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## **Dobbs Ferry Union Free School District Section 504 Handbook**

**"Independent Thinkers Change Worlds"**



*Updated 06/01/2025*

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Special thanks to the 504 Task Force, who reviewed and updated this Handbook in consultation with Shaw, Perelson, May & Lambert, LLP

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July 2025

Dear Dobbs Ferry Community:

The following pages contain information about Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the Dobbs Ferry Union Free School District's Section 504 procedures.

The procedures and the corresponding forms for use by our schools reflect information from the State Education Department, the federal Office of Civil Rights, legal publications, and input from our attorneys. Although we have made every effort to simplify and streamline the paperwork necessary to establish a 504 Accommodation Plan (504 Plan), there are legal obligations that require these procedures and forms.

When a student is found to meet the criteria for protection under Section 504 and a 504 Plan is developed, it is essential that all staff members working with the student be made aware of the accommodations and understand their obligations to implement those accommodations. Implementation of accommodations under Section 504 is not a choice, but is a legal obligation.

As the Section 504 Coordinator and Compliance Officer for the Dobbs Ferry Union Free School District, I serve as the 504 Compliance Officer for students and am available to hear concerns and grievances brought by families.

This handbook will be reviewed and updated, as needed as ongoing rulings from the Office for Civil Rights and the courts provide clarification and guidance.

Please feel free to contact the 504 Chairperson in your respective building if you have any questions or require any additional information.

Sincerely,

Darrell Stinchcomb, Ed.D.

Assistant Superintendent of Schools & District-wide Section 504 Coordinator and Compliance Officer

**Building 504 Chairs:**

Springhurst Elementary School: Mr. Gianfranco Bastone

Dobbs Ferry Middle School: Ms. Anne Pecunia

Dobbs Ferry High School: Dr. Juliet Gevargis-Mizimakoski

## Non-Discrimination Policy

In compliance with the Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, Title IX of the 1972 Education Amendments, and part 200 of the NYS Commissioner's Regulations, the Dobbs Ferry Union Free School District does not discriminate on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, religion, genetic information or marital status in its educational programs, activities, or employee practices. This policy of non-discrimination includes recruitment and employment of personnel, as well as access by students to educational programs, course offerings, and school-wide activities.

To ensure nondiscriminatory treatment toward qualified individuals with disabilities in all employment practices and related activities, job descriptions for all District positions will include the essential functions of the position with or without reasonable accommodations.

The District will also establish grievance procedures that allow for the prompt and equitable resolution of any alleged discrimination. Please see Appendix B to this document.

## Introduction

Section 504 of the Rehabilitation Act of 1973 ("Section 504") prohibits discrimination against handicapped individuals in programs or activities receiving federal financial assistance. This means that individuals with disabilities in such programs or activities may not be excluded from participation in, be denied the benefits of, or be subjected to discrimination. Under Section 504, an individual with a disability is defined as anyone who:

1. has a mental or physical impairment that substantially limits one or more major life activities; or
2. has a record of such impairment; or
3. is regarded as having such impairment.

The purpose of a 504 is to provide equity and access to the district's programs and activities for all students, provide appropriate educational services to the same extent as non-disabled peers, and meet the student's individual education needs as equitably as the needs of nondisabled students. The Board of Education of the Dobbs Ferry Union Free School District has established [Policy 5020.3 \(Policy 5020.3 with draft revisions\)](#) that prohibits discrimination against individuals with disabilities, including students and staff. The District has established Section 504 Committees in each of its schools and, in accordance with the requirements of Section 504, identified a Section 504 Compliance Officer.

This handbook is designed to serve as a resource for implementing and monitoring Section 504 requirements for students in the Dobbs Ferry Union Free School District; describes the policies, procedures, and safeguards related to Section 504; and provides each building committee with guidance on its consistent implementation. Finally, the handbook provides distinctions between the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA).

If there are any questions or concerns about any information included in this manual, please contact the 504 Chairperson in your respective buildings.

Each school building has a Section 504 Committee whose responsibilities include:

1. determining student eligibility;
2. developing 504 Plans; and
3. conducting periodic reviews/reevaluations of 504 Plans.

## I. Referral and Initial Eligibility Determination

If a student feels they are struggling, students and/or their parent or caregiver should speak with the student's teacher(s). Students and families may also bring concerns to the student's school counselor. Teachers and/or School Counselors will work with students and their families collaboratively to determine the appropriate next steps to provide students the support they need.

If a teacher believes a student is experiencing difficulties in school, in addition to communication with the student and/or family, the teacher could make a referral to the Multi-Tiered System of Supports (MTSS) Team in the student's building if needed.

The MTSS Team is a group of staff members within each building who review the student's records, as well as anecdotal and observational information shared and collected from teachers. Collectively, this information is used to develop supports that the classroom teacher and school personnel can implement immediately to assist the student. In some cases, the MTSS team may refer a student to the 504 Committee for evaluation.

1. *Initial Referral:* Any member of the school community, a parent/guardian, teacher, administrator, or other agency/community member may make a referral if they suspect that a student may have a disability that impacts one or more life activities as defined under Section 504<sup>1</sup>. Alternatively, a student may make a self-referral. Any such referral must be made in writing by completing the [DFSD 504 Family Input Form](#) and returning it to the Building 504 Chairperson.
2. *Response to Referral:* The process following referral will parallel the IDEA timeline, suggesting that 60 calendar days be used as a guide for a reasonable amount of time to complete the referral process, although the timelines applicable to the CSE under the IDEA are not binding on the Section 504 Committee.
3. *Evaluation:* In most cases, unlike the full psycho-educational evaluation under the IDEA, the Section 504 Committee's initial evaluation for eligibility is based on the needs of the individual student and a formal review of available data.<sup>2</sup> Such data may include, but is not limited to: grades, anecdotal reports, test scores, records of relevant school-based

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<sup>1</sup>Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504.

<sup>2</sup> Unlike the IDEA, Section 504 has no provision for an independent educational evaluation (IEE) at District expense.

team meetings, consultation with staff/outside agencies, data collected by the building MTSS team, and information provided by parents. The parent/guardian will have the opportunity to examine all relevant records for the student and to participate in the 504 initial eligibility determination meeting. At the secondary level, the district strongly recommends that the student attend meetings.

4. *Eligibility:* If a student is deemed *ineligible* for a 504 Plan, the basis for the Section 504 Committee's decision must be recorded in the comments section of the form used for a 504 plan. A copy of the statement of ineligibility must be:
  - a. sent to the student and/or their parent/guardian, and
  - b. maintained in the building confidential file.

If determined to be ineligible, the 504 Committee may refer the child to the Committee on Special Education.

5. *New-to-District:* Any new student with a 504 Plan moving into the district should have their plan and eligibility immediately reviewed, while any necessary interim services are provided through the MTSS Team.

### Special Note

A referral for a Section 504 disability should only be made if a student is 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.

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. No student should be classified as Section 504 solely as a means to receive extra help in class or on a test.

## **II. Committee Structure**

The basic organizational structure for managing Section 504 within the District is as follows:

1. Each school building is responsible for establishing and maintaining a Section 504 Committee.
2. The composition of each Section 504 Committee must include:
  - a. a person knowledgeable about the child\*
  - b. a person knowledgeable about evaluation data
  - c. a person knowledgeable about intervention options \*
  - d. a chairperson (from the building)

*\*may be the same person*

3. The designated chairperson of the Section 504 Committee must be the assistant principal or the assistant principal's designee (e.g., Counselor). The building 504 chairperson is responsible for:
  - a. ensuring meeting notices are sent (meeting invitations, determination letters);
  - b. convening and conducting the meeting;
  - c. managing the flow of paperwork (such as consent for testing letters);
  - d. assuring communication with the parent/guardian (such as a consent for services letter);
  - e. ensuring that appropriate building staff receive copies of the 504 Plan or its pertinent part(s); and
  - f. ensuring that critical information and paperwork are transferred as the student transitions from one building to another.
4. The Section 504 Committee must meet, as appropriate, to determine student eligibility, develop the 504 Plan, and conduct reviews/reevaluations of eligibility and the Plan.
5. The District's 504 Compliance Officer and Coordinator is the Assistant Superintendent of Curriculum and Instruction. All critical student issues, including the need for fiscal resources and the grievance procedure, must be referred to the office of the Assistant Superintendent, Dr. Darrell Stinchcomb.

### III. 504 Plans

If a student is determined to be eligible for 504 services, the Section 504 Committee develops a 504 Plan that contains the following information:

1. The student's identified physical or mental disability;
2. The major life activity that is substantially limited;
3. The specific accommodation(s) and/or services that are necessary in school, based on the child's identified disability;
4. the date for the review/reevaluation; and
5. The names of those who attended the Section 504 Committee meeting at which the 504 Plan was developed.

Parents/guardians must be invited to participate in all Section 504 Committee meetings, including the development of the 504 Plan, and must receive the Parent/Student Rights notice (Appendix A). Translators will be available at the meeting at the parents'/guardians' request.

All appropriate staff in the school building responsible for implementing the 504 Plan must have access to its contents as it pertains to their role.



## IV. Accommodations and Services

Any accommodation or related service included in a 504 Plan should be necessary and reasonable in relation to the student's identified disability as determined by the 504 Committee. The specific nature and scope of the accommodation(s) and/or related services(s) will depend on the nature of the disability of the individual student.

### Special Note:

A student eligible for a 504 Plan cannot be exempt from any State-mandated test. Furthermore, certain State and other standardized tests may limit the specific types of modifications allowed.

504 Plans may be submitted by parents in partnership with the school, for consideration, to the College Board/SAT, ACT or IB. The decision to grant accommodations for those assessments resides with the testing agency, not the Dobbs Ferry Union Free School District.

## V. Implementation of 504 Plan

Once the Section 504 Committee has developed the 504 Plan and the parent has received a copy of the Plan along with the Parent/Student Rights (Appendix A), the Building 504 chairperson and the student's 504 case manager at the building are responsible for ensuring implementation of the plan.

1. *Transition Years:*
  - a. The most recent copy of the 504 Plan must be part of the student's record as the student moves from one school building to another (Springhurst to middle school, middle school to high school). The building 504 coordinator will ensure that the "receiving" school is aware that a 504 Plan exists and will coordinate communication between the "sending" and "receiving" school staff.
  - b. Regular 504 Plan reviews are held in grades 2, 6, and 9.
  - c. When a student is moving up to a grade that involves transitioning to a new building, and a periodic spring semester review of the 504 Plan is requested outside of the typical meeting schedule, a representative from the receiving school will be invited to attend the student's Section 504 Committee meeting. For example, if a meeting was requested in the spring semester for a student in the 5th grade, then a 6th-grade teacher would be invited to join the meeting at the elementary school for that 5th grader.
2. *Transferring Out-of-District:* If a student transfers to a school that is not a part of the Dobbs Ferry Union Free School District, their 504 plan is exited. If they return to the district, an initial eligibility meeting will be held at the building at that time.

## **VI. Review of the 504 Plan**

The Section 504 Committee must document that the child has a physical or mental impairment that substantially limits one or more major life activities both at the time of the initial eligibility and upon the periodic review/re-evaluations.

The District retains the right and responsibility to determine the student's initial and continuing eligibility. Regular 504 meetings are held at the building level during transition grade levels (grades 2, 6 and 9<sup>3</sup>), by request, and every three years at the re-evaluation time. The parent/guardian and other interested individuals are welcome to provide any substantiating data, including medical information, for the Section 504 Committee's consideration for the periodic reviews/evaluations.

If a student no longer meets the criteria for Section 504 eligibility according to current legal standards, discontinuing the 504 Plan is appropriate. In such cases, a Section 504 Committee meeting will be held with the parents/guardians, and written documentation of the exiting decision will be shared along with a notice of Parent/Student Rights (Appendix A). All such documents must be kept on file.

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<sup>3</sup> The Section 504 Committee can be available to meet with the parents to review the 504 Plan in the student's senior year; however, Section 504, unlike the IDEA, does not require a transition plan. Moreover, the determination of the student's eligibility under Section 504 at the postsecondary level, including any additional evaluation or documentation, is not part of the District's obligation.

## FAQs

### How is a 504 plan different from an IEP?

A 504 plan is based on Section 504 of the Rehabilitation Act of 1973, a civil rights law that ensures all children have equal access to an education. The 504 plan is a legal document. The purpose of a 504 plan is to provide equity and access for all students, provide appropriate educational services to the same extent as non-disabled peers, and to meet the student's educational needs as adequately as the needs of nondisabled students are met. It is designed to provide accommodations or related services to assist students with a physical or mental disability who are in a regular education setting. A 504 plan is not an Individualized Education Plan (IEP) as is required for special education students.

IEP vs 504	Individualized Education Plan (IEP)	Section 504 Plan
Type of law	Special Education - Individuals with Disabilities Act (IDEA)	Civil Rights - Rehabilitation Act of 1973
Department	Department of Education	Office of Civil Rights
Requirements for eligibility	Has a disability that: a) meets criteria under IDEA, b) significantly impacts educational performance, and c) requires specialized services	Has a disability that significantly impacts a major life function
What is typically included?	Specialized education services, accommodations, related services	Accommodations, modifications, and related services
Age limits	IEP offered through 12th grade or until age 21 when required	No age limits with a 504 plan
Where is the plan used?	Educationally, through the 12th grade  Does not transfer to college	School, work, and college  Eligibility and plan creation occurs at each institution
Discipline	A Manifestation Determination meeting must be held to determine if the offense is a manifestation of the disability by the 10th day of suspension  Services are required during long-term suspension	A Manifestation Determination meeting must be held to determine if the offense is a manifestation of the disability by the 10th day of suspension  May require reevaluation

### **Are all students with a diagnosed disability eligible for a 504 plan?**

No, there must be a substantial impact on one or more major life activities during the school day.

### **What are examples of “major life activities”?**

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, and learning. The 504 Committee in each building ultimately has to determine whether the diagnosis constitutes a disability as defined under Section 504 and the ADA, and then whether the disability causes a substantial impact on a major life activity during the school day. While the standard for what constitutes a substantial impact on a major life activity is low, it must be demonstrated (documented data and interventions) that the diagnosis constitutes such a substantial limitation of a major life activity during the school day that accommodations and supports are necessary to provide appropriate educational services to the same extent as non-disabled peer. A 504 plan is intended to meet the student's educational needs as adequately as the needs of nondisabled students are met

### **What accommodations might be included in the 504 plan?**

Possible accommodations include:

- A student's seat assignment can be adjusted to accommodate a disability.
- A student can be provided breaks as needed to accommodate a disability.
- A student with diabetes may be permitted to eat in the classroom.
- A student can be provided with the use of a word processor when written responses are required.
- A student's testing conditions may be adjusted to accommodate a disability.

## Glossary of Terms

The following terms associated with Section 504 are critical to the understanding of this law. It is important to note that these definitions, in some cases, differ from those under the Individuals with Disabilities Education Act (IDEA).

**Individual with a disability** includes a person who:

- Has a physical or mental impairment that substantially limits one or more of such person's major life activities,
- Has a record of such an impairment, or
- Has been regarded as having such an impairment.

The first prong (i.e., bulleted item) of this definition is required for eligibility for a 504 Plan; the other two prongs are protections against exclusions. Moreover, children who meet the criteria for the first prong and fit into overlapping coverage of the IDEA are referred to the Committee on Special Education Committee (CSE) and receive an individualized education program (IEP) rather than a 504 Plan.

**Physical or mental impairment** includes one or more of the following:

- A physiological disorder or condition.
- An anatomical loss affecting one or more of the following body systems, including but not limited to, musculoskeletal, respiratory, hemic, and lymphatic.
- Any mental or psychological disorder such as organic brain syndrome, emotional or mental illness, and specific learning disability.

**“Substantially Limits”** in the context of the eligibility definition refers to a significant and long-standing restriction. A student requires accommodations or supports under a 504 plan to access the general education curriculum. A 504 is not intended to give students an advantage to raise their grade or improve placement.

### **Reasonable Accommodation**

- Often first trialed with the support of the building MTSS Team, 2) Will help mitigate the disability. 3) The accommodations have to be directly linked to the identified disability. 4) Will allow the disabled student access to curriculum, activities and school programs.

**Section 504 Committee** is a group of individuals at the building level who are knowledgeable about the student, evaluation data, and supports (i.e., accommodations and/or services) and who are responsible for determining whether the student is eligible under Section 504 and, if so, for developing the student's 504 Plan. (The corresponding group under the IDEA is the Committee on Special Education (CSE)).

**Multi-tiered System of Supports (MTSS):** is a framework used to provide academic, social and emotional and/or behavioral support, including attendance, to struggling students in the general education setting. MTSS consists of three tiers of support. Tier 1 consists of classroom supports that are implemented proactively, Tier 2 consists of small group support and Tier 3 is more individual support. Here in the Dobbs Ferry Union Free School District, generally, students

should be referred to the building-level MTSS team for data review and collection prior to a 504 initial eligibility meeting.

## APPENDIX A

### **DOBBS FERRY UNION FREE SCHOOL DISTRICT** **NOTICE OF RIGHTS** **SECTION 504 OF THE REHABILITATION ACT OF 1973**

*You have the right to be informed by the school district of your rights under Section 504. This is a notice of you and your child's rights under Section 504 and the rights you have if you disagree with the school district's decisions.*

#### **WHAT IS SECTION 504?**

Section 504 of the Rehabilitation Act of 1973, commonly called "Section 504", is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activities.

#### **YOUR CHILD'S EDUCATION:**

*Your child has the right to:*

- Receive a free and appropriate public education.
- Participate in and benefit from the district's educational programs without discrimination.
- Be provided an equal opportunity to participate in the district's nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related aids and services to allow your child an equal opportunity to participate in school activities. Receive educational and related aids and services without cost, except for those fees imposed on the parents of children without disabilities.
- Receive special education services needed.

#### **YOUR CHILD'S EDUCATIONAL RECORDS:**

*You have the right to:*

- Review your child's educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.
- Ask the district to change your child's education records if you believe that they are wrong, misleading, or are otherwise in violation of your child's privacy rights. If the district refuses



this request, you have the right to challenge the refusal by requesting an impartial hearing.

- A response to your reasonable requests for explanations and interpretations of your child's education records.

## **THE SECTION 504 PROCESS**

*Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504. You have the right to:*

- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.
- Have evaluation and placement decisions made by a group of persons, often called a "504 team", including persons who know your child, the meaning of the evaluation information, and the placement options available.
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your child.

If your child is eligible under Section 504, your child has a right to annual review of the 504 plan as well as periodic re-evaluations, including re-evaluations before any significant change is made in your child's placement.

## **IF YOU DISAGREE WITH THE DISTRICT'S DECISION:**

If you disagree with the district's decisions regarding your child's identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you. Hearing requests and other concerns can be made to the District's Section 504 Coordinator.

You have the right to file a complaint of discrimination with the U.S. Department of Education's Office for Civil Rights (OCR), or to file a complaint in federal court. Generally, an OCR complaint may be filed within 180 calendar days of the act that you believe was discriminatory. The regional office is located at 32 Old Slip, 25<sup>th</sup> Floor, New York, New York 10005. Phone: 646-428-3906. Website: [www.2.ed.gov/OCR](http://www.2.ed.gov/OCR)



## APPENDIX B

### Grievance Procedure

The District has established the following grievance procedure for parents and any other individuals who claim a violation of Section 504:

If an individual alleges a violation of Section 504 (e.g., when a parent seeks to dispute the eligibility determination or the 504 Plan for his/her child), the following multi-step process applies:

#### Step 1

The individual has the opportunity to discuss the matter informally with the representatives of the building, including the principal, where the alleged violation arose for possible mutual resolution. For example, in an eligibility dispute, the parent/guardian may speak with the Building principal, 504 Chairperson and, if appropriate, the entire building committee.

#### Step 2

If not satisfied with the outcome based on this informal meeting at the building-level, within 30 calendar days thereafter, the parent/guardian may contact the District's Assistant Superintendent of Curriculum and Instruction and District Section 504 Coordinator in writing at the address below:

Dr. Darrell Stinchcomb  
Assistant Superintendent of Curriculum and Instruction  
505 Broadway  
Dobbs Ferry, NY 10522

The complainant will receive a written answer from the District's Section 504 Coordinator within 30 calendar days.

#### Step 3

If the complainant is not satisfied with the District's Section 504 Coordinator's written answer, they may appeal to the Board of Education within 15 days of receipt of that answer. The Board will appoint a hearing officer, who shall schedule a hearing for a mutually convenient time and issue a written recommendation within 30 days of the conclusion of the hearing for a final Board decision.

**NOTE:** *At any time, a parent/guardian or other individual has the option to file a complaint with the Office for Civil Rights (OCR). The complaint must be filed within 180 days of the alleged discrimination.*