

Pittsford Central School District Section 504 Process

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights statute that prohibits discrimination against persons with disabilities in programs receiving federal financial assistance. It provides students with disabilities meaningful access to a school district's general education opportunities and programs, which means that whenever possible, school districts should provide reasonable accommodations to enable students with disabilities to participate in general education programs and activities. Section 504 permits classroom and testing accommodations for students in order to provide access to the same opportunities and programs as students without a disability.

Eligibility

A student is eligible for services under Section 504 according to the Americans with Disabilities Act (ADA) definition of a person with a disability as an individual with a physical or mental impairment that **substantially limits** one or more **major life activities**. A student is determined to be eligible or ineligible for Section 504 accommodations through the Section 504 Process.

504 Referral

A student should be evaluated for Section 504 eligibility when:

- 1) The parent expresses concern that his child is in need of Section 504 accommodations or specifically requests an evaluation
- 2) When the student's behavior or academic performance demonstrates the need for accommodations
- 3) When the student's teacher or other personnel expresses concern about behavior or academic performance

Evaluation/Evaluative Review

Section 504 requires the 504 team to only evaluate the student's specific areas of educational need. A student does not require a full evaluation for every Section 504 referral (unless it is warranted based on the student's presenting needs). In cases where the student does not need any specific evaluation, an Evaluative Review will be completed. Pittsford Schools will use the 60 calendar day CSE timeline as a guideline to complete the Section 504 process, which means that from the date of the *receipt of consent*, the Section 504 team should:

- 1) Complete the initial evaluations in the area(s) of educational need using validated evaluation materials that accurately reflect the factors they purport to measure administered by trained personnel; or

- 2) Complete an Evaluative Review to review existing documents, track data, and review areas of need.

In assessing whether a student has a Section 504 qualifying disability, information will be gathered from multiple sources to better understand the needs of the student.

Relevant information could include the following:

- Information gathered from school records, observations, and/or interviews
- Medical records, rating scales, student work samples, curriculum based measurements
- Interviews with student's teacher, parents, medical and/or mental health professionals who have worked with the student (with parental consent)
- Educational records such as attendance, standardized test scores, disciplinary records, hearing or vision screenings
- Information gathered through Instructional Support Team (IST) referrals, Response to Intervention (RtI) data, Academic Intervention Supports (AIS), or other interventions used to support the student
- Physician Recommendation

While the district takes this information into consideration, it is important to note that the physician recommendation is only a suggestion. It is the physician's responsibility to provide a medical diagnosis; it is the district's responsibility to evaluate the student's needs using multiple sources. Ultimately, it is the responsibility of knowledgeable school staff and the Section 504 team to determine eligibility and to develop and implement any necessary accommodations for the student.

Consent

The Office of Civil Rights (OCR) has determined that parental consent is necessary for an initial evaluation and the initial implementation of a Section 504 Accommodation Plan. Therefore, signed consent must be obtained:

- 1) Prior to administering any Initial evaluations (or an Evaluative Review) to determine eligibility under Section 504;
- 2) For initial implementation of a Section 504 Accommodation Plan; and
- 3) Prior to a Reevaluation to determine continued eligibility under Section 504

Federal and state laws permit parents to unilaterally revoke consent for services at any time and for any reason (or no reason at all), which enables parents to withdraw consent for an initial Section 504 evaluation, Evaluative Review, or Section 504 accommodations.

Once parental consent is received for initial implementation of a Section 504 Accommodation Plan, then the school team will begin to implement the accommodations in the school setting.

Prior Written Notice (PWN): Under Section 504, school districts are required to provide parents with written notice that details any recommendations or decisions

regarding initiation of or change in identification, evaluation, placement, or the provision of Free Appropriate Public Education (FAPE).

Section 504 Team

The Section 504 Team is comprised of individuals who have knowledge of the student, meaning of the evaluation data, and placement options. It should include the parent, the Section 504 Chairperson, and (or input from) any other staff members who have information related to the student's academic performance, disability, and need for accommodations.

Types of Meetings

Annual Review: Once determined eligible, a student's 504 plan will be reviewed annually.

Reevaluation: Eligibility will be reviewed at least once every three years.

Additionally, Section 504 requires the 504 Team to conduct an Evaluative Review before any significant change in placement, including before the discontinuation of a Section 504 Plan. Procedures will be specific to the student's needs and will include appropriate evaluations as determined by the school team.

Any changes to a 504 Plan require a meeting *or* parental consent to amend the document with no meeting. The team must review and consider multiple data to support a change, including teacher feedback, parent input, and/or any additional relevant evaluations or reports. Once complete, the new 504 Plan must be sent home to parents.

Discontinuation

If a plan is no longer needed, it must be officially terminated by a review of the 504 Team. Parents must be included and must be in agreement.

Section 504 Accommodations and Services

Supplementary aids and services means aids, services and other supports to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in the least restrictive environment.

Accommodations are alterations or adjustments to the environment, instruction, or material that provide an individual with a disability access to the general education curriculum content or to complete an assigned task. Accommodations do not alter the content of what is being taught or measured.

The accommodations that are provided based on a student's 504 Plan are implemented in the general education classroom and the classroom teachers are responsible for reading all 504 Plans and directing any questions that they have to the service coordinators. Classroom teachers will be asked to participate in data collection prior to

Annual Reviews, Reevaluations, and/or to provide support for the initial eligibility or discontinuation of a 504 Plan for a student.