

BEACON CITY SCHOOL DISTRICT 504 ACCOMMODATION PLAN

Section 504 of the
Rehabilitation Act of 1973

Revised August 2007

OVERVIEW

The Beacon City School District does not discriminate on the basis of disabling condition or gender in its educational program, activities or employment practices, in compliance with Section 504 of the Rehabilitation Act of 1973, with Title IX and the Americans with Disabilities Act.

Individuals who need auxiliary aids for effective communication or reasonable accommodations to participate and benefit equally from programs and services should make their needs and preferences known to the Building Principal, Director of Pupil Personnel Services or Assistant Superintendent.

EQUAL EMPLOYMENT OPPORTUNITY

The District will provide equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, national origin, political affiliation, sex, age, marital status or disabling conditions. Provisions will be provided for the publication and dissemination, internally and externally, of this accommodation plan to insure its availability to interested citizens and groups.

Those intending to file a grievance due to alleged discrimination must follow the grievance procedure, as established by the District.

INDIVIDUALS WITH DISABLING CONDITIONS

The Beacon City School District confirms its commitment to ensuring nondiscriminatory treatment toward qualified individuals with disabling conditions in all employment practices and related activities. Job descriptions for all District positions will be developed and maintained by administration, reflecting the essential functions that an employee must be able to perform, with or without reasonable accommodation. Additionally, administration will establish grievance

procedures that provide for the prompt and equitable resolution of complaints alleging discrimination.

Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII – origin.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities prohibits discrimination regarding sex.

Executive Law Section 291(1) 45 CFR, Part 90 (Federal Register, June 4, 1975, August 11, 1975) – prohibits discrimination regarding age and marital status.

STUDENTS WITH DISABLING CONDITIONS PARTICIPATION IN SCHOOL DISTRICT PROGRAMS.

All students with disabling conditions residing in the District will be provided with full access and opportunity to participate in District programs, including extra-curricular programs and activities, that are available to all other students enrolled in the public schools of the District. Parents/legal guardians of students with disabling conditions, including those students placed in out-of-district programs, will receive timely notice of such District programs and activities.

Commissioner's Regulations Section 200.2(b)(1)

INTRODUCTION AND PURPOSE

The Beacon City School District does not discriminate on the basis of disability with regard to admission, access to programs or services, treatment or employment in programs and activities conducted by the District or contracted with another entity. The District will make reasonable accommodations for students, parents and employees with disabilities and will provide appropriate educational programs for all resident students.

SECTION 504 REGULATIONS TITLE 34, CODE OF FEDERAL REGULATIONS (CFR), PART 104.3

A person is regarded as having a disability if he/she:

- a) has a physical or mental impairment that substantially limits one or more major life activities;
- b) has a record of this impairment; or
- c) is regarded as having an impairment

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities, including students by school districts receiving Federal financial assistance. Within the regulations, written by the U.S. Department of Education for Section 504, is the requirement that students with disabilities receive a free appropriate public education. The Beacon City School district policies and procedures insure that students are afforded identification, evaluation, the provision of appropriate services and procedural safeguards. Students who are disabled under Section 504 will not be categorically excluded from services available under Article 89 of the Education Law on the basis of a medical diagnosis not included among the classifications enumerated in Part 200 of the Commissioners Regulations.

The Individuals with Disabilities Education Act (IDEA), defines as eligible only students who have certain specified types of disabilities and who, because of one of these conditions, need special education programs and/or related services. Section 504 protects the civil rights of all disabled students, defined as those having any physical or mental impairment that substantially limits one or more major life activity. Section 504 covers students who meet this definition even if they do not fall within the IDEA enumerated categories. The needs of students pursuant to the IDEA are identified under New York State Education Law Section 4402 and Part 200 of the Commissioner of Education's Regulations regarding the Committee on Special Education and the Committee on Preschool Special Education (CSE/CPSE).

PROCEDURES FOR IMPLEMENTATION OF SECTION 504 OF THE REHABILITATION ACT OF 1973 (Students)

Each qualified student within the Beacon City School District will receive a free and appropriate public education.

A. IDENTIFICATION AND REFERRAL PROCEDURES

If a student is participating in the regular education program, yet has a disability which substantially limits one or more major life activity, has a record of such an impairment or is regarded as having such an impairment and requires further accommodations, the student can be referred to the Building Principal or the Director of Pupil Personnel Services for Section 504 purposes. Parents and staff who wish to initiate a referral to determine Section 504 eligibility must place this request in writing to the Building Principal or Director of Pupil Personnel Services. Parents of students considered to warrant Section 504 eligibility would receive notice regarding actions affecting the referral, evaluation, meetings, identification and educational accommodations for the children and procedural safeguards/ due process. (See Parent Notification/Referral Letters – Appendix A, Section 504 Referral and Request for Consent).

Each Section 504 Building Team is composed of staff members knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data and accommodation and placement options. The Pupil Personnel Director and Building Principal will monitor the composition of the Section 504 Building Teams to ensure that qualified personnel participate. In many cases, the Section 504 Building Team will be composed of similar membership to current Instructional Support Teams.

The Section 504 Building Team will consider the referral, and based upon a review of the student's existing records, make a decision as to whether an evaluation under this procedure is appropriate. Due process rights will be provided to parent or guardians. A school district is required to evaluate a student believed to have a disability prior to an initial placement or any subsequent significant change in placement.

The Committee on Special Education (CSE) may also recommend that the student be referred pursuant to Section 504, if they find the student ineligible for special education services but still in need of accommodations.

B. EVALUATION

Evaluation of the student to determine the existence of a disability under Section 504 and, where appropriate, formulation of an accommodation plan will be carried out according to the following procedure:

The Beacon City School District's Section 504 Building Team will evaluate the nature of the student's suspected disability upon the student's ability to participate in educational program and/or activities in the Beacon City School District that are provided to non-disabled peers.

The Parent Notice of 504 Referral to parents of student referred under Section 504 will include a request for written consent for an initial evaluation and also include procedural safeguards/due process rights.

Specific parental consent is required for an initial evaluation pursuant to OCR policy clarification. The Beacon City School District will conduct a psycho-educational evaluation in any situation in which the 504 Team requires additional information upon which to determine a student's eligibility or to identify appropriate accommodations. In such cases, if the parent does not give consent for a psycho-educational evaluation, the 504 process may not proceed. Consequently, the Building Principal will contact the 504 Coordinator directly to discuss alternatives.

No final determination of whether the student will or will not be identified as an individual with a disability in regard to the intent of Section 504 would be made without first inviting the parent or

guardian of the student to participate in a meeting to fully discuss and review the results of the evaluation. (See Committee Meeting Invitation – Appendix B).

The Building Principal, upon receipt of request for a Section 504 review, will contact the Section 504 Committee Chairperson and the Building Section 504 Team in order to initiate an evaluation. If the request for a Section 504 review is received by the Director of Pupil Personnel Services, the Director will notify the Building Principal and the Section 504 Chairperson. The Principal will then notify the 504 Building Team.

The Section 504 Building Team will initiate a formal referral to the District’s Committee on Special Education at any point during the evaluation process if a basis for an educational disability under IDEA is identified.

A final determination will be made by the Section 504 Building Team, in writing, and the parents or guardian of the student would be notified of the Section 504 procedural safeguards available to the, including provisions of the District’s Section 504 Grievance Procedure, as well as the right to an impartial hearing and review.

Periodic re-evaluation of students classified with an educational disability under Section 504 will be provided. Re-evaluation must be conducted prior to any significant change in the student’s accommodations and provision of a free and appropriate public education. As a general District practice, a yearly review of each student’s Accommodation Plan will be conducted by the Section 504 Building Team. The purpose of this review will be to re-familiarize all staff members with each student’s plan and, if appropriate, to re-evaluate student’s eligibility or accommodation needs. The Section 504 Committee Chairperson will send home to parents a copy of the ongoing Accommodation Plan for each eligible student within the first several weeks of each school year.

C. ACCOMMODATION PLAN

For a student who has been identified as disabled within the meaning of Section 504, the Building Team will be responsible for determining what special services are required and the provision of a free and appropriate public education.

In making such determination, the Section 504 Building Team will 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. The Team would make sure that all appropriate information is documented and considered.

The parents and guardians will be invited (Appendix B) to participate in the Section 504 meetings where evaluations and accommodations/services for the student will be determined and would be given an opportunity to examine all relevant records.

For student determined to have a disability under Section 504, the Team will develop a written plan (see Student 504 Accommodation Plan – Appendix C) describing the disability and appropriate accommodations. The plan will specify how reasonable accommodations are provided. The Building Principal will insure that all appropriate school personnel are informed.

A student with disabilities will remain in the regular educational environment of the Beacon City School District, education with non-disabled peers, with use of supplementary aids and services, to the maximum extent appropriate within the least restrictive environment.

The 504 Building Team may also determine that a Section 504 disability does not exist and impact upon the student's ability to benefit from a free appropriate public education (FAPE) in the Beacon City School District. A notice of this determination will be provided to the parent or guardian, indicating the documented information considered.

The Section 504 Committee Chairperson (BOE Appointment) will notify the parents or guardian in writing (504 Recommendation (eligible/ineligible) – Appendix D) of its final decision in all instances.

The Building Principal will notify teachers and all other relevant staff members regarding the accommodations the student is entitled to receive.

D. PROCEDURAL SAFEGUARDS/DUE PROCESS

The following is a description of the rights granted by Federal law to students with disabilities. The intent of the Section 504 law is to keep you fully informed concerning decisions about the determination on a disability for your child and to inform you of your rights if you disagree with the recommendations of the Section 504 Team.

All information will be provided in the parent's or guardian's native language or primary mode of communication. The right to have their child take part in public education programs without discrimination because of his/her disability.

Parents of students considered for or determine to warrant Section 504 eligibility will receive notice regarding actions affecting the referral, evaluation, meetings, identification and educational accommodations for their children and procedural safeguards/due process.

The parent/guardian has a right to inspect their child's educational records, including the right to obtain copies of educational records at a reasonable cost, unless the cost would deny them access to the records. The parent/guardian also has the right to amend the record if they believe information contained in the record is inaccurate or misleading (consistent with Family Education Rights to Privacy Act – FERPA).

A student with disabilities will remain in the regular educational environment of the Beacon City school District, receive a free appropriate public education (FAPE), educated with non-disabled peers, with the use of supplementary aides and services, to the maximum extent appropriate within the least restrictive environment.

Students found to have a disability will be given an equal opportunity to participate in non-academic and extracurricular activities offered by the Beacon City School District.

Provisions of the Beacon City School District's Section 504 Grievance Procedure provide steps to address concerns or complaints. Where necessary, the District encourages the parent/guardian to seek informal mediation to discuss a dispute regarding the final decision of the Section 504 Building Team, prior to filing for due process hearing.

If the efforts of the informal mediation fail, or parents/guardians do not seek mediation, parents/guardians have a right to an impartial hearing. Parents/guardians have the right to be represented by and advocate or counsel in the impartial hearing process. Parents/guardians have the right to appeal the impartial hearing officer's decision to an applicable Court of Jurisdiction.

The Beacon City school District does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender or sexual orientation in the education programs and activities which it provides. Inquiries concerning this accommodation plan should be referred to the appropriate Section 504/ASA Coordinator of the Beacon City School District (Director of Pupil Personnel Services).

Issues Relating to Staff/Personnel Matters and Issues Related to Student Matters: the Director of Pupil Personnel Services.

SECTION 504 GRIEVANCE/COMPLAINT PROCESS/PROCEDURES OVERVIEW

DEFINITIONS

- Claimant will mean a citizen, student, employee or prospective employee who claims a school district violation of Section 504 of the Rehabilitation Act of the Americans with Disabilities Act (ADA).

- Claimed violations will mean a failure to comply with Section 504 or the Americans with Disabilities Act rules and regulations prohibiting discrimination based upon disability.
- The Section 504/ADA Compliance Office will mean the person designated by the Board of Education to coordinate activities relating to compliance with Section 504/ADA rules and regulations.

BASIC PRINCIPLES

- It is the intent of these procedures to provide for the orderly presentation and settlement of claimed violations of Section 504/ADA rules and regulations.
- The claimant has a right to present claimed violations of Section 504/ADA free from coercion, interference, restraints, discrimination and reprisal.
- It will be the responsibility of the Building Principal and the Section 504/ADA Coordinator (Director of Pupil Personnel Services) to take such steps as may be necessary to give force and effect to compliance procedures.

PROCEDURES FOR STUDENTS AND PARENTS/GUARDIANS

1. The student or parent/guardian should discuss said complaint with the Building Principal. The complaint should be informally discussed, and if possible, a solution will be recommended.
2. If a formal written complaint is filed with the Principal, he/she will provide a written decision within 15 school days. Copies of the written decision will be sent to the complainant and the 504 Coordinator (Director of Pupil Personnel Services).
3. If the complaint is not satisfactorily resolved at Step 1, the complainant may request, in writing, a resolution of the claimed violation from the appropriate Section 504 Coordinator (Director of Pupil Personnel Services).
4. The 504 Coordinator will meet with the parent/guardian and/or student (and other individuals as deemed appropriate by the 504 Coordinator) with the objective of arriving at a mutually agreeable solution.
5. After the meeting, the 504 Coordinator will notify the complainant in writing of the decision and the reasons therefore within 15 school days from the date of receipt of the written request to the Director of Pupil Personnel Services.
6. The complainant, if still dissatisfied, may request in writing, a hearing and determination of the claimed violation by the Superintendent of Schools.
7. The Superintendent will, after receipt of the written request, meet with the parent/guardian and/or student (and other individuals as deemed appropriate by the Superintendent) with the object of arriving at a mutually agreeable solution.
8. After meeting, the Superintendent will notify the complainant in writing, of the decision and the reasons therefore within 15 days of the receipt of request to the Superintendent of schools.

9. If the complainant is not satisfied with the decision of the Superintendent of schools, an appeal may be made to the Board of Education. The Board will authorize an impartial hearing officer. The hearing officer will be an individual who has not participated at any stage of the complaint process. The hearing will be scheduled at a mutually convenient time. Following the hearing, a written decision, including appropriate notification of appeal procedures, will be communicated to all parties.
10. If the complainant is not satisfied with the Board's response, recourse may be had pursuant to procedures available through the New York State Education Department, the U.S. Department of Education, or the courts having jurisdiction over such matters.

EMPLOYEES AND APPLICANTS FOR EMPLOYEMENT

In situations where staff members or prospective employees believe there has been discrimination against them on the basis of disability, they may submit a complaint to the appropriate Section 504/ADA Compliance Officer (Assistant Superintendent). To ensure that employment practices are equitable and do not promote discrimination against persons with disabilities, the Section 504/ADA Compliance Officer would analyze and make recommendations to amend existing policies and procedures, as needed, regarding the following District employment aspects:

- recruiting, advertising and processing of employment applications;
- Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right or return from layoff and rehiring;
- rates of pay or any other forms of compensation and changes in compensation;
- job assignments, job classification, organizational structure, position descriptions, lines of progression and seniority lists;
- leaves of absence, sick leave or any other leave;
- fringe benefits available by virtue of employment, whether or not administered by the recipient;
- selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection of leave of absence to pursue training;
- employer-sponsored activities, including social and recreational programs; and
- another term, condition, or privilege of employment.

PROCEDURES FOR PERSONNEL AND COMMUNITY MEMBERS

The individual(s) with a complaint will request in writing, a resolution of the claimed violation from the Building Principal or Section 504/ADA Compliance Officer. The Building Principal or Compliance Officer will meet with the complainant with the objective of arriving at a mutually

agreeable solution after the meeting, the Superintendent will notify the complainant in writing of the decision and the reasons therefore.

The complainant, if still dissatisfied, may request in writing, a hearing and determination of the claimed violation by the Superintendent of Schools. The Superintendent will after receipt of the written request, meet with the complainant with the objective of arriving at a mutually agreeable solution. The Building Principal or Compliance Officer will notify the complainant in writing of the decision and the reasons therefore.

If the complainant is not satisfied with the decision of the Superintendent of Schools, an appeal may be made to the Board of Education. The Board will authorize an impartial hearing and appoint a hearing officer. The hearing officer will be an individual who has not participated at any stage of the complaint process. The hearing will be scheduled at a mutually convenient time. Following the hearing, a written decision, including appropriate notification of appeal procedures, would be communicated to all parties.

