

**CHAPTER 1  
NON-DISCRIMINATION**

**Article 1**

**NON-DISCRIMINATION ON THE BASIS OF DISABILITY  
SECTION 504**

**Section 1-1.1. Students with Disabilities; Identification; Evaluation; Placement; etc.** — A. The Assistant Superintendent of Administration Pupil Personnel Services is responsible for locating and identifying students with disabilities. In furtherance of this regulation, the Coordinator of Special Education Programs shall ensure that the following steps are taken:

- (1) Efforts are to be made annually to locate and identify all qualified students with disabilities residing in the school division who are not receiving a public education presently and appropriate steps will be taken to notify students with disabilities and their parents/guardians of the availability of services under Section 504.
- (2) Parents or guardians of students with disabilities are to be given notice of their rights and, in all cases, prior to evaluation and placement.
- (3) Appropriate educational opportunities are to be made available to disabled students and Suffolk Public Schools recognizes the following:
  - (a) Each qualified student with a disability is entitled to a free appropriate public education.
  - (b) To the maximum extent appropriate, the student with a disability shall be educated with the non-disabled.
  - (c) Evaluations of the student are to be made prior to providing services.
  - (d) Periodic re-evaluations are to be made when necessary.

- (4) Hearing procedures must be available in the event of a dispute and the School Board or parents or guardians may request a hearing over any complaint alleging discrimination based on disability.
- (5) Procedural safeguard shall include:
  - (a) The right to notice;
  - (b) The right to access and examine relevant records;
  - (c) The right to impartial review procedures; and
  - (d) The right to an impartial hearing.

B. The identification and evaluation of students with disabilities shall include the following:

1. All school age children residing in the school division suspected of being disabled shall be referred to the principal or designee.
2. The principal or designee shall make the referral to the Child Study Committee who shall then determine the need for referral to the 504 Committee.
3. The 504 Committee consisting of the Assistant Superintendent of Pupil Personnel, Principal, School Nurse, and Guidance Counselor shall see that an evaluation of the student's educational needs is made if it appears that the student might be disabled.
4. The evaluation process will include the following:
  - (a) Review of records; and
  - (b) Other measures as appropriate to the student's suspected disability.
    - (1) Tests and other evaluation materials must have been validated for the specific purpose for which they are to be used and administered by trained personnel.

- (2) Tests must not be designed to provide a single intelligence quotient.
    - (3) Impaired sensory, manual or speaking skills must be taken into consideration when selecting measures.
  5. The evaluation and identification process must be completed within a reasonable amount of time from the day of the referral.
  6. Following completion of the necessary evaluation(s) the 504 Committee shall meet. Some of the members must be familiar with the student, the meaning of the evaluation data, and the placement options.
  7. The parents may also present information relevant to the identification issues for consideration by the committee.
  8. The 504 Committee is responsible for determining the following:
    - (a) Whether the student is disabled according to Section 504 of the Rehabilitation Act of 1973:
    - (b) The degree in which such a disability may be affecting the student's school placement; and
    - (c) Whether accommodations are necessary for the student to obtain access to an appropriate education.
  9. Parents may be invited to attend the 504 Committee meeting.
- C. Services for Students who are identified as disabled shall include the following:
1. A 504 Service Plan ("Section 504 Plan") shall be developed by the committee to incorporate the services that the student needs to benefit from his educational setting; and
  2. A 504 services may not be provided prior to the

development of the Section 504 Service Plan. (Issued November 11, 1994)

**Legal Authority** - School Board Policy §§1-5.1 through 1-5.9

**Section 1-1.2. Hearing Procedures.** — A. A hearing may be requested by any current student or his/her parent or guardian over any complaint alleging discrimination based on disability.

B. A request for hearing shall be made in writing and directed to the coordinator. The hearing must be requested within thirty administrative work days of the dispute giving rise to the hearing.

C. The hearing officer will be appointed within two weeks of receipt of a request for a hearing. (Issued November 11, 1994)

**Legal Authority** - School Board Policy §§1-5.1 through 1-5.9

**Section 1-1.3. Pre-Hearing Procedures** — A. The hearing officer is responsible for the following matters prior to the hearing:

- (1) Scheduling the hearing date and location and notification of the parties.
- (2) Ascertaining whether the parties will be represented at the hearing.
- (3) Ascertaining whether the hearing will be open or closed.
- (4) Ensuring that the hearing is accurately recorded either by recording equipment or by a court reporter.

B. A list of documents and witnesses must be exchanged by the parties one week prior to the hearing and copies provided to the hearing officer.

C. Pre-hearing conferences should be held, if appropriate. (Issued November 10, 1994)

**Legal Authority** - School Board Policy §§1-5.1 through 1-5.9.

**Section 1-1.4. Hearing Rights.**—A. The parties have the following rights in a hearing:

- (1) To be represented by counsel;
- (2) To present evidence and cross-examine witnesses;

- (3) To prohibit the introduction of evidence that has not been disclosed in advance; and
- (4) To obtain a copy of the transcript or a tape recording of the hearing (the cost of the transcription to be borne by the requesting party).

B. For hearings requested on behalf of students, the student may attend the hearing.

C. The hearing officer shall ensure in connection with the hearing, the following matters:

- (1) An atmosphere conducive to impartiality and fairness.
- (2) The appointment of a surrogate parent by the school division, if appropriate, pursuant to the regulations adopted by the State.
- (3) Maintenance of an accurate record of the proceedings.
- (4) Issuance of a written decision to all parties setting forth findings of fact and conclusions of law based on the evidence presented to the hearing.
- (5) The decision must be issued within forty-five calendar days of receipt of the request for a hearing, unless continued for good cause at the request of a party.
- (6) Assignment of the burden of proof to the party requesting a change in the *status quo*.
- (7) The hearing officer shall hold all records for thirty days after issuance of a decision. In the event an appeal is noted, the coordinator will advise the hearing officer of the name and address of the reviewing officer. The hearing officer shall transmit the record to the reviewing officer within three days of the request. In the event no appeal is made, the hearing officer shall return the record to the coordinator. (Issued November 10, 1994)

**Legal Authority** - School Board Policy §§1-5.1 through 1-5.9