



SECTION 504

Administrative Regulations Ithaca City School District

Revised February 2023

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INTRODUCTION

Section 504 is a Civil Rights Act that prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. Under Section 504's regulations, a school district is required to provide a qualified student with a disability an opportunity to benefit from a school district's programs equal to that of a student without a disability. Under Section 504, a person with a disability is one who 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such impairment; or 3) is regarded as having such an impairment.

IMPLEMENTATION OF POLICIES AND PROCEDURES

The District's Section 504 Coordinator ("District Coordinator") and Compliance Officer is the District's Director of Special Education. He/she shall prescribe the standard procedures and forms used for notice of Section 504 rights, Section 504 referrals and evaluations for each school year. Additionally, he/she shall maintain data regarding which students have Section 504 Plans, the accommodations given, and written records of any incidents related to, or resulting from, the Student's Section 504 Plan.

The District Coordinator, in collaboration with each school principal, shall appoint School-Based Section 504 Chairpersons ("Chairpersons") to oversee the implementation of this Policy at the school level. Chairpersons may be Committee on Special Education chairpersons, School Psychologists, Support Teachers, Counselors, or any other qualified individuals. The Chairpersons shall ensure that parents receive appropriate Section 504-related notices; shall ensure that parents receive notice of their Section 504 Procedural Safeguards; shall convene Section 504 Teams to evaluate requests for accommodations; and shall ensure that Section 504 Plans are distributed as appropriate to parents, teachers and other appropriate District personnel.

Contact information for the District Coordinator and the Chairpersons for each building is attached to these Policies and Procedures as Appendix A.

ELIGIBILITY PROCESS AND PROCEDURE

504 Committee Memberships

Section 504 requires the use of a multi-disciplinary team that includes persons knowledgeable about the student, the meaning of the evaluation data and the suspected disability. The team composition may vary according to the needs of the student. At ICSD, this team exists at both the building and district levels. To the extent possible, on-site school personnel should participate as Section 504 Team members. Examples of appropriate personnel include, but are not limited to classroom teachers, school psychologists, and nursing staff. If school-based personnel are not available or not qualified to serve, the Coordinator shall arrange for the participation of other personnel, according to the individual needs of the student. Such personnel may include, but are not limited to, medical professionals, instructional experts, and district administrative personnel.

REFERRAL

Role of Response To Intervention

If a student is experiencing persistent academic or behavioral problems and there is no suspicion of disability, a referral should be made to the building level Response To Intervention team where

interventions to address the academic and/or behavioral concerns will be developed and implemented. Progress monitoring will be carried out to determine the student's response to the interventions and modifications to the plan will be made as needed.

If the student fails to demonstrate sufficient improvement despite evidence-based interventions that are implemented with fidelity, the possibility a referral to the Committee on Special Education or the §504 multidisciplinary team should be considered.

Students Suspected of Having a Mental or Physical Impairment

ICSD has a duty to convene a Section 504 team to evaluate any student who, as a result of having a mental or physical impairment that substantially limits a major life activity, either needs or is believed to need special education or related services.

School personnel 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 within the meaning of Section 504 by making a request in writing to either the Chairperson of the school that the student attends, or to the District Coordinator.

Parental requests for Section 504 accommodations must be submitted in writing to the District Coordinator, the appropriate Chairperson, or building principal. A sample referral form can be obtained from the Chairpersons or District Coordinator.

If a student is declassified as a student with an educational disability under the Individuals with Disabilities Educational Act (IDEA), the Committee on Special Education *may* make a referral to a Section 504 multi-disciplinary team if the members believe that, notwithstanding declassification, the student continues to have an impairment which substantially limits a major life activity.

Request to Parent/Guardian for Permission to Evaluate

Within ten (10) days of receipt of a referral, the Chairperson of the school in which the referred student is enrolled shall provide prior written notice of the referral to the referred student's parents, and request the parents' written permission to conduct an initial evaluation. At this time, the Chairperson may also ask the parents to authorize the multidisciplinary team to contact the student's outside medical and/or psychological providers and/or to obtain the student's medical records.

EVALUATION

After parental consent for an evaluation has been obtained, an individual evaluation of the referred student shall be initiated by the Chairperson. The Chairperson shall use best efforts to complete initial evaluations within 60 days of receipt of parental consent.

The individual evaluation completed must accurately and thoroughly assess the nature and extent of the disability and focus on specific areas of suspected impact. The 504 evaluation should:

Be based on information from a variety of sources, e.g. teacher(s), other school staff members, a parent/legal guardian, physician, nurse, other professionals or persons in the community;

Document and consider all available pertinent information, e.g. records, assessment data or medical reports related to the suspected physical or mental impairment, which may be substantially limiting a major life activity; be conducted by a group of people, including those who are knowledgeable about the

child, the suspected disabling condition, evaluative procedures, the meaning of evaluative data, and accommodation/placement options; and

Use materials, tests or evaluation procedures tailored to assess specific areas of educational need that are not racially or culturally discriminatory and are validated for the specific purpose for which they are used.

The type of disability suspected and the type of services or accommodation or modification that may be needed will determine the specific evaluation procedures employed. Sources of information gathered may include, but are not limited to, formal individualized testing, a review of existing school records (i.e. attendance, report card grades, NYS testing), observational data, progress monitoring data, response to intervention data, and/or behavioral rating scales. Available information from sources outside the school district will be reviewed and considered in conjunction with the evaluation of the 504 Committee to determine if a disabling condition under Section 504 exists. The Section 504 Committee determines the weight to be given to outside evaluations including medical diagnosis and all the data it reviews. A medical diagnosis alone does not suffice as an evaluation for the purpose of determining a disability under §504.

ELIGIBILITY DETERMINATION

At the conclusion of the evaluation, the Chairperson will convene a Section 504 Team to determine whether the student qualifies as a student with a disability within the meaning of Section 504, and whether the student requires special education or related services to obtain a Free Appropriate Public Education. Parents and guardians will be invited to participate in the decision making process as well as to participate in the writing of their child's Section 504 plan, if the committee determines that a plan is appropriate. A Sample 504 Eligibility Team Review form is attached as Appendix B.

DEFINITION OF AN INDIVIDUAL WITH A DISABILITY

Under Section 504, a person with a disability is one who 1) has a physical or mental impairment that substantially limits one or more major life activities; 2*) has a record of such impairment; or 3*) is regarded as having such an impairment. A student who has a physical or mental impairment that substantially limits one or more major life activities is entitled to a Section 504 accommodation plan if, as a result of the disability, the student requires special education or related services in order to have his or her educational needs met as adequately as the needs of non-disabled students.

"Physical or Mental impairment"

The Section 504 regulatory provisions define a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision is clear that this does not constitute an exhaustive list of specific diseases and conditions that may constitute a physical or mental impairment.

In accordance with guidance from the Office of Civil Rights, impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities.

"Major Life Activity"

Major life activities include, but are not limited to, functions such as caring for oneself, performing manual

tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, reading, concentrating, thinking, and communicating. Major bodily functions such as those of the respiratory, neurological, and endocrine systems can also be considered major life activities. Although the major life activity most relevant in a school setting is learning, a disability may affect a student's ability to function in school in other ways. The team should also consider the student's ability to get to school, maneuver the physical environment and access.

**Prongs two and three of this disability definition do not entitle a student to an accommodation plan. However, individuals who have a record of a qualifying impairment, or who are regarded as having such an impairment, are protected from discrimination.*

"Substantially Limits"

The determination of substantial limitation must be made on a case-by-case basis. A medical diagnosis or other outside evaluation that determines a mental or physical impairment does not automatically mean a student is a qualified individual with a disability pursuant to Section 504 or that he or she requires accommodations or services under Section 504. The degree of the impairment on the major life activity must substantially limit the student's ability to perform a major life activity that the *average* student in the general population can perform. The team's reference point should not be the student's own expected ability or that of his/her classmates, but of that of the level of performance of the average student of the same grade/age level within the national population.

MITIGATING MEASURES

The determination of whether an impairment substantially limits a major life activity should be made without regard to the ameliorative effects of the mitigating measures. Examples of mitigating measures include medication, medical supplies, hearing aids, cochlear implants and mobility devices. The ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

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. Decisions are made 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 if the student.

IMPAIRMENTS EPISODIC OR IN REMISSION

Section 504 provides protection for disabilities that are episodic or go into remission. If the impairment, when active, substantially limits at least one major life activity for a significant duration, then the student may be eligible for protection and accommodations during the duration of the disability. A student undergoing chemotherapy may be eligible. A student who is in remission may also be an eligible person with a disability, but may not need an accommodation plan during the remission period.

DRUG AND ALCOHOL USE

Students who are currently engaging in the use of illegal drugs are excluded from the definition of a student with a disability and are excluded from protection under §504.

The definition of a student with a disability under Section 504 *does not* exclude users of alcohol. Schools are allowed, however, to take disciplinary action against students with disabilities using drugs and alcohol to the same extent as those without disabilities.

ACCOMMODATION PLANS

DETERMINATION OF NEED FOR AN ACCOMMODATION PLAN

A Section 504 plan will be written only if it is determined that a student has an impairment that substantially limits a major life activity *and* the student is found to be in need of accommodations, modifications, programs or services from the school in order to receive a Free Appropriate Public Education (FAPE). Section 504 defines FAPE to mean the provision of general or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of nondisabled students are met. In cases where a student with a disability *does not require* an individualized written plan, protection from discrimination will remain under the general non-discrimination provisions of Section 504.

WRITING OF ACCOMMODATION PLANS

Accommodation plans are written by the building or District level multidisciplinary Section 504 teams. The accommodations and services provided must be *directly* related to the substantial impact of the established physical or mental impairment on the identified major life activity. They must be designed and implemented to afford the student an equal opportunity or equal access.

IMPLEMENTATION OF ACCOMMODATION PLANS

Teachers and related service providers are responsible for knowing which of their students have Section 504 accommodations plans and they are responsible for implementing the accommodations plans as written.

Each teacher and related service provider responsible for implementing a student's Section 504 plan shall be provided an electronic copy of the student's plan prior to its implementation. They will be informed of their responsibility to implement the specific accommodations, program modifications, supports and/or services in accordance with the plan.

Each teaching assistant, teacher aide, or other provider responsible for assisting in the implementation of a student's 504 plan shall review a copy of the student's 504 plan and have ongoing access to a copy of the plan through the teacher or service provider under whose direction he or she works.

TRANSFER STUDENTS

Students with Section 504 plans who transfer from another school district will have their plan and supporting documentation reviewed by a multi-disciplinary team within a reasonable period following their enrollment. Comparable accommodations will be implemented until the student's Section 504 Plan can be reviewed. If the multi-disciplinary team determines that the plan may not be required for the student to receive FAPE, a reevaluation of the student's suspected area of disability will be carried out.

PROVISION OF SECTION 504 ACCOMMODATIONS TO IDEA- CLASSIFIED STUDENTS WHO ARE INELIGIBLE FOR EXTENDED SCHOOL YEAR SERVICES

ICSD supports the provision of reasonable and necessary accommodations and modifications during summer school programming to IDEA-classified students, even where the summer school program in

question is not essential for the provision of a Free Appropriate Public Education pursuant to the IDEA. Where ICSD's Committee on Special Education ("CSE") determines that an IDEA-classified student is not entitled to Extended School Year (ESY) services, and the student enrolls in any summer school program operated by the District, including Summer Academic Intervention Services, the student's Individualized Education Plan (IEP) shall serve as the student's Section 504 Plan during the summer. The District shall ensure that the student receives the accommodations and/or modifications that are set forth in the student's IEP during the summer school program to the extent such accommodations or related services are necessary for the student to participate in summer programming to the same extent as his or her nondisabled peers.

REVIEW OF ACCOMMODATION PLANS

Once the accommodation plan has been developed, the team will meet periodically to review the plan to determine (a) if the student continues to have an impairment that substantially limits a major life activity, (b) if the student still requires a Section 504 Plan, and (c) if the plan continues to afford a student an equal opportunity for learning. This review will also consider new circumstances such as a change in the nature or degree of the impairment, or changes in the expectations or physical nature of the environment. Building level Section 504 Committees will conduct reviews of each student's accommodation plan at least once within the academic year. If it is determined that there is continuing eligibility and the student still needs accommodations or services to access FAPE, the team will review and revise the plan accordingly.

REEVALUATION

ICSD will conduct a re-evaluation of a child with a disability when the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a re-evaluation. Periodic (but no less frequently than once every three years) re-evaluations will be conducted to assist in determination of continued eligibility under Section 504, as well as to assist in the determination of appropriate services, accommodations and program modifications. Re-evaluations will also be conducted prior to a significant change in placement. The following may constitute a "significant change of placement": (1) a transfer to a new school or program or school; (2) a dramatic shift in the student's behaviors or grades; (3) discontinuation of the Section 504 Plan; or (4) excessive absenteeism indicating additional disability-related needs.

TESTING MODIFICATIONS

Students who are officially classified as having a disability under Section 504 are eligible for appropriate modifications/accommodations in accordance with the New York State Education Department's Test Access and Accommodations Guidebook. Students with disabilities may need modified test formats, special test arrangements, or a different test environment to demonstrate achievement. Approved testing modifications for student with disabilities must be consistent with instructional practices that are routinely used in the general education classroom and are documented in a current written Section 504 Accommodation Plan. The modifications needed and specific tests involved should be clearly defined in the Accommodation Plan.

Principals may approve testing accommodations for general education students who incur an injury or experience the onset of either a short-term or long-term disability (cognitive or physical) within 30 days prior to test administration. Eligibility for such accommodations is based on the principal's professional judgment. Students who have not recently incurred a disability but are still in the process of being

evaluated to determine their status as a student with a disability are not eligible for test accommodations authorized in this way. These accommodations must not significantly change the constructs/skills being tested and are limited to those outlined in the NYS ELA and Mathematics Test School Administrator's Manual.

Prior permission need not be obtained from the State Education Department to authorize these testing accommodations for general education students. However, a full report concerning each such authorization must be sent to the Office of State Assessment via fax to 518-402-5596. The report must be on school letterhead, signed by the principal, and include the name of the student(s), tests taken with accommodations, nature of disabilities and types of accommodations provided with the principal's authorization.

If the student is expected to continue to need testing accommodations, the principal should immediately make the appropriate referral for the development of an IEP or 504 Plan as appropriate.

NON-PUBLIC SCHOOL PLACEMENTS MADE BY PARENTS/GUARDIANS

If the District has made available a free appropriate public education to a student that conforms to the requirements of Section 504 but that student's parent(s) or guardian(s) choose to place the student in a public school outside the District or in a private school, the district is not responsible for ensuring that the student obtains a FAPE. If the student has a 504 Plan on file at the time of transfer, the District will keep this plan on file for use if the student returns.

DISCIPLINE

The discipline procedures described in the Student Code of Conduct shall be used in all situations in which a qualified student with a disability under Section 504 (or suspected qualifying disability) may be subject to disciplinary action. ICSD shall not suspend a student with a disability for more than ten (10) consecutive school days unless it conducts a manifestation determination and finds that the student's misconduct is not related to his or her disability. If the student's misconduct is not related to a disability, ICSD may discipline the student as it does the general education population, including suspending the student for more than ten consecutive school days.

ICSD will also conduct a manifestation determination prior to suspending a Section 504 student from school for a series of short-term suspensions that constitute a pattern of removals that total more than ten school days. Among the factors considered in determining whether a series of suspensions has resulted in a significant change in placement are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school.

Parents will be given notice of a manifestation determination involving their child, as well as an opportunity to participate in the manifestation determination meeting.

If it is determined that the behavior or pattern of behaviors that led to the suspension is directly related to the student's disability, the student will not be suspended. Instead, the multidisciplinary committee will review and modify the accommodation plan as determined necessary to address the needs of the student. In addition, a functional behavior assessment and behavior intervention plan should be completed or revised if currently in place.

CHILD-FIND ACTIVITIES

ICSD shall make all reasonable efforts to locate, identify, and evaluate all students with disabilities who reside within the district who are not receiving a public education

PROCEDURAL SAFEGUARDS

A.

Notice

The School Coordinator shall ensure that parents are provided with a copy of these Section 504 policies and procedures: (1) annually; (2) upon a student's enrollment in a new school within the district; (3) when a student is referred for evaluation; and (4) upon a parent's request.

Parents of a student with a disability must be notified by a Chairperson or by the District Coordinator with respect to any proposed actions regarding the identification, evaluation, or educational placement of their child. The notice shall explain the action ICSD proposes or declines to take and the reasons why it has decided to proceed in that fashion. The notice shall be detailed enough to allow parents to meaningfully evaluate whether they wish to consent to the proposed action, refuse to act, or request due process. The notice shall be accompanied by a Section 504 Procedural Safeguards notice. See Appendix C.

B. Opportunity to Examine Relevant Records

Parents have the right to examine the records of their child relating to the referral, evaluation, development and implementation of their child's Section 504 Plan in accordance with District procedures.

C. Impartial Hearing Procedure

Parents may initiate complaints regarding the referral, evaluation, development and implementation of a Section 504 Plan by requesting an impartial hearing. The request must be made in writing and must be received by the Superintendent within ten (10) calendar days of the date of the decision challenged by the parent.

The written request shall contain the following:

- The specific nature of the decision(s) made by the District with which the person disagrees.
- The specific relief the person seeks.
- Any other information the person believes will assist in understanding the request.

The Superintendent shall select an impartial hearing officer who is qualified to review District decisions relating to Section 504, and is not an employee of the District. The hearing shall be conducted within sixty (60) calendar days after the Superintendent's receipt of the request for an impartial hearing. The party requesting the hearing shall have the burden of production and the burden of proof. Any party to the hearing shall be afforded the following rights:

- The right to present written and/or oral evidence.
- The right to examine relevant records.
- The right to be accompanied and advised by counsel at his or her own expense.
- The District shall make a record of the proceedings.
- Any exhibits to be admitted into evidence shall be exchanged by the parties at least five (5) school days

prior to the hearing.

The impartial hearing officer shall prepare a written decision and send the decision to both parties within fifteen (15) calendar days of the completion of the impartial hearing.

D. Review Procedure

The impartial hearing officer's decision may be appealed to the Board of Education or to United States District Court. Such appeals shall be made in writing within thirty (30) calendar days of the date of the decision of the impartial hearing officer. The Board of Education shall act on the appeal within thirty (30) calendar days of receipt of the appeal request.

E. Filing a Complaint With The United States Department of Education, Office For Civil Rights

Any parent with a complaint regarding the ICSD's compliance with Section 504 may file a complaint with the Office for Civil Rights of the United States Department of Education. The address for the Regional Office that investigates complaints involving New York residents is:

*New York Office
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
FAX: 646-428-3843; TDD: 800-877-8339
Email: OCR.NewYork@ed.gov*

GRIEVANCE PROCEDURE

It is the policy of ICSD not to discriminate on the basis of disability. ICSD has adopted this internal grievance procedure providing for prompt and equitable resolution of complaints alleging any discrimination on the basis of disability. Any person who believes that he or she has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for

ICSD to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Grievances must be submitted to the Section 504 Coordinator within 10 school days of the date the person filing the grievance becomes aware of the alleged discriminatory action. If the Section 504 Coordinator is the subject of the complaint, the grievance should be made to the Superintendent. If the Superintendent is the subject of the complaint, the grievance should be made to the Board of Education.

The complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.

The Superintendent (or the Board of Education, if the Superintendent is the subject of the complaint) shall appoint either the Section 504 Coordinator or another investigator (the "Investigator") to investigate the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an

opportunity to submit evidence relevant to the complaint. The Investigator will maintain the files and records of ICSD relating to such grievances.

The Investigator will issue a written decision on the grievance no later than 10 school days after its filing and provide a copy of the decision to the complainant.

The person filing the grievance may appeal a decision of the Investigator by writing to the Superintendent of Schools, or, where the Superintendent is the subject of the Complaint, directly to the Board of Education in accordance with procedure below, within 10 school days of receiving the Investigator's decision. Either the Superintendent or his/her designee (the "504 Appeal Officer") shall afford all parties involved with the opportunity to be heard with respect to the appeal, formulate a decision, and respond in writing to the complainant within 10 school days.

The person filing the grievance may appeal the 504 Officer's decision, or where the Superintendent is the subject of the Complaint, the Investigator's decision, by sending a signed written statement to the Board of Education within 10 school days of his/her receipt of the 504 Appeal Officer's response, or within 10 school days of his/her receipt of the Investigator's decision where the Superintendent is the subject of the complaint. The Board of Education shall issue a written decision in response to the appeal no later than 30 days after its filing.

The availability of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the United States Department of Education, Office for Civil Rights.

ICSD will take steps to prevent recurrence of any disability discrimination, including disability harassment, found to have occurred and to correct discriminatory effects on the complainant and others, if appropriate.

ICSD shall make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator is responsible for such arrangements.

This grievance procedure applies to complaints alleging discrimination carried out by employees, other students, or third parties.

NOTICE OF NONDISCRIMINATION

ICSD shall take steps to notify participants, employees, and applicants of district responsibilities under Section 504. The notice attached as **Appendix D** shall appear in student/parent handbooks, teachers' handbooks, non-certified personnel handbooks and published personnel recruiting materials. Additionally, the notice shall be posted on ICSD's website, in staff workrooms, and on bulletin boards in ICSD's schools.

APPENDIX

Appendix A - Contact information for District Coordinator and building chairpersons

Appendix B - Sample referral form

Appendix C - Procedural Safeguards Notice

Appendix D - Notice of Non-Discrimination

APPENDIX A

504 CONTACT DIRECTORY

Director of Special Education, Jennifer Gondek
Ithaca City School District
400 Lake St., Ithaca, NY 14850
(607) 274-2264

ELEMENTARY 504 CONTACTS

South Hill/Belle Sherman
Erin Hammes
erin.hammes@icsd.k12.ny.us
607-882-4452

Caroline/Cayuga Heights
Beth Snyder
beth.snyder@icsd.k12.ny.us
607-882-4472

Beverly J. Martin/Fall Creek
Kristin DeVita
kristin.devita@icsd.k12.ny.us
607-882-4844

Northeast Elementary
Julie Humble
jhumble@icsd.k12.ny.us
607-882-4609

Enfield Elementary
Bart Auble
bauble@icsd.k12.ny.us
607-793-0021

SECONDARY 504 CONTACTS

Boynton Middle School
Karen Rachetta
karen.rachetta@icsd.k12.ny.us
607-227-0870

Dewitt Middle School
Tara Caiza
tara.caiza@icsd.k12.ny.us
607-882-4508

Lehman Alternative Community School
Lisa Rieger
lisa.rieger@icsd.k12.ny.us
607-227-3335

Ithaca High School
Margaret Shaw
margaret.shaw@icsd.k12.ny.us
607-274-2170

APPENDIX B
Ithaca City School District
504 Initial Eligibility Team Review

Meeting Date: _____ Student: _____
 School: _____ Grade: ____ **RECEIPT OF 504 PROCEDURAL SAFEGUARDS?** _____

1. What is the suspected disability? _____
2. Does the student have a documented record of such impairment? yes or no _____
 Is the student regarded (perceived) as having an impairment? yes or no _____
3. Does the student have a physical or mental impairment that substantially limits a major life activity yes or no _____

If YES,

4. Does the student need any school-based accommodations, modifications, special education or related services, in order to access educational services as effectively as his or her non-disabled peers yes or no _____
5. Check the major activity that is affected by the impairment:

- seeing hearing caring for self breathing walking learning performing manual tasks
- other (specify): _____

The term "**substantially limits**" means that the student is:

- a) unable to perform a major life activity that the average student of approximately the same age can perform. The impact of the impairment must be permanent or long-term (approximately 6 months or longer).
- OR**
- b) significantly restricted as to the condition, manner, or duration under which a particular life activity is performed. The impairment must be substantial when compared to the average student of approximately the same age.

Do not consider any sub-par performance due to other factors such as lack of motivation and the immediate situation or environment. Make an educated estimate of the mitigation of medication. The average student in the general population is used as the frame of reference for the comparison.

6. The eligibility determination is based on: *(Please attach documentation to support items selected below.)*

<input type="checkbox"/> Medical Information	<input type="checkbox"/> Behavioral Checklist(s)	<input type="checkbox"/> Behavioral Observations(s)
<input type="checkbox"/> Tests, Records, Reports	<input type="checkbox"/> Change In Instructional Level	<input type="checkbox"/> Evaluations
<input type="checkbox"/> Current Grades/Report Card	<input type="checkbox"/> RTI Interventions w/Data	<input type="checkbox"/> Other Factors

Specify Type, Date:

_____ The committee has determined the student is eligible for a 504 Accommodation Plan.
 _____ The committee has determined the student is **not** eligible for a 504 Accommodation Plan.

Attendance:

Parent Input:

Student input:

Teacher Input:

Also see attached notes? Y__ N__

Accommodations added, amended, etc:

Follow-Up To Do:

APPENDIX C

ITHACA CITY SCHOOL DISTRICT PROCEDURAL SAFEGUARDS – SECTION 504

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep the parents/caregivers fully informed concerning decisions about their child and to inform them of their rights if they disagree with any of the 504 Plan decisions.

Parents/Caregivers have the right to:

1. Receive all information in their native language and primary mode of communication.
2. Have their child take part in, and receive benefits from public education programs without discrimination because of his/her disabling condition.
3. Receive notice with respect to identification, assessment, or provision of instructional services for their child under a 504 Accommodation Plan.
4. Have their child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow their child an equal opportunity to participate in school and school-related activities.
5. Have their child educated in facilities and receive services comparable to those provided non-disabled students.
6. Have assessment and educational decisions and decisions regarding services be based upon a variety of information sources, and by persons who know their child, the assessment data, and service options.
7. Have an assessment and/or periodic reassessment before any significant change in programs/services.
8. Have their child be given an equal opportunity to participate in non academic and extracurricular activities offered by the district.
9. Examine all relevant records relating to decisions regarding their child's identification, assessment, educational program, and services.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny them access to the records.
11. Receive a response from the school district to reasonable requests for explanations and interpretations of their child's records.
12. Request amendment of their child's educational records if there is a reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of their child. If the school district refuses this request it will notify them within a reasonable time, and advise you of the right to a hearing

13. Have reasonable accommodations made to provide equal access for them or their child to effectively participate in meetings, activities or events sponsored by the school/district or provided in district facilities.

14. File a local grievance, with the district's Section 504 Compliance Officer:

*Jennifer Gondek, Director of Special Education
Ithaca City School District
Special Education Department
400 Lake Street
Ithaca, NY 14850
(607) 274-2264*

15. Request an impartial due process hearing related to decisions or actions regarding their child's identification, assessment, educational program or services. They and their child may take part in the hearing and have an attorney represent them. Hearing requests must also be made to the district's Section 504 Compliance Officer.

16. File a complaint with the Office for Civil Rights. The address of the Regional Office which covers New York:

*New York Office
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646-428-3900
FAX: 646-428-3843; TDD: 800-877-8339
Email: OCR.NewYork@ed.gov*

APPENDIX D

NOTICE OF NONDISCRIMINATION

The Ithaca City School District (the "District") does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The Ithaca City School District prohibits retaliation under the protected bases enforced by the Office of Civil Rights. The following person has been designated to handle inquiries regarding the District's non-discrimination policies:

Jennifer Gondek
Director of Special Education
400 Lake Street Ithaca, NY 14850
(607) 274-2264
jennifer.gondek@icsd.k12.ny.us