

BUFFALO CITY SCHOOL DISTRICT

**SECTION 504 - THE REHABILITATION ACT OF 1973
AND AMERICANS WITH DISABILITIES ACT FOR
STUDENTS AND PARENTS**

**SECTION 504 TEAM MANUAL
(Revised July 2018)**

(Implementing Board Resolution Adopted 4/22/98)

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CITY OF BUFFALO SCHOOL DISTRICT

**SECTION 504
THE REHABILITATION ACT OF 1973 AND AMERICANS WITH DISABILITIES
ACT FOR STUDENTS AND PARENTS**

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POLICY

2002

7621

Students

SUBJECT: SECTION 504 OF THE REHABILITATION ACT OF 1973

The Board of Education affirms its compliance with those sections of the Rehabilitation Act of 1973 dealing with program accessibility.

Section 504 of the Rehabilitation Act prohibits discrimination against qualified individuals with disabilities in federally assisted programs or activities solely on the basis of disability. The District shall make its programs and facilities accessible to all its students with disabilities.

The District shall also identify, evaluate and extend to every qualified student with a disability under Section 504 a free, appropriate public education, including modifications, accommodations, specialized instruction or related aids and services, as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The District official responsible for coordination of activities relating to compliance with Section 504 is the Superintendent of Schools. This official shall provide information, including complaint procedures, to any person who feels his or her rights under Section 504 have been violated by the District or its officials.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (U.S.C.) Section 794 et seq.

NOTE: Refer also to Policy #3211 -- Participation by Persons with Disabilities.

Adopted: 4/24/02

A COMPARISON ADA, IDEA, AND SECTION 504

Introduction

School personnel must know that the definition of an individual with disabilities under Section 504 is broader than the definition of an individual with disabilities under IDEA, Education Law Article 89 or Part 200 of the Commissioner’s Regulations. A student who may not be an individual with disabilities under IDEA and New York’s Part 200 Regulations may still be an individual with disabilities under Section 504. All students with disabilities under IDEA are also disabled students under Section 504 and are entitled to its procedural safeguards.

Comparison Chart

The Americans with Disabilities Act of 1990 (ADA), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973 represent three attempts to improve the living conditions of those with disabilities.

	ADA	504	IDEA
Type and Purpose	A civil rights law to prohibit discrimination solely on the basis of disability in employment, public services, and accommodations.	A civil rights law to prohibit discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance.	An education act to provide federal financial assistance to State and local education agencies to guarantee special education and related services to eligible children with disabilities.
Who is protected?	Any individual with a disability who: (1) has a physical or mental impairment that substantially limits one or more life functions; or (2) has a record of such impairments; or (3) is regarded as having such an impairment. Further, the person must be qualified for the program, service, or job.	Any person who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such an impairment or (3) is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.	Children ages 3-21 who are determined by a multidisciplinary team to be eligible within one or more of 13 specific disabilities categories and who need special education and related services.

	ADA	504	IDEA
Accessibility	Requires that public programs be accessible to individuals with disabilities.	Federal regulations regarding building and program accessibility require that reasonable accommodations be made.	Requires that modifications must be made, if necessary, to provide access to a free, appropriate public education to an eligible student.
Free, appropriate public education (FAPE)	Addresses education in terms of accessibility requirements. Requires private and public entities not to use employment practices that discriminate on the basis of a disability.	A student could receive services and/or accommodations through a Section 504 Plan.	A student must first be eligible and need special education before being entitled to special education services and/or related services.
Procedural Safeguards	Makes provisions for public notice, hearings and awarding attorneys fees.	Section 504 requires notice to parents regarding identification, evaluation, and/or placements. Written notice is recommended.	IDEA requires written notice to parents regarding identification, evaluation, programming and/or placements.
Evaluation	All schools should conduct or update their Section 504 evaluation every three years regarding services, accessibility, practices, and policies to ensure discrimination is not occurring with any individual with disabilities under the ADA.	Evaluation draws on information from a variety of sources in the area of concern. Tri-annually, decisions are made by a group knowledgeable about the student, evaluation data, and placement options. Requires written parental notice. No provision is made for independent evaluations at district expense.	A full comprehensive evaluation is required assessing all areas related to the suspected disability. The student is evaluated by a multidisciplinary team. Provides for a request for an independent educational evaluation.

	ADA	504	IDEA
Notice & Consent	Does not apply to this category.	Written consent would be considered a best practice. Notice is required before a “significant change in placement.”	Written notice is required prior to any change in placement. Written consent is required before the initial evaluation and reevaluation.
Funding for Services	No, but limited tax credits may be available for removing architectural or transportation barriers. Also, many federal agencies provide grant funds to support training and to provide technical assistance to public and private institutions.		Yes. IDEA provides federal funds under Part B and C to assist states and local education agencies in meeting IDEA requirements to serve infants, toddlers, and youth with disabilities,
Enforcement	Enforced by the U.S. Office for Civil Rights under an agreement with EEOC.	Enforced by the U.S. Office of Civil Rights. Regional offices are located throughout the United States. The office is part of the U.S. Department of Education.	Enforced by the U.S. Office of Special Education Programs (OSEP) and the State as the enforcement arm of OSEP.

ROLES OF THE SECTION 504 CENTRAL OFFICE STAFF

Section 504 regulations (34 CFR 104.7) mandate that the District designate an individual to coordinate efforts to comply with Section 504. The District is also required to adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints of students and parents alleging any action prohibited by Section 504. The District has related obligations under the ADA. To fulfill these obligations, the following duties have been delegated by the District to the Section 504 Central Office Coordinator:

1. Development and maintenance of Section 504 policies and procedures for students and parents, including a 504 Manual.
2. Forward referrals whenever a referral is received by the Section 504 Coordinator to the appropriate school-based 504 team for processing.
3. Monitor compliance of school-based 504 teams and provide assistance as necessary.
4. Facilitate appropriate placement of Section 504 students.
5. Disseminate Section 504 regulations and the District's Policies and Procedures.
6. Coordinate initial and continuing staff training programs regarding these policies and procedures.
7. Respond to requests of parents of students with disabilities who request accommodation.
8. Maintain data on Section 504 referrals.
9. Establish and monitor the referral process.
10. Update website with pertinent information, including any revisions to the law and/or district procedures.
11. Coordinate the details of the implementation of the recordkeeping provision with the various school building teams and relevant staff.

To fulfill these obligations, the following duties have been delegated by the District to the Section 504 Central Office Administrator:

1. Development and maintenance of Section 504 policies and procedures for students and parents, including a 504 Manual.
2. Prepare budget requests to assist the District in complying with its obligations to parents and students under Section 504.
3. Oversee administrative functions the Section 504 office.
4. Review 504 referrals to ensure requirements/ criteria are met under the law.
5. Work to resolve any parent complaints in regards to Section 504.

ROLE OF THE SCHOOL BUILDING TEAMS IN SECTION 504 REFERRALS

The District will have school-based 504 teams that meet regularly throughout the school year to perform all functions related to 504 implementation. Each team shall be knowledgeable about Section 504 referrals and the appropriate procedures to follow to comply with Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and the Americans with Disabilities Act (“ADA”). The District’s Section 504 Coordinator and Administrator shall constitute the district’s Central Office Team. Members of the Central Office Team act as liaisons with school-based teams and may have considerations on part of the decision-making process for eligibility.

Composition of School-Based Team

1. The School-based Section 504 Chairperson shall determine the composition of the Section 504 Team. A Section 504 Team shall consist of the student’s parent and include at least two (2) persons other than the parent, including:
 - At least one person familiar with the student’s abilities;
 - At least one person able to interpret any reports or evaluations that have been provided either by the parent or the school in connection with the request for accommodations; and
 - At least one person knowledgeable about the accommodations available to meet the student’s needs.
2. Team membership will be determined by the needs of the individual student being evaluated and may not be composed of a single pre-determined group assembled to assess all students. As long as there is a minimum of two additional members of the team other than the parent, the above requirements can be satisfied by these two members. The School Nurse may be included as a member of the Section 504 team in appropriate cases.
3. The Section 504 Team may meet and make decisions without the parent, if the parent was given written notification of the meeting within reasonable time and the parent does not attend or declines to attend. The Section 504 Chairperson must maintain a record of the notice sent to the parent and the attempts to arrange for the parent’s participation. At least three (3) such attempts should be documented before a meeting is held without the parent.

REQUEST FOR SECTION 504 ACCOMMODATIONS

Requests Initiated by Parent

Parental request for Section 504 accommodations must be submitted in writing to the school administrator, school based 504 committee or directly to the Section 504 Coordinator. It is strongly recommended that supporting documents from the student's physician be provided. In the event that the parent does not produce these documents, the Section 504 Chairperson assigned to the case will be responsible to obtain a Release of Records Form to obtain these records directly from the physician. The Section 504 Chairperson will proceed with the **Section 504 Chair Procedures**.

Requests Initiated by School Staff

School staff may initiate a request for an evaluation by a Section 504 Team for any student who is reasonably believed to be disabled and in need of accommodations. The Section 504 Chairperson will proceed with the **Section 504 Chair Procedures**. Referral forms that lack required information will be returned to the referrer with the request that the necessary information be provided.

Other Considerations

- Referrals after June 1 and before start of school, shall be deemed a referral on the first day of school the following September.
- A copy of the completed Section 504 referral shall be promptly forwarded by the school building team to the Section 504 Central Office Coordinator.
- In matters where the parent withholds consent, the District may elect to initiate reverse due process as required by the law. The Section 504 Administrator, alone or in consultation with the Central Office Team, shall make all decisions regarding whether the District would consider or attempt to initiate reverse due process against a parent who does not grant consent. The District may, but is not required to, initiate due process.

EVALUATIONS

Information Gathering

Following a referral, the Section 504 team will meet to review existing information about the student and make a determination regarding the scope of the evaluation. Section 504 evaluations are to be determined on a case-by-case basis and can include, but are not limited to, observations, gathering of additional information about the student and administration of individual tests and/or assessments appropriate for determining the existence and extent of the suspected disability.

Follow **Section 504 Chair Procedures**.

Evaluation

The Section 504 school building team will use normed tests and other evaluation materials where appropriate. They shall be offered in the student's native language and shall be administered by trained personnel in conformance with instructions provided by their producers. Such tests and other evaluation materials will include those tailored to assess specific areas of need, and the results should accurately reflect the student's aptitude, achievement level, skill or attribute being tested, rather than reflect the student's impairment.

All related service evaluation requests, one-to-one aide requests, and special transportation requests should follow the same procedures set forth through the CSE process.

Annual Review

The school-based team shall be responsible to periodically review a student's accommodation plan to determine whether the plan should be continued and whether the plan should be amended or changed in any way. "Periodic review" means that each student's accommodation plan shall be reviewed at least annually but no later than one year from the date of the meeting.

Reevaluation/ Amendment

In addition, the school-based team must meet and reevaluate a student on a periodic basis, no less frequently than once every three years. Re-evaluation must also be provided before any significant change is made in the accommodation plan that is currently being provided. A full re-evaluation of the student is not required every time a minor adjustment in the accommodation is made. This could be done through an amendment to the Section 504 Plan.

MEETINGS WITH PARENTS

Timeline

The timeline that will be used for Section 504 referrals will mirror the timeline used for the CSE process. However this is not a mandated timeline.

Parent Notification

Parents shall be notified in writing of the purpose, date, time, and place of the Section 504 meeting. Such notices shall be given at least five (5) days prior to the meeting. At least three (3) such attempts should be documented before a meeting is held without the parent. To the extent possible, the convenience of the parent shall be considered regarding the scheduling of the meeting. Parents may bring representatives or others of their choosing to the meeting.

Meeting

After the Section 504 school-based team has determined that the evaluation is complete, the school-based team will meet to review the information and make a determination of eligibility. If the parent's native language is not English, an interpreter or an interpretation service shall be used to conduct the meeting.

Members of the school-based team, including those additional persons invited to attend should ensure that all meetings are conducted in a manner which creates an atmosphere of friendly cooperation and encourages parental participation in the process. To achieve this, parents should be encouraged to ask questions of the team and to share their own views at the meeting. Team members are encouraged to avoid the use of unnecessary jargon and to explain unfamiliar language whenever possible.

ELIGIBILITY

Team Considerations

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

Eligibility Determination

- The Section 504 Team must first determine whether the student is a qualified individual with a disability pursuant to the Rehabilitation Act of 1973 before determining, what, if any, accommodations are needed to enable the student to attend school and participate in school activities on an equal basis with non-disabled peers.
- A student is a qualified individual with a disability pursuant to Section 504 only if the student has a physical or mental impairment that substantially limits one or more of the major life functions.
- Considerations during eligibility:
 - Does the student have a physical or mental impairment?
 - If yes, is a major life function affected by such impairment?
 - If yes, is the major life function substantially impaired?
- If a 504 Team has a question about the law, contact the Section 504 Coordinator.

Accommodation Plan

- If the Section 504 Team determines that the student has a physical or mental impairment that substantially limits a major life function, it must next decide what, if any, accommodations are necessary for the student to participate on an equal basis with non-disabled peers.
- Section 504 is designed to provide students with “meaningful access” to educational opportunities and programs. The courts have determined that this does not require “equal access,” “preferential treatment,” or “optimal” accommodations. Instead, it requires, when possible, to provide reasonable accommodations to enable students to participate in their programs and activities.
- Safety Net
 - Addressed in grades 8-12.
 - Must have the discussion with the school-based 504 team during a Section 504 meeting.
 - Utilize data, such as psychological evaluation, educational testing, current grades, etc.
 - Decision should be made on a case by case basis.
 - Follow **Section 504 Chair Procedures** in regard to eligibility.

Notification and Consent

- Once a determination has been made, the School-Based 504 Chairperson will notify the parent in writing regarding eligibility for Section 504 accommodations. The notice shall include a description of the parent's right to challenge any decision made by the Section 504 Team, in accordance with Section VI (Procedural Due Process) of this regulation.
- No Accommodation Plan may be implemented without written parental consent.
- Parental consent shall be valid until the parent informs the School-Based Coordinator that he/she no longer consents to the provisions of the agreed upon accommodations.

IMPLEMENTATION OF A SECTION 504 ACCOMMODATION PLAN

After a school building team has prepared a Section 504 accommodation plan for a student, the team shall be responsible for providing a copy of the accommodation plan to each of the student's teachers, other appropriate staff, the building administrator, the Section 504 Central Office Coordinator and the parent.

Timeline

- The timeline used for Section 504 referrals will mirror the timeline used for the CSE process. However this is not a mandated timeline.
- Delay in implementation of an accommodation plan shall be reported by the School-Based Team to the 504 Central Office Coordinator and Building Administrator.
- To the extent that a Section 504 Plan requires services and adaptive devices other than those already provided to the student, the team shall notify the Section 504 Central Office Coordinator, the Building Administrator and other such district administrators as may be appropriate to obtain delivery of those services.

Implementation

General education teachers must implement the provisions of Section 504 Plans when those plans govern the teachers' treatment of students for whom they are responsible.

RECORD KEEPING

Transfers Within the District

- Students with Section 504 Plan may transfer within the district.
- In order to avoid disruption of services to a student who moves from one location to another, the Section 504 Coordinator will monitor monthly a school transfer report.

Transfers from Another School District or Charter/NonPub School

- The Buffalo Public School district is not required to automatically implement an accommodation plan or to provide Section 504 accommodations that have not been developed within the district.
- Upon entry to the Buffalo Public Schools, if a parent reports a student has a Section 504 Plan, parent will produce the plan to Section 504 Coordinator for review by persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options.
 - If it is deemed reasonable and appropriate, the parent will sign consent that the district will adopt the previously developed Section 504 Plan until a Buffalo Public School-Based 504 Team evaluates.
 - The timeline for assessing the student will mirror the CSE process; however, the request for referral is the date of student entry.
 - If it is deemed inappropriate, the school-based 504 team will conduct an evaluation to identify if a Section 504 Plan is needed.

Retention of the Section 504 Plan

- Following a determination by the school-based team that a student has a disability under Section 504 and is entitled to an accommodation plan,
 - one copy will be maintained in the school in the same location CSE files are maintained.
 - one copy will be provided to the parent
 - copies will be distributed to pertinent teachers, who will sign the Section 504 Implementation Checklist.
 - one copy with all evaluations will be sent to Section 504 Coordinator.
- The school-based 504 Chairperson shall be responsible for making sure that a copy of the accommodation plan is placed in that file.
 - When students transfer from building to building, the Section 504 Plan folder will travel with the student.
 - Each time that the student's accommodation plan is changed, the most current plan shall be placed in a file, as well as distributed to pertinent teachers and the parent.

DISCIPLINE PROCEDURES

Discipline Procedures

Students who are identified as having a disability and have a Section 504 accommodation plan are subject to the same disciplinary rules and procedures as non-disabled students. They also have the same rights afforded to non-disabled students. If a student violates the District Code of Conduct and is being considered for a suspension or removal, school personnel must ensure that due process protections are provided.

Pattern Determination

Pattern Determination is required for a student with a Section 504 accommodation plan or a student with a presumed disability for discipline purposes (i.e. referred to the 504 Committee), when the student is subject to a series of suspensions or removals that in the aggregate total more than 10 school days in a school year.

The procedures set forth by the Committee on Special Education will be followed. This includes, but is not limited to, pattern determination and conducting Manifestation Determination Meetings.

Note

Section 504 requires school districts to conduct reevaluations prior to significant changes in placement. OCR considers an exclusion from the educational program (for example, an out-of-school suspension) of more than 10 consecutive school days to be a significant change in placement. OCR also considers a series of short-term exclusions (each 10 school days or fewer) from the educational program to be a significant change in placement if the short-term exclusions total more than 10 school days and create a pattern of removal.

Additional Considerations

In accordance with requirements under Section 504, a school district must evaluate a student if it has reason to believe the student has a disability and the student needs special education or related services as a result of that disability, even if the student only exhibits behavioral (and not academic) challenges.

DUE PROCESS RIGHTS

Procedural Safeguards

- Whenever Buffalo Public Schools is obligated to provide notice to a parent of an action or decision under Section 504, it must provide notice to the parent of his right to:
 - Examine relevant records
 - An impartial hearing with the opportunity to participate and representation by counsel
 - A review procedure
- The above is accomplished by sending the parent **Buffalo Public Schools Procedural Safeguards** notice which should be consistent with its Section 504 policies and procedures.
- Procedural Safeguard notice shall be sent to the parents/guardians at least once a year:
 - Upon an initial referral or parent request for a Section 504 referral
 - Upon the first filing of a request for an impartial due process hearing or mediation
 - Upon request by a parent
 - Upon a district's decision to suspend a student that constitutes a disciplinary change of placement
 - Upon the district's first receipt of an OCR complaint

Administrative Review - Appeals to the Section 504 Administrator

Within 15 days after receipt of a request for administrative review of a Section 504 school-based team's decision, a meeting shall be held by the Section 504 Administrator or designee. The parent shall be entitled to participate in the meeting along with such other persons as invited by the team and/or the parent. Where practical, notice shall be provided to the parent at least 5 days in advance of the meeting. At the request of the parent or District, the meeting will be rescheduled within a reasonable time.

Impartial Hearing Before Non-District Employee

A parent who disagrees with the decision of the Section 504 Administrator or designee or who disagrees with the school building team's decision may request an impartial hearing, by submitting a written request to the Section 504 Administrator or designee. The parent shall mail or personally deliver the written request for an impartial hearing to the Section 504 Administrator or designee. If the District does not receive a parent's request within 20 days of its mailing, the District shall presume that the parent agrees with the decision. The parent's request must state those matters with which the parent disagrees. The hearing shall be scheduled by the District within 45 days unless it would be impossible to do so.

TRANSITORY IMPAIRMENTS

Students with Transitory Impairments and Section 504

Section 504, part of the Rehabilitation Act of 1973, is a Federal law designed to protect the rights of students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to (1) have a physical or mental impairment that substantially limits one or more major life activities, or (2) have a record of such an impairment, or (3) be regarded as having such an impairment (ADA Amendments Act of 2008, Section 3 (1)(A–C)). A student is not regarded as an individual with disabilities if the impairment is transitory and minor (ADA Amendments Act of 2008, Section 3 (3)(B)). A transitory impairment is an impairment with an actual or expected duration of six months or less. A transitory impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a transitory impairment is substantial enough to be a disability must be resolved on a case-by-case basis with respect to each individual student, taking into consideration both the duration (and expected duration) of the impairment and the extent to which the impairment limits one or more major life activities of the affected student. Eligibility decisions are made by a school-based committee, which includes persons knowledgeable about the student. On a case-by-case basis where appropriate documentation exists, students who are identified with a transitory impairment (i.e., not Section 504-eligible) may receive testing accommodations. As with all testing accommodations, accommodations that are being considered for use during testing must be used routinely during instruction and similar classroom assessments. Approved accommodations for students identified with transitory impairments include those accommodations that are approved for use by Section 504-eligible students. The need for accommodations must be documented prior to testing. Copies of this documentation must be kept at the school and made available to test coordinators. Those administering tests with accommodations must be trained prior to the administration by the school system test coordinator or designee in the use of the specified accommodations.

How should a recipient school district view a temporary impairment?

A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

In the Amendments Act, Congress clarified that an individual is not “regarded as” an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

What are “episodic disabilities”?

Episodic disabilities are long-term conditions that are characterized by periods of good health interrupted by periods of illness or disability. These periods may vary in severity, length and predictability from one person to another. Some common examples of episodic disabilities include multiple sclerosis, arthritis, diabetes, HIV/AIDS, hepatitis C, chronic fatigue syndrome, migraines, chronic pain, some forms of cancer and mental illness.

Is an impairment that is episodic or in remission a disability under Section 504?

Yes, under certain circumstances. In the Amendments Act (see FAQ 1), Congress clarified that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. A student with such an impairment is entitled to a free appropriate public education under Section 504.

Can impairments that are episodic or in remission be considered disabilities?

Yes. The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) specifically states that an impairment that is episodic or in remission meets the definition of "disability" if it would substantially limit a major life activity when active.

This means that a person with a chronic impairment with symptoms or effects that are episodic rather than present at all times can be considered as having disability even if the symptoms or effects only substantially limit a major life activity when the impairment is active. Thus, they are protected from discrimination under the ADAAA. Examples of impairments that may be episodic include, but are not limited to, epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder, and schizophrenia. An impairment such as cancer that is in remission but that may return in a substantially limiting form is also a disability under the ADAAA.

Please refer to the Appendix for the suggested form to complete.

CITY OF BUFFALO SCHOOL DISTRICT

**SECTION 504
THE REHABILITATION ACT OF 1973 AND AMERICANS WITH DISABILITIES
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Appendix

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Section 504
Buffalo Public Schools
Procedural Safeguards

It is the policy of the Buffalo City School District to prohibit discrimination on the basis of disability.

Your Rights

If your child is found to have an impairment which substantially limits a major life activity pursuant to Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and the Americans With Disabilities Act of 1990 (“ADA”), you have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of a disabling condition.
2. Receive notice with respect to any proposed identification, evaluation, or placement of your child.
3. Have a placement decisions made based upon a variety of information sources, and by a group of persons knowledgeable about your child, evaluation data, and placement options. In this District those decisions will be made by the school building team responsible for Section 504 decisions in each building.
4. Have your child receive a free appropriate public education. It also includes the right to have the school district make reasonable accommodation to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
6. Have the school district provide reasonable accommodations to allow your child and equal opportunity to participate in nonacademic and extra-curricular activities offered by the district.
7. Examine all educational records relating to your child.
8. Obtain copies of educational records relating to your child at a reasonable cost.
9. 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 district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing pursuant to the Family Educational Rights and Privacy Act.

Referral

If you believe that your child has an impairment which substantially limits a major life activity, you may refer to your child to the school building team at your child’s school by contacting a member of the team, the building principal or the District’s Section 504 Coordinator.

Notice of Section 504 Review

When your child is referred to the school building team, a member of the team will contact you to confer with you regarding any evaluations which may be conducted and to request your consent for evaluations. Your questions regarding the process will be answered.

If you want copies of the evaluations you have a right to request and obtain them at a reasonable cost.

When the school building team has gathered information to consider whether your child has an impairment which substantially limits a major life activity and what accommodation, if any, should be provided, you will be invited to meet with the team to discuss identification and placement issues. You may be accompanied by anyone you wish and you have a right to be represented by your own attorney. You should actively participate in the meeting with the team regarding your child.

Once the school building team has meet to determine whether your child has an impairment which substantially limits a major life activity, you will be notified of the decision. If the team's decision is that your child has a qualifying disability, an accommodation will be set forth in a Section 504 Accommodation Plan.

Impartial Hearing

If you disagree with the decision of the school building team, your request must be in writing and must identify the matter with which you disagree, stating what decision and accommodation you seek. The Impartial Hearing will be scheduled within 45 school days unless it would be impossible to do so. Your written request must be mailed or personally delivered to and must be received by:

Buffalo Public School-District Office
School 12
33 Ash Street
Buffalo, NY 14204

If you do not request such review in writing, your silence will be presumed to be consent to the decision of the school building team.



AUTHORIZATION FOR RELEASE OF INFORMATION

Student's Name _____ Birth Date _____
 Street Address _____ Parents _____
 City _____ State _____ Zip Code _____
 Telephone # (s) _____
 Emergency Contact/Alt # _____

(name, relationship and phone number)

I hereby authorize the agent(s) of **THE BUFFALO PUBLIC SCHOOL DISTRICT**, for the purpose of securing appropriate care and services for the above named child, to obtain and to release any and all information and copies of records concerning the above named child ("exchange information") with any and all day school, day treatment, placement, and health treatment agencies/organizations/individuals, including those checked below:

- | | |
|--|--|
| <input type="checkbox"/> Erie County Dept. of Social Services | <input type="checkbox"/> Family Court |
| <input type="checkbox"/> NYS Office of Mental Health | <input type="checkbox"/> Erie County Medical Center |
| <input type="checkbox"/> WNY Children's Psychiatric Center | <input type="checkbox"/> Baker Victory Services Day Treatment |
| <input type="checkbox"/> Psychiatric Adolescent Center | <input type="checkbox"/> CPEP-Comp. Psych. Eval. Program at ECMC |
| <input type="checkbox"/> Erie County Department of Mental Health | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> ALL of the Above |

The releaser of information may rely upon a copy of this release. This release shall be valid for 12 months from the executed date (below), unless rescinded earlier in writing.

_____	_____	_____
Signature of Parent or Guardian	Date	Relationship to Child

NOTE: No other party is to have access to these records without the written consent of the parent or guardian.

Including but not limited to:

- | | |
|---------------------------------------|----------------------------------|
| Psychiatric Evaluations | Social Histories |
| Psychological Evaluations | Health Reports |
| Psycho-Educational Evaluations | Immunization Records |
| Educational Evaluations | IEP's |
| Psycho-social Histories | Student "cumulative card" |

33 Ash Street, Buffalo, New York 14204
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"Putting children and families first, to ensure high academic achievement for all."

504 IMPLEMENTATION RESPONSIBILITY CHECKLIST

Student: _____

ID#: 90 _____

Date Developed: __/__/__

DOB: __/__/__

Designated Lead Teacher or Service Provider: _____

Please be advised that a copy of a student’s 504 Plan must remain confidential in accordance with applicable federal and state regulations, including the confidentiality provisions of Section 504 and FERPA (Family Education Rights and Privacy Act). These laws prohibit the further disclosing of this 504 Plan or the information contained within it to any other person without the written consent of the student’s parent/guardian, except as otherwise authorized under Section 504 and FERPA.

*Informed of and Received 504 Plan	Signature	Date Informed/Received
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Signature of 504 Team member completing form

____/____/____
Date

Temporary Accommodation Plan (TAP)

Buffalo Public Schools

Student _____ DOB _____ Grade _____
Last First

School _____ CSE/504 Chairperson _____

Date the TAP was developed _____

Implementation Date of the TAP _____

Was the student identified with a disability prior to this incident? YES _____ NO _____

If yes, note the identified disability and services received. _____

Section 504 Plan _____ IEP _____

What is the temporary illness, injury, or disabling condition?

List documentation to support the condition and need for these accommodations. _____

What is the expected duration of this temporary disability? _____

Note all necessary accommodations below:

Indicate any assessments expected to be taken while student is receiving these accommodations.

List assessment accommodations and provide justification and/or attach medical documentation and/or doctor's notes.

Notes/Comments:

Signatures of members participating in development of the Temporary Accommodation Plan:

CSE/504 Chairperson _____ Date _____

Building Administrator _____ Date _____

Parent _____ Date _____

Student _____ Date _____

Other _____ Date _____

Other _____ Date _____

****The Temporary Accommodation Plan (TAP) is not intended for use as an interim or Section 504 Plan.****