

Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against any person with a disability by any federally funded agency or organization. It requires states to provide programs for eligible students with disabilities that are equal to those for students without disabilities.

An individual is considered disabled under Section 504 if he/she:

- has a physical or mental impairment which substantially limits one or more major life activity, or major bodily function.
- has a record of such an impairment,
- is regarded as having such an impairment.

Section 504 Eligibility

- A qualifying impairment is one that restricts an individual's major life activity as to the conditions, manner or duration under which the activity can be performed in comparison to most people.
- An individual must be restricted to a greater degree than a majority of people in order to qualify for coverage under Section 504. The impairment must be substantial, not mild or even moderate.
- The primary frame of reference is not the individual student's ability or even the achievement of his/her peers in the school or district; rather it is the performance level of the average student, in the same age/grade level in the national population as measured by a standardized instrument.
- Eligibility determinations are made based on current needs. Therefore, mitigating factors, such as medication, hearing aids, etc., are taken into consideration when determining the degree of the limitation to the life activity. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The Rye Neck UFSD develops Section 504 Accommodation Plans for eligible students with disabilities who require modifications within the school setting. These supports are contingent upon both a diagnosed disability and a demonstrated impact on school performance. Documentation for both of these criteria are necessary in order for a student to be eligible under Section 504.

When a request for an accommodation is received, the Section 504 Committee may require the following documentation:

1. An evaluation in the area of suspected disability which includes a definitive diagnosis.
2. Current evaluations (within the last year) which include test results reported in standard scores and percentiles. In cases of suspected learning disabilities the evaluation must include an aptitude assessment and an assessment of achievement in reading, mathematics and written language. Both the aptitude and the achievement evaluations must be made using a complete battery.
3. A description of the presenting problem along with a developmental history.
4. A description of the educational impact of the disability as supported by test data.
5. In cases where the disability is a medical condition, a completed Physician's Input Form is required (see attached).

6. Evidence from the school setting of the need for accommodations and/or modifications. This information collected from a variety of sources within the school will include teacher observations, standardized and classroom test results and report cards.
7. Any evaluation submitted for consideration by the 504 Committee must be conducted by an individual who possesses a valid license /certification in the area of evaluation.

In instances where a parent submits an outside evaluation for consideration by the 504 Committee, the Rye Neck UFSD reserves the right to conduct additional evaluations/assessments when necessary. In these instances, the parents will be notified and the assessment will be initiated upon consent of the parent.

Requests for evaluations or accommodations can be submitted to the school psychologist or principal. Tests results will be reviewed with parents prior to the 504 Committee meeting.

The 504 Committee may consist of a school administrator, the school psychologist, a special educator, a school nurse and a classroom teacher. At the secondary level, the guidance counselor will also be part of the Committee. Parents are invited to attend and may bring any professionals who have worked with their child and maintain a relevant area of expertise. The 504 Committee will review all evaluations and documentation and will be responsible for all final decision regarding eligibility and accommodations