

7621	Section 504 Policy
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The Board of Education of the Ballston Spa Central School District, its employees and agents do not discriminate against persons with disabilities in any school programs or activities and provides for Child Find to evaluate and identify students with disabilities and provides those identified with accommodations, supports and services, where necessary, to enable them to access District programs and activities.

- a. The Board of Education designates the Coordinator of the Committee on Special Education (CSE) to serve as the district-wide §504 Chairperson.
- b. A student with a disability, as referred to in this policy is a person eligible to attend the public schools who:
 1. Has a mental or physical impairment that substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, reading, concentrating and thinking or major bodily functions, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
 2. Is substantially limited in performing a major life activity as compared to most people in the general population.
 - i. Episodic impairments and impairments in remission constitutes a qualifying disability if, when active, it substantially limits a major life activity.
 - ii. The duration of a disability is not determinative.
 - iii. Except for eyeglasses, ameliorative effects of mitigating measures may not be considered when determining whether impairment substantially limits a major life activity.
 3. A student found disabled by the Committee on Special Education is automatically protected against discrimination under §504. Any rights the student may otherwise have been afforded under §504 shall be governed by Part 200 of the Commissioner's regulations.
 4. Students with a history of disability (more than 6 months in duration) and students treated as if they are disabled are also protected against discrimination under §504.

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- c. The District-wide §504 Chairperson shall be responsible for arranging for an evaluation and assembling a Centralized §504 Team, as required by law, to determine whether a student referred to the §504 Team meets criteria under §504 to be identified as a person with a disability. A student found to be a person with a disability under §504 shall be reviewed by the central §504 Team, to determine whether the student requires accommodations, supports and/or services to access the District's programs and/or activities, and, where necessary, shall develop and provide to the Parents and to the Building Principal the Student's Accommodation Plan.
- d. The Building Principal or designee of a student identified as disabled under §504 shall be responsible for the implementation of the Student's §504 Plan, reevaluation and periodical review of those students identified as disabled under §504 of the Rehabilitation Act. The building level principal or designee shall schedule a reevaluation every three years and program review, at least every other year, upon written request and prior to any significant change in program/ placement, including but not limited to proposed disciplinary removals and prior to a student's transition from elementary to middle school and from middle school to high school.
- e. The District shall post annually in at least two publications distributed to all residents of the District's procedures for requesting an evaluation of a child suspected of having a disability to determine §504 protections and shall post its general policy of nondiscrimination in multiple locations and publications, as appropriate.
- f. The Board of Education designates the Director of Special Education to serve as the §504 Compliance Officer who shall be responsible for the investigation and resolution of any complaints filed with the District alleging discrimination on the basis of a disability or procedural violations of §504. The §504 Compliance Officer shall also be responsible for arranging for periodic training of building administrators and other staff regarding their responsibilities to students with disabilities under §504 and the procedures governing child find, including the evaluations, identification and program/placement implementation of students identified as disabled.
- g. If the Parent seeks to challenge any procedural matter relating to the evaluation, identification or plan developed for a child with a disability or suspected of having a disability under §504, such person may file a Complaint with the §504 Compliance Officer who shall immediately commence an investigation and issue a written report of findings, conclusions and a plan for corrective action, where necessary, within thirty (30) days of receipt of such Complaint. The final report shall be mailed to the Complainant with a copy to the Superintendent of Schools and the Board of Education.

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- h. If the Parent disagrees with any matter involving the evaluation, identification or program recommended by the §504 Team, the Parent may request an impartial hearing. Such hearing shall be scheduled in accordance with the procedures set forth under the Individuals with Disabilities Education Improvement Act and shall provide for a one tier review. The §504 Compliance Officer shall appoint the impartial hearing officer from a list of individuals approved by the Board of Education which shall consist of individuals who are “impartial” as defined in state and federal regulations. Nothing in this policy shall limit the selection of §504 hearing officers to the State’s maintained rotational list under IDEA.

- i. Inquiries and or complaints regarding this policy and it implementation may also be directed to The United States Department of Education, Office for Civil Rights, Region II, 32 Old Slip, 26th Floor, New York, NY 10005, 646-428-3900.

Section 504 of the Rehabilitation Act of 1973, as amended in 2008.

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