

South Bronx Charter School for International Cultures and the Arts

Policy for Section 504 Accommodations

Implementation of Policy

The special education coordinator at the school will ensure compliance with this policy and will oversee use of this document at the school level. The Coordinator will also work with school principals to convene 504 Teams to evaluate requests for accommodations, will oversee delivery of any accommodations, and will maintain data relevant to the school's implementation of the Section 504 policy (including records of which students have current 504 plans in place, the accommodations given to those students, and written records of any incidents related to, or resulting from, a student's 504 plan).

Requests for 504 Accommodations - Initiated by Parents and/or School Staff

Teacher meets with the 504 Team and submits their recommendation. When staff initiates a request by contacting the school's Special Education Coordinator, the coordinator must notify the parent within five school days that they have received an evaluation request and document in a student information system. The Coordinator will need to ensure that parents are well informed of the Section 504 processes through delivery of the Notice of Non-discrimination and the Parental Rights Notice. Parents must then get accommodations approved and signed off by their family physician. Parent then submit to the school the signed documentation review and approve.

Parental requests for 504 accommodations must be approved and signed off by their family physician. Parent then submit to the school the signed documentation review and approve.

504 Evaluation Process

Composition of School-based Team

The Special Education Coordinator and the School Principal will determine the composition of the 504 Team. Best practice dictates that a 504 Team should consist of at least two persons other than the student's parent, including:

1. One person familiar with the student's abilities;
2. One person able to interpret any reports or evaluations that have been provided by either the parent or the school in connection with the request for accommodations; and
3. One person knowledgeable about the accommodations available to meet the student's needs.

Timeline

The Special Education Coordinator must schedule the 504 Assessment Meeting within 30 school days of receipt of an initial written request for 504 Accommodations or a written request for a change to a student's 504 plan.

Parents should be notified in writing of the purpose, date, time and place of the 504 Team Meeting. Such notice should be given at least five school days prior to the meeting.

Eligibility Determination

The 504 Team must first decide whether the student is a qualified individual with a disability as defined under Section 504 of the Rehabilitation Act of 1973 before determining what, if any, accommodations are needed. A student is a qualified individual with a disability under 504 only if s/he has a physical or mental impairment that **substantially** impairs a major life activity. In order to begin the process of determining student eligibility, the 504 Team must seek Consent for 504 Evaluation from parents.

The 504 Team must consider **all** relevant information, including any reports, evaluations or diagnoses provided by the student's parents as well as the student's grades, disciplinary referrals, health information, language surveys, parent information, standardized test scores and teacher comments.

Accommodations

If the 504 Team determines that the student has a physical or mental impairment that substantially impairs a major life activity, it must next decide what, if any, accommodations are necessary for the student to participate on an equal basis with her/her non-disabled peers.

Accommodation Plan

If the 504 Team determines that accommodations are required, it should draft a 504 Plan for the student. The Plan should specify the names and titles of the 504 Team participants, the materials considered in reaching the decisions, and the accommodations that will be offered to the student.

- **Testing Accommodations**

Requests for accommodations in the form of testing modifications should be made at the beginning of the academic year or immediately upon discovery of a condition that would warrant such a request. Testing modification requests should not be made immediately prior to State testing except in cases of emergency.

Eligibility for testing accommodations is subject to the standards necessary to maintain the integrity of test content and programs in accordance with procedures established by the New York State Commissioner of Education.

Parental Consent

No Accommodation Plan may be implemented without written parental consent. The Special Education Coordinator should **provide two copies** of the 504 Plan to the parent for his/her approval and signature. The parent should return one copy of the plan with his/her signature to the Special Education Coordinator and should retain the other copy for their records. Parental consent is valid until the end of the current school year unless the parent informs the Special Education Coordinator that s/he no longer consents to the provision of the agreed-upon accommodations.

Annual Review of a 504 Plan

- 504 Accommodation Plans must be reviewed by the Special Education Coordinator on an annual basis.
- The Special Education Coordinator will send home the Continuation Request Form for the upcoming school year to each parent whose child had a 504 Accommodation Plan during the preceding school year. An example is found in the appendix.
- The Continuation Request Form should be taken to the family physician so the annual review of your child's health and wellbeing can be assessed. When your family physician assesses and signs that no changes to the student's Plan are needed, the parent should sign the form and return it to the Special Education Coordinator, who will ensure that the 504 Plan is disseminated to all parties responsible for implementing it.
- If the parent indicates that changes need to be made to the 504 Plan, or personnel responsible for implementing the 504 Plan indicate that there is a problem with implementation, a full team must convene to modify the 504 Plan.
- A full team should convene to review a student's 504 Plan when a student begins at a new school.

Opportunity to Examine Relevant Records

Parents have the right to examine the records of their child relating to referral, evaluation, development, and implementation of 504 Plans.

Parental Rights

Section 504 Parent Rights

Section 504 of the Rehabilitation Act of 1973 provides services for students identified as having a disability, as defined by the act, which substantially limits a major life activity. You have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination on the basis of his/her disability;
2. Have the school advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities comparable to and receive services comparable to those provided to non-disabled students;
6. Have your child receive accommodations, modifications and/or related services if he/she is found to be eligible under Section 504 of the Rehabilitation Act;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. Have transportation provided to and from the location of an alternative placement at no greater cost to you than would be incurred if the student were placed in a program operated by the local district;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school and/or local district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement;
11. Obtain copies of your child's educational records at a reasonable cost, or for free or at a reduced cost if the fee would effectively deny you access to the records;
12. Receive a response from the school to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. File a grievance related to decision(s) or action(s) regarding your child's identification, evaluation, educational program, or placement; grievance requests must be made to the School-based Section 504 Coordinator or 504 Collaborative Coordinator;
15. Request a due-process hearing related to decisions or actions made by the Section 504 team. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to the school's 504 Coordinator within 20 calendar days of your receipt of notice of the 504 Team's decision and the right to file for an impartial hearing.