

MILLER PLACE UNION FREE SCHOOL DISTRICT
Special Education Department
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SECTION 504

CRITERIA AND PROCEDURAL SAFEGUARDS

Section 504 Criteria

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance, including public schools. Section 504 requires school districts to provide qualified students with disabilities a free appropriate public education (FAPE) through regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met.

A student may be protected under Section 504 if the student has a physical or mental impairment that substantially limits one or more major life activities. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major bodily functions are also included. An impairment that is episodic or in remission may constitute a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity is individualized and is made without regard to the ameliorative effects of mitigating measures, except for ordinary eyeglasses or contact lenses. A student does not need to be substantially limited in the major life activity of learning to be protected under Section 504.

The District will evaluate a student when, because of a disability, the student needs or is believed to need special education or related aids and services. An evaluation under Section 504 is not limited to formal testing. The Section 504 Committee draws upon information from a variety of sources and documents and carefully considers the information obtained. Sources may include, as appropriate, parent input, teacher input, school records, observations, assessments, medical or clinical information, and other relevant information.

Eligibility, evaluation, and placement decisions are made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. Parents/persons in parental relation are invited to participate in the Section 504 process. A medical diagnosis may be relevant to the Committee's consideration, but a diagnosis alone does not automatically establish eligibility or determine the aids and services a student may require.

If the Section 504 Committee determines that a student is eligible and requires regular or special education and/or related aids and services to receive FAPE, the Committee will develop a Section 504 Plan describing the student's individual needs and the aids and services to be provided. The District will periodically reevaluate students receiving services under Section 504 and will reevaluate a student before a significant change in placement.

Section 504 Procedural Safeguards Notice

Section 504 requires the District to establish and implement procedural safeguards regarding the identification, evaluation, and educational placement of students who, because of disability, need or are believed to need special education or related aids and services. Parents/persons in parental relation must be informed of these safeguards.

Your Rights Under Section 504

- **Notice:** You have the right to receive notice regarding actions concerning your child's identification, evaluation, or educational placement.
- **Educational Records:** You have the right to examine relevant educational records relating to your child.
- **Evaluation:** You have the right to an evaluation before your child's initial placement and before any subsequent significant change in placement. Evaluation and placement decisions must draw upon information from a variety of sources, and the information obtained must be documented and carefully considered.
- **Knowledgeable Committee:** You have the right to have evaluation and placement decisions made by a group of persons knowledgeable about your child, the meaning of the evaluation data, and the placement options.
- **Periodic Reevaluation:** You have the right to have your child periodically reevaluated if the child is receiving special education or related aids and services under Section 504.
- **Impartial Hearing:** You have the right to request an impartial hearing concerning decisions regarding your child's identification, evaluation, or educational placement.
- **Participation and Counsel:** You have the right to participate in the impartial hearing and to be represented by counsel at your own expense.
- **Review Procedure:** You have the right to seek review of the impartial hearing decision in accordance with the District's Section 504 procedures.
- **District Grievance Procedure:** You may file a grievance with the District's Section 504 Compliance Officer regarding an alleged violation of Section 504. Use of the District's grievance procedure is not a prerequisite to requesting an impartial hearing regarding identification, evaluation, or educational placement.
- **Office for Civil Rights:** You may file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR), regarding an alleged violation of Section 504.

Discipline and Significant Changes in Placement

Section 504 requires reevaluation before a significant change in placement. In the disciplinary context, an exclusion of more than 10 consecutive school days, or a series of removals that constitutes a pattern of exclusion, may constitute a significant change in placement. Before implementing a disciplinary change in placement for a student protected by Section 504, the District will follow applicable Section 504 evaluation and due process requirements, including determining whether the conduct was caused by or was a manifestation of the student's disability.

Questions or Requests for Due Process

Questions concerning Section 504, requests for an impartial hearing, or grievances regarding alleged violations of Section 504 should be directed to the District's Section 504 Compliance Officer/Coordinator at the Miller Place Union Free School District. District contact information and applicable grievance or hearing procedures may be provided with this notice or obtained from the Office of Pupil Personnel Services.