

MEMO

TO: FACULTY AND STAFF

FROM: DR. PATRICK MICHEL

RE: 504 POLICY

DATE: SEPTEMBER 1, 2005

Please find the grievance procedures for filing a complaint under the district policy on the Treatment of Individuals with Disabilities as per Section 504 of the Rehabilitation Act of 1973. The full policy has been emailed to you. Please review and familiarized yourself with the policy. Should you have questions, please address them to your building principal.

MONTICELLO CENTRAL SCHOOL DISTRICT

SECTION 504

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INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 was promulgated by Congress in 1977 and amended in October of 1992. Recipients of federal funds for many years perceived its main thrust as ensuring physical access to public buildings (i.e. ramps were installed, curbs were cut, elevators were added to multi-level buildings, bathroom stalls were enlarged, etc.). Public schools were at the same time committed to compliance with P.L. 94-142 (Education of the Handicapped Act - EHA, now referred to as 101-476 or the Individuals with Disabilities Education Act - IDEA).

Within the last several years, the Office for Civil Rights (OCR) has become proactive in assisting school districts in further defining "access." Much of the reason for this is that "access" now extends to providing a "free appropriate public education" (FAPE) to individuals that may not qualify for special education but may require reasonable accommodation within general education and/or related services. Another reason is that Congress devoted a great deal of attention to national "access" to facilities, programs, and activities and enacted the Americans with Disabilities Act (ADA) which has very broad mandates for the public and private sectors.

According to Section 504, a handicap is: "A physical or mental impairment that substantially limits one or more major life activities."

Section 504 (and the ADA) protects all qualified individuals with disabilities--it is a birth-to-death mandate. Public school responsibilities extend beyond providing physical access to public (and now private) structures and in providing a free appropriate public education for students aged three through twenty-one who qualify for special education. Responsibilities extend to a larger population; children and young adults that do not qualify for special education, yet meet the definition of individuals with disabilities in Section 504 and the ADA, employees, applicants, and the community who impact on our schools, programs, and activities.

<p>The MONTICELLO SCHOOL DISTRICT does not discriminate on the basis of disability in admission or access to treatment or employment in the programs and activities which it provides. Inquires concerning this policy should be referred to Dr. Patrick Michel, Assistant Superintendent,, Section 504 / ADA Coordinator, at 794-7700 or write: 237 Forestburgh Road, Monticello, NY 12701</p>

MONTICELLO CENTRAL SCHOOL COMPLIANCE PLAN
For
SECTION 504 OF THE REHABILITATION ACT OF 1973

The **Compliance Plan** serves students, parents, employees, applicants for employment, patrons, and programs within the Monticello Central School District.

1. The MONTICELLO CENTRAL SCHOOL DISTRICT assures students, parents, employees, applicants for employment, and patrons that it will not discriminate against any individual.
2. The Section 504/ADA Compliance Coordinator is as follows: Dr. Patrick Michel, Assistant Superintendent of Schools.

Building Compliance Officers:

1. Mrs. Susan Gottlieb, Chase School
2. Dr. William Greene, Cooke School
3. Miss Patti Sonnenschein, Duggan School
4. Mrs. Kim Patterson, Rutherford School
5. Mr. Paula Sapphire, Monticello High School
6. Miss Deborah Wood, Monticello Middle School
7. Mrs. Gladys Baxter, Transportation, Building & Grounds, Cafeteria Services

3. Parents are provided procedural safeguards which are included in the "Notice of Parent / Student Rights In Identification, Evaluation, and Placement of Individuals Who Are Disabled or Who Are Believed To Be Disabled."
4. A hearing and review (appeal) are provided upon request. Procedures are detailed in the "Notice of Parent / Student Rights In Identification, Evaluation, and Placement of Individuals Who Are Disabled or Who Are Believed To Be Disabled."
5. Notice to students, parents, employees, and general public of non-discrimination assurances and parent / student rights in identification, evaluation, and placement will be disseminated annually in the following manner.
 - a. Public service announcement in the District Newsletter;
 - b. Announcement in local school systems; and,
 - c. Posted notice in each public school building.

Additionally, the notice will be included in the professional handbook and disseminated to each principal for inclusion in each student / parent handbook.

6. The MONTICELLO CENTRAL SCHOOL DISTRICT has established the following local grievance procedure to resolve complaints of discrimination:
- a. A meeting with the building compliance officer. If no resolution is reached, an alleged grievance must be filed in writing fully setting out the circumstances giving rise to such grievance.
 - b. Such claims must be made in writing and filed with the following individual with a copy to the Superintendent:
Dr. Patrick Michel, Assistant Superintendent of Schools , Section 504 / ADA Coordinator
Monticello Central School District
295 Forestburgh Road
Monticello, NY 12701
(914) 794-7700 FAX: (914) 794-7710
 - c. A hearing will be conducted according to the procedures outlined in the regulations implementing the Family Educational Rights and Privacy Act.
 - d. The Monticello Central School District shall give the parent, student, employee, applicant, or patron full and fair opportunity to present evidence relevant to the issues raised. The grievant may, at their own expense, be assisted or represented by individuals of his or her choice, including an attorney.
 - e. The Monticello Central School District shall make its decision in writing within fifteen (15) days after the hearing.
 - f. The decision must be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the decision.
 - g. If the grievant is not satisfied, the grievant may file with the Office of Civil Rights.
7. The MONTICELLO CENTRAL SCHOOL DISTRICT will conduct an extensive annual "Child Find" campaign with the goal to locate and identify all Section 504 qualified individuals with disabilities (handicap) (ages 0 to 21) who reside within the participating school district.
8. The MONTICELLO CENTRAL SCHOOL DISTRICT will inform all individuals with disabilities and their parents or guardians of the district's responsibilities and procedural safeguards under Section 504, as well as those under the State of New York Special Education Regulations and the Individuals with Disabilities Education Act (IDEA).

The MONTICELLO CENTRAL SCHOOL DISTRICT does not discriminate on the basis of disability in admission or access to treatment or employment in the programs and activities which it provides. Inquires concerning this policy should be referred to Dr. Patrick Michel, Assistant Superintendent of Schools, Section 504 / ADA Coordinator, at 794-7700 or write: 237 Forestburgh Road, Monticello NY 12701

MONTICELLO CENTRAL SCHOOL DISTRICT

POLICY ON THE TREATMENT OF INDIVIDUALS WITH DISABILITIES AS PER SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT (ADA)

It is the policy of the Monticello School District not to discriminate on the basis of disability in admission or access to or employment in the programs and activities which it provides.

Inquires regarding compliance with this policy should be directed to the Section 504 / ADA Coordinator of the MONTICELLO CENTRAL SCHOOL DISTRICT, ROBERT B.FALCONE, ASSISTANT SUPERINTENDENT OF SCHOOLS, 237 FORESTBURGH ROAD, MONTICELLO, NY 12701, 794-7700, FAX: 794-7710), or to the Office of Civil Rights, United States Department of Education, Washington, D. C.

BUILDING COMPLIANCE OFFICERS

- 1. Mrs. Susan Gottlieb, Emma C. Chase School**
- 2. Dr. William Greene, George L. Cooke School**
- 3. Mrs. Patti Sonnenschein, Duggan School**
- 4. Mrs. Kim Patterson, Kenneth L. Rutherford School**
- 5. Mrs. Paula Sapphire, Monticello High School**
- 6. Miss Deborah Wood, Monticello Middle School**
- 7. Mrs. Gladys Baxter, Bus Garage/Plant Operations**

The MONTICELLO SCHOOL DISTRICT does not discriminate on the basis of disability in admission or access to treatment or employment in the programs and activities which it provides. Inquires concerning this policy should be referred to Dr. Patrick Michel, Assistant Superintendent,, Section 504 / ADA Coordinator, at 794-7700 or write: 237 Forestburgh Road, Monticello NY 12701

MONTICELLO CENTRAL SCHOOL DISTRICT

NON-DISCRIMINATION DESCRIPTION

The MONTICELLO CENTRAL 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.

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

- a. has a physical or mental disability 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 prohibits discrimination against disabled persons by school districts receiving federal financial assistance. This includes all programs and activities of the school district receiving federal funds, regardless of whether the specific program or activity involved is a direct recipient of federal funds.

All individuals who are disabled under the Individuals with Disabilities Education Act (IDEA) are also considered to be disabled and therefore protected under Section 504. Their rights, and the necessary services to prevent discrimination, are provided for within the IDEA system.

Individuals who have been determined disabled under 504 may not be disabled under Special Education Law (IDEA). These persons require a response from the regular education staff and curriculum.

It is also important to realize that Section 504 is not an aspect of "special education." Rather, it is a responsibility of the comprehensive general public education system. As such, building administrators and superintendents of schools are responsible for its implementation within districts. Special Education administrators are participants but are not ultimately the responsible LEA administrator.

The IDEA defines as eligible only students who have certain specific types of disabilities and who, because of one of these conditions, need special education (specially designed instruction). 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 activities (including learning). Section 504 covers all students who meet this definition, even if they do not fall within the IDEA enumerated categories and even if they do not need to be in a special education program. The following figure illustrates this service delivery concept.

<p>The MONTICELLO SCHOOL DISTRICT does not discriminate on the basis of disability in admission or access to treatment or employment in the programs and activities which it provides. Inquires concerning this policy should be referred to Dr. Patrick Michel, Assistant Superintendent of Schools, Section 504 / ADA Coordinator, at 794-7700 or write: 295 Forestburgh Road, Monticello NY 12701</p>
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MONTICELLO CENTRAL SCHOOL DISTRICT

SECTION 504 / ADA DUE PROCESS NOTICE

Section 504 is a federal civil rights statute that prohibits discrimination against persons with disabilities in programs receiving federal financial assistance. The Act protects individuals with a disability who:

1. have a physical or mental impairment which substantially limits one or more major life activities;
2. have a record of such impairment; or
3. are regarded as having such an impairment.

The MONTICELLO CENTRAL SCHOOL DISTRICT does not discriminate against persons with disabilities and provided access to qualified disabled individuals to all of its activities and programs.

The Act also obligates school districts to identify, evaluate, and extend to every qualified student with a disability residing in the district, a free appropriate public education including modifications, accommodations, specialized instruction or related aids as deemed necessary to meet their educational needs as adequately as the needs of non-disabled students are met.

The following is a description of the rights granted by federal law to students with disabilities defined by Section 504 of the Rehabilitation Act of 1973. The intent of the notice is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions. The person in this district who is responsible for assuring that the district complies with Section is .

As a parent of a child who will be considered for or has been determined to be Section 504 eligible of a disability that substantially limits a major life activity, you have the following due process rights:

1. The right to examine your child's educational records
2. The rights to be notified of CS / 504 Team Meeting to determine the eligibility for and / or development or review of an accommodation plan.
3. The right to an evaluation that draws on information from a variety of sources
4. The right to receive information in your primary language
5. The right to periodic reevaluations as well as reevaluation prior to any significant change in program or service modifications
6. The right to file a grievance for an alleged violation of Section 504 regulations. Complaint procedures are available from the building principal.
7. The right to an impartial hearing, if meetings with the principal, Compliance Officer or the Superintendent do not resolve the issue and you are still in disagreement with the school district's proposed action.
8. The right to be represented by counsel in the impartial hearing process.

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MONTICELLO CENTRAL SCHOOL DISTRICT

COMPLIANCE PROCEDURES

Definitions

1. Claimant shall mean a citizen, parent, student or employee who claims a school district violation of Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA).
2. Claimed violations shall mean a failure to comply with Section 504 or Americans with Disabilities Act rules and regulations prohibiting discrimination based upon disability.
3. The Section 504 / ADA Compliance Officer shall mean the person designated by the Board of Education to coordinate activities relating to compliance with Section 504 / ADA rules and regulation.

Basic Principles

1. It is the intent of these procedures to provide for the orderly presentations and settlement of claimed violations of Section 504 or the Americans with Disabilities Act rules and regulations.
2. The claimant has a right to present claimed violations of Section 504 or the Americans with Disabilities Act free from coercion, interference, restraints, discrimination or reprisal.
3. It shall be the responsibility of the Section 504 / ADA Compliance Officer and / or 504 Coordinator to take such steps as may be necessary to give force and effect to these procedures. (See Compliance)
4. The Monticello Central School District official responsible for coordination of procedures for community members, personnel and students relating to the Section 504 / ADA shall be Dr. Patrick Michel.

MONTICELLO CENTRAL SCHOOL DISTRICT
PROCEDURES FOR PARENTS AND STUDENTS

Parents of students who may be eligible for accommodations under Section 504 or the American with Disabilities Act may apply to the principal of the school their child attends. If necessary, the 504 Team of the school will conduct an assessment that draws information from a variety of sources to determine if a disability exists.

If the 504 Team suspects a disability that requires special education services, the student will be referred to the District Committee on Special Education (CSE) for a more comprehensive assessment. If the CSE determines the student is ineligible for special education services but may be eligible for accommodations under Section 504, the CSE will refer the student to the principal of the school for consideration by the CS / 504 Team. If the 504 Team evaluation indicates there is a Section 504 disability, the team will design an accommodation plan to ensure accommodation within the regular education program.

After the 504 meeting is held the 504 Notice of Determination will be sent to parents along with due process rights, including notice to parents of proposed actions, parental rights to agreement or disagreement with the accommodation plan, parental right to request a hearing, and the right to reevaluation prior to a significant change of placement will be afforded.

Prior to suspension from school for more than ten (10) days, or after a series of short-term suspensions that create a pattern of exclusion equivalent to ten (10) consecutive days, a student declared 504 eligible must be referred to the 504 Team for review. If the team determines that the misconduct is unrelated to the disability or the behavior entails the use of illegal drugs or alcohol, the student may be suspended for the same amount of time as a student who does not have a disability.

Step 1

- a. The student or parent will discuss said complaint with the Building Principal. The complaint will be informally discussed, and if possible, a solution should be recommended.
- b. If a formal written complaint is filed with the Principal, he/she shall provide a written decision. Copies of the written decision shall be sent to the complainant and the 504 Coordinator.

Step 2

- a. If the complaint is not satisfactorily resolved at Step 1, the complainant may request, in writing, a resolution of the claimed violation from the Section 504 Coordinator.
- b. The 504 Coordinator shall meet the student and/or parent with the objective of arriving at a mutually agreeable solution.
- c. After the meeting, the 504 Coordinator shall notify the complainant in writing of the decision and the reasons therefore.

Step 3

- a. The complainant, if still dissatisfied, may request, in writing, a hearing and determination of the claimed violation by the Superintendent of Schools.
- b. The Superintendent shall, after receipt of the written request, meet the student and/or parent with the objective of arriving at a mutually agreeable solution.
- c. After the meeting, the Superintendent shall notify the complainant in writing of the decision and the reasons therefore.
- d. 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 shall authorize an impartial hearing and appoint a hearing officer. The hearing officer shall be an individual who has not participated at any stage of the complaint process. The hearing shall be scheduled a mutually convenient time. Following the hearing, a written decision, including appropriate notification of appeal procedures, will be communicated to

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MONTICELLO CENTRAL SCHOOL DISTRICT
PROCEDURES FOR EMPLOYEES

In situations where staff members believe there has been discrimination against them on the basis of disability, they may submit a complaint to the Section 504 / ADA Compliance Officer.

To ensure that employment practices are equitable and do not promote discrimination against persons with disabilities, the Section 504 / ADA compliance officer will analyze and make recommendations to amend existing policies and procedures, as needed, regarding the following district employment aspects:

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

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Step 1

- a. The employee will discuss said complaint with his/her supervisor. The complaint will be informally discussed, and if possible, a solution should be recommended.
- b. If a formal written complaint is filed with the supervisor, he/she shall provide a written decision. Copies of the written decision shall be sent to the complainant and the 504 Coordinator.

Step 2

- a. If the complaint is not satisfactorily resolved at Step 1, the complainant may request, in writing, a resolution of the claimed violation from the Section 504 Coordinator.
- b. The 504 Coordinator shall meet the employee with the objective of arriving at a mutually agreeable solution.
- c. After the meeting, the 504 Coordinator shall notify the complainant in writing of the decision and the reasons therefore.

Step 3

- a. The complainant, if still dissatisfied, may request, in writing, a hearing and determination of the claimed violation by the Superintendent of Schools.
- b. The Superintendent shall, after receipt of the written request, meet the employee with the objective of arriving at a mutually agreeable solution.
- c. After the meeting, the Superintendent shall notify the complainant in writing of the decision and the reasons therefore.
- d. 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 shall authorize an impartial hearing and appoint a hearing officer. The hearing officer shall be an individual who has not participated at any stage of the complaint process. The hearing shall be scheduled a mutually convenient time. Following the hearing, a written decision, including appropriate notification of appeal procedures, will be communicated to parties.

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