 504.

Cross-ref:
0100, Equal Opportunity
4321, Programs for Students with Disabilities
5030, Student Complaints and Grievances
5420, Student Health Services

Ref:

Americans with Disabilities Act Amendment Act of 2008, 42 USC §§12101 et seq.
Rehabilitation Act of 1973, 29 USC §§705, 794 et seq. (Section 504)
34 CFR Part 104
Individuals with Disabilities Education Act, 20 USC §§1400 et seq. (IDEA)
Education Law, §§4401 et seq. (Article 89)
8 NYCRR Part 200

Adoption date:
October 18, 2021
Effective date:
July 1, 2022