

New Milford Public Schools



Family Information Section 504

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Mission Statement

New Milford Public School's Mission:

The mission of the New Milford Public Schools, a **collaborative partnership** of students, educators, family, and community, is **to prepare each and every student:**

- **To compete and excel** in an ever-changing world;
- **To embrace challenges** with vigor;
- **To respect and appreciate** the worth of every human being,

and contribute to society by **providing** effective instruction and a dynamic curriculum, **offering** a wide range of valuable experiences, and **inspiring** students to pursue their dreams and aspirations.

Introduction:

Section 504 is a federal law that protects individuals with disabilities from discrimination in organizations that are recipients of Federal Assistance, including Public School systems.

Students with disabilities may be eligible for accommodations if their disability impacts a major life activity. These specific definitions will be addressed in the eligibility section.

The purpose of this document is to provide guidance on staff NMPS roles and responsibilities, processes, and procedures. Additional resources for in-depth reference will be provided at the end of this document.

What is a 504?

A Section 504 plan is a legal document to ensure that students with disabilities receive appropriate accommodations and services to access education. It's named after Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against individuals with disabilities in programs receiving federal financial assistance.

Students protected under Section 504:

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to:

- ★ Have a physical or mental impairment that substantially limits one or more major life activities, or
- ★ Have a record of such an impairment, or
- ★ Be regarded as having such an impairment.

Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

504 Plan versus an Individualized Education Program (IEP):

The 504 Plan is a plan developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives accommodations that will ensure their academic success and access to the learning environment.

The Individualized Educational Plan (IEP) is a plan or program developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives specialized instruction and related services.

Eligibility:

When determining if students require an accommodation plan, 504 teams consider the following:

1. Is there a physical or mental impairment?
2. Does it substantially limit a major life activity?
3. Does the student require a 504 plan to access school programming and/or the educational program?

504 teams consider multiple sources of information when determining student eligibility. This may include, but is not limited to, the following:

- parent/caregiver reports
- student input
- observations of student functioning
- teacher, related services staff, nurse, or other relevant reports
- performance (grades, assessments, classwork)
- medical documentation
- evaluation results
- degree of impact

Physical or Mental Impairment

This includes any physiological or psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, including neurological disorders, musculoskeletal conditions, or respiratory impairments.

Substantial Limitations

The impairment must substantially limit one or more major life activities.

A substantial limitation exists when a person cannot perform a major life activity that the average person in the general population can perform or when a person is significantly restricted in the condition, manner, or duration under which they can perform the same major life activity.

Major Life Activities

Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include:

Major Life Activities include, but are not limited to:

Caring for oneself Seeing Sleeping Lifting Learning Thinking	Performing manual tasks Hearing Eating Walking Standing Bending Bodily Functions	Speaking Concentrating Breathing Communication Working Reading Other
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504 Team Composition:

Staff representing areas of concern may include school administration (*always for referral meetings*), nurses (medical issues), classroom teachers, school counselor, school psychologist, related service staff (ex. speech, OT, AT), parent/guardian, and student (for middle/high school).

Referral and Evaluation

Referral:

1. Students can be referred for a 504 by their parents/guardians or by the school-based staff.
2. When a referral is made by either the parents or the school, the projected case manager (see roles and responsibilities) will create a referral in the CT-SEDS program.
3. From the referral meeting date, the staff has 30 calendar days to determine eligibility. The student's physician must complete the district medical questionnaire before the meeting date. (see district forms)

Evaluation:

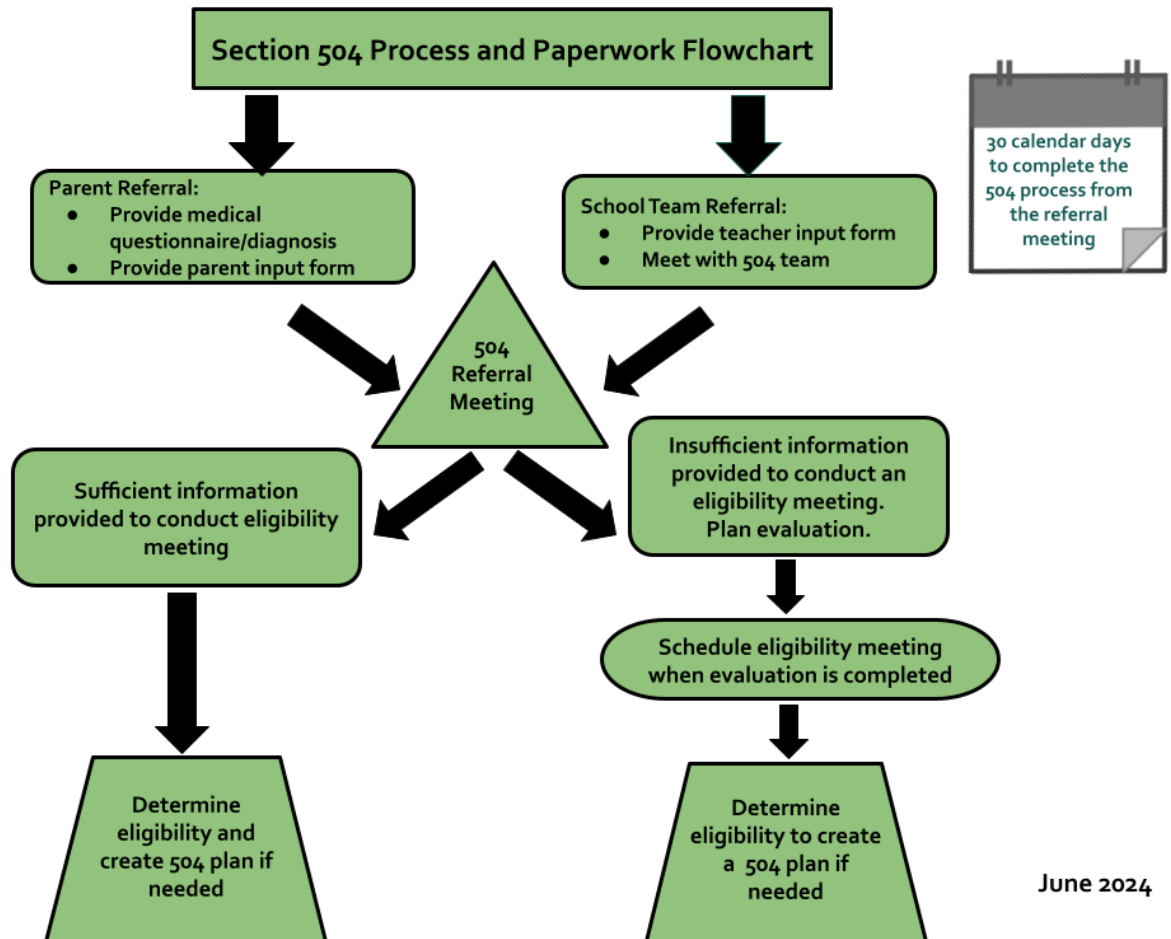
Determining whether a child is eligible under Section 504 begins with the evaluation process.

The evaluation:

- ❖ Should be based on information from a variety of sources, e.g., teacher(s), other school staff members, parent/legal guardian, physician, nurse, other professionals, or persons in the community;
- ❖ Should document and consider all available pertinent information, e.g., records, assessment data, and medical reports related to the suspected physical or mental impairment that may be substantially limiting a major life activity;
- ❖ Should be conducted by a team or group of persons, including those who are knowledgeable about the child, the suspected handicapping condition, evaluation procedures, the meaning of evaluative data, and accommodation/placement options;
- ❖ Should use assessment materials, tests, and/or evaluation procedures tailored to assess specific areas of educational need, are not racially or culturally discriminatory, and are validated for the specific purpose for which they are used.

***A physician's medical diagnosis is not always required to find a student eligible for Section 504 accommodations. The physician is not qualified to recommend eligibility; that is an educational team decision. Therefore, a physician's diagnosis could be one of the sources the 504 team considers when determining eligibility.*

504 Procedural Flowchart



Frequently Asked Questions About Eligibility for a 504 Plan

Q: What is a Section 504 Plan?

A: A Section 504 Plan is a legal document developed to ensure that students with disabilities receive appropriate accommodations and services to access education. It's named after Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against individuals with disabilities in programs receiving federal financial assistance.

Q: Who is eligible for a Section 504 Plan?

A: To be eligible for a Section 504 Plan, a student must have a physical or mental impairment that substantially limits one or more major life activities. Major life activities include but are not limited to walking, seeing, hearing, speaking, breathing, learning, concentrating, and performing manual tasks.

Q: How is eligibility determined for a Section 504 Plan?

A: Eligibility is determined through a process of evaluation and assessment conducted by a team of qualified professionals, which may include educators, school psychologists, medical professionals, and parents. The team reviews relevant information such as medical records, educational assessments, and input from parents and teachers to determine if the student meets the criteria for eligibility.

Q: What if a student does not qualify for a Section 504 Plan?

A: If a student does not meet the eligibility criteria for a Section 504 Plan, it means that their impairment does not substantially limit a major life activity in an educational setting. However, this does not mean that the student cannot receive support or accommodations through other means. Schools may provide additional assistance through general education interventions, individualized education programs (IEPs), or other support services as appropriate.

Q: Can a parent request a Section 504 Plan even if their child does not qualify?

A: Parents can request a Section 504 evaluation for their child if they believe that their child has a disability and may require accommodations or services to access education. However, it's important to note that eligibility for a Section 504 Plan is based on specific criteria, and a request alone does not guarantee qualification. The school will conduct an evaluation to determine eligibility based on the student's individual needs and circumstances.

Q: What should parents do if they disagree with the outcome of the evaluation?

A: If parents disagree with the outcome of the Section 504 evaluation, they have the right to request a formal review or appeal process through the school district. This process may involve providing additional information or documentation to support the **student's** eligibility, or it may include mediation or a due process hearing to resolve disagreements.

Q: Can a student with a medical diagnosis automatically qualify for a Section 504 Plan?

A: Having a medical diagnosis alone does not automatically qualify a student for a Section 504 Plan. While a medical diagnosis may be a factor considered during the evaluation process, eligibility is determined based on how the impairment affects the student's ability to participate in educational activities and access educational services. The impact of the impairment on major life activities within an educational context is the primary consideration for eligibility.

Q: A pediatrician stated that a student needs a 504 Plan and wrote a prescription for one.

A: A medical diagnosis alone is not sufficient to warrant the creation of a Section 504 Plan because Section 504 of the Rehabilitation Act of 1973 requires evidence of how a diagnosed condition substantially limits one or more major life activities within an educational context, necessitating an individualized assessment of the student's specific needs and how those needs impact their ability to access education and related services.


Additional Resources

[CT Association of Schools \(CAS\) 504 Guidelines](#)

[Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#)

[CT-SEDS 504 User Manual](#)

[Office of Civil Rights Resources in Other Languages](#)

 [UDL and SDI Accessibility and Accommodation Crosswalk.pdf](#)

[Parent Guide- 504 CSDE](#)

[504 Evaluation Process Overview for Parents](#)

[District Level Grievance Procedure BOE Policy](#)

 [504_Procedural_Safeguards.pdf](#)

Contact Information

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