

## **STUDENTS WITH DISABILITIES PURSUANT TO SECTION 504**

It is the responsibility of the Patchogue-Medford Public School District to identify and evaluate students, who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.

Under the Act, a student who may need special services or programs within the intent of Section 504 is one who:

- 1- Has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
- 2- Has a record of such impairment; or
- 3- Is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act. (IDEA).

### **Identification and referral procedures:**

Any student who needs or is believed to require special education or related services not available through existing programs in order to receive a free appropriate public education (FAPE) may be referred by a parent, teacher, or other certified school employee to the Section 504 Coordinator for identification and evaluation of the student's individual education needs.

The Section 504 Coordinator will see that a 504 Committee comprised of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options is created.

The Superintendent of Schools or his designee will monitor the composition of the Section 504 Committee to ensure that qualified personnel participate.

The Section 504 Committee will consider the referral and, based upon a review of the student's existing records, including academic, social and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the Section 504 Coordinator will inform the parents or guardian of this decision and of their procedural rights.

### **Evaluation**

Evaluation of the student and formulation of a plan of services will be carried out by the Section 504 Committee according to the following procedures:

**Students with Disabilities Pursuant to Section 504 (Continued)**  
**Evaluation (Continued)**

1- The Section 504 Committee will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.

2- No final determination of whether the student will or will not be identified as a disabled individual within the meaning of Section 504 will be made by the Section 504 Committee without first inviting the parent or guardian of the student to participate in a meeting concerning such determination.

3- A final decision will be made by the Section 504 Committee in writing, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them including the right to an impartial hearing and review.

**Accommodation Plan:**

1- For a student who has been identified as disabled within the meaning of Section 504 and in need of special education or related aids and services, the Section 504 Committee shall be responsible for determining what special services are needed.

2- In making such determination, the Section 504 Committee shall consider all available, relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the district's professional staff.

3- The parents or guardian shall be invited to participate in Section 504 meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.

4- The Section 504 Committee will develop a written plan describing the disability and the special education or related services needed. The plan will specify how the regular or special education or related aids and services will be provided and by whom.

5- The team may also determine that no special education or related services are appropriate

6- A disabled student shall be placed in the regular educational environment of the district, with the use of supplementary aids and services, unless the district demonstrates that such placement cannot be achieved satisfactorily. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.

7- The Section 504 Committee shall notify the parents or guardians in writing of its final decision concerning the services to be provided.

**Students with Disabilities Pursuant to Section 504 (Continued)**  
**Accommodation (Continued)**

8- If a plan for providing related services is developed, all school personnel who work with the student shall be informed of the plan.

**Review of the student's progress**

The Section 504 Committee will monitor the progress of the disabled student and the effectiveness of the student's education plan annually to determine whether special education or related services are appropriate and necessary, and the disabled student's needs are being met adequately as the needs of the non-disabled students.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

**Procedural safeguards:**

The parents or guardian shall be notified in writing of all district decisions concerning the identification, evaluation, or educational placement of students made under this policy.

The parents or guardian shall be notified that they may examine relevant records.

As to such decisions by the district, the parents or guardian shall have the right to an impartial hearing ("Section 504 due-process hearing"), with the opportunity for participation by the parents or guardian and their counsel. In the notification of any district decision concerning identification, evaluation, or placement, the parents or guardian will be advised that:

- A request for a Section 504 due-process hearing should be made within forty-five (45) days of notice of right to file.
- The request shall be made to:  
     Coordinator of Special Education  
     Patchogue-Medford Public Schools
- The hearing will be held in accordance with this Regulation.

**Section 504 Due-Process Hearing Procedures**

An impartial hearing will be utilized to resolve differences involving the education of a Section 504 qualified disabled student when such differences cannot be resolved by means of a less formal procedure. In this instance, **due-process** is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the committee regarding application of Section 504. A Section 504 due-process hearing may be called at the request of the district or a

**Students with Disabilities Pursuant to Section 504 (Continued)**  
**Section 504 Due-Process Hearing Procedures (Continued)**

parent, guardian, or surrogate of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. **Impartial hearing officer** means a person selected to preside at a due-process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties. The District shall select such hearing officer using a board approved rotational impartial hearing officer list. The Board President is authorized to immediately appoint such hearing officer subject to final approval of the board of education at their next scheduled board meeting.

In all related hearing matters the following definitions shall apply:

- **Days** means calendar days.
- **Placement plan** means the program by which the decision concerning the educational placement of the student is decided.
- **Parents** means parents, guardians, or surrogate parent.

Parents or the district may initiate a due-process hearing on a matter related to:

- (1) eligibility and related procedures
- (2) procedural safeguards, or
- (3) provision of a free and appropriate public education to the student.

Requests for a due-process hearing must be submitted in writing to the Section 504 Compliance Officer. Hearing notifications to the parents shall be given at least ten (10) days prior to the date set for the hearing. The notice shall contain:

- A statement of time, place, and nature of the hearing.
- A statement of the legal authority and jurisdiction under which the hearing is being held.
- A reference to the particular section of the statutes and rules involved.
- A statement of the availability of relevant records for examination.
- A short and plain statement of the matters asserted.
- A statement of the right to be represented by counsel.
- All written correspondence shall be provided in English and/or interpreted in the primary language.
- If an impartial due-process hearing is held under the IDEA concerning issues relevant to the Section 504 proceeding, a hearing officer qualified to conduct IDEA proceedings may consider Section 504 issues at the impartial hearing. The issues under IDEA and Section 504 shall be separately addressed in the hearing decision.

**Students with Disabilities Pursuant to Section 504 (Continued)****Decision of the Hearing Officer**

A copy of the hearing officer's decision shall be delivered to the district and the parent, guardian, or surrogate within thirty (30) days following completion of the hearing, which in no event shall be later than sixty (60) days after receipt of the request for a hearing.

Notification will include a statement that either party may appeal the decision.

The decision of the hearing officer is binding on all parties concerned, subject to judicial review.

**Record of Hearing**

A written or electronic verbatim recording of the Section 504 due-process hearing shall be on file at the district office and will be available for review upon request to the parents and/or any of the involved parties. Parents may have a copy of the proceedings, in English and in the primary language of the home.

Adopted:

January 27, 2020