



Regulation of the Chancellor

Number: A-710

Subject: SECTION 504 POLICY AND PROCEDURES FOR STUDENTS

Category: STUDENTS

Issued: September 10, 2021

SUMMARY OF CHANGES

This regulation updates and supersedes Chancellor's Regulation A-710 dated January 20, 2011.

Changes

- Updates the title of Network Health Liaisons to Borough/Citywide Office Health Directors (Sections IV, V, VI, VII, IX).
- Updates the materials provided to parents under "Dissemination of Policy" (Section I.B).
- Defines "parent" (Section I.C).
- Clarifies that the Central Section 504 Coordinator is referred to as the Section 504 Program Manager (Section II.A).
- Updates introductory language, adds "activities" where DOE "programs" are referenced, and clarifies that school is a DOE program (Abstract, Introduction, Sections III, IV, V).
- Changes "non-disabled peers" to "peers who do not have disabilities" throughout.
- Updates the requirements for disseminating the Notice of Non-Discrimination under Section 504 to parents in Section I, and removes duplicative reference in Section VII.A.
- Clarifies that the Section 504 Program Manager prescribes the standard procedures and forms referred to in Section II.A in consultation with relevant DOE divisions.
- Requires that the school-based 504 Coordinator must be a licensed administrator, supervisor, teacher, guidance counselor, school psychologist, or social worker who works at the school full-time (Section II.B).
- Clarifies that the school-based 504 Coordinator must, among other responsibilities, attend certain trainings (Section II.B).
- Clarifies that parent notification must occur within five (5) school days of the 504 Coordinator receiving the staff-initiated request (Section III.A.2).
- Clarifies that the forms referred to in Section III.A are 504 request forms.
- Removes "Assessment" from the description of "504 Team Meetings" (Section IV.B) and replaces "assessment" with "evaluate" for determining a student's Section 504 eligibility (Sections III.A, IV).
- Adds information on 504 request forms and medical forms, and on parent requests for translation and/or interpretation (Section III.B).
- Clarifies the required members of the school-based 504 Team, the individuals with whom the 504 Team should also consult, and the Section 504 Program Manager and Health Directors are resources for the 504 Team (Section IV.A).
- 504 Team Meeting Timelines (Section IV.B)
 - Clarifies that the 504 Coordinator must schedule the 504 Team Meeting within five (5) school

- days of receiving the parent-initiated 504 request.
- Clarifies that 504 Team Meetings can be held, and 504 Plans reviewed, regardless of whether the Office of School Health has completed its review of the applicable Medication Administration Form (MAF) or Medically Prescribed Treatment Form.
- Changes the timelines for when the 504 Team Meeting must occur.
- Clarifies that the 504 Coordinator must send a written reminder to the parent at least five (5) school days before the 504 Team Meeting, and they are encouraged to include a proposed draft of the 504 Plan (Section IV.B.6).
- Clarifies that the 504 Team considers relevant medical records (Section IV.B.7).
- Removes “Appendix A” and instead directs readers to the 504 Accommodations: Student & Family Guide or 504 Accommodations webpage (Section IV.C.2).
- Revises the content regarding “major life activity” and “substantially limits” which the 504 Team considers in evaluating the student’s eligibility for 504 accommodation(s) (Section IV.C.2.c).
- Adds the Section 504 Program Manager as a resource for 504 Teams (Section IV.C.3).
- Moves content on the eligibility determination notice from Section V.C to Section IV.C.4.
- Requires that the 504 Team draft the 504 Plan using the relevant DOE 504 Accommodation Plan template (Section V.A).
- Adds content regarding accommodating the student in the least restrictive environment (Section V.A.3).
- Updates language, and adds new subsections and content to “Examples of Accommodations” (Section V.B).
- Clarifies that if the student needs accommodations in addition to what is stated on the MAF or Medically Prescribed Treatment Form, a 504 Plan is also required, and updates the required forms (Section V.B.1).
- Updates the content on finalizing the 504 Plan (“Notification and Consent”) (Section V.C).
- Updates the content on the process for documenting and implementing 504 accommodations for students transferring between DOE schools during the school year (Section V.D).
- Moves “Transfers from Another School District or Private or Charter School” up to Section V.E and updates the heading to “Non-DOE School” and the content.
- Updates the Annual Renewal process and sets forth requirements for the 504 Coordinator or designee concerning the content and timing of follow up with parents of returning students with a MAF or Medically Prescribed Treatment Form, and/or 504 Plan who may require health services in the following school year (Section V.F).
- Changes “Required Referral to CSE” to “Special Education Services” and updates the related content (Section V.G).
- Updates recordkeeping requirements consistent with the updated 504 Coordinator responsibilities in Section II.B (Section VI).
- Updates various links and language in the Review Procedures, and adds cross-reference Chancellor’s Regulation A-820 (Section VII).
- Adds Section VIII, “Alternative Complaint Procedures.”
- Updates the contact information for the Central Section 504 Coordinator (Section IX).



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ABSTRACT

This regulation sets forth the policies and procedures of the New York City Department of Education (DOE) for students attending DOE schools and programs who are qualified individuals with disabilities as defined in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794, 34 C.F.R. § 104) and who are in need of accommodations in order to participate in DOE programs and activities.

INTRODUCTION

Each school year, the DOE identifies and evaluates qualified students with disabilities within the meaning of Section 504 of the Rehabilitation Act of 1973 (referred to as Section 504 or 504) who are in need of reasonable accommodation(s) to participate in DOE programs (including school) and activities on an equal basis with their peers who do not have disabilities. As detailed in this regulation, students who may be in need of such accommodation(s) are evaluated by a school-based 504 Team (described below in Section IV.A) and, when appropriate and approved by the parent, are provided accommodation(s) pursuant to a written Section 504 Accommodation Plan (504 Plan) that outlines the accommodation(s) the student will receive.

I. DISSEMINATION OF POLICY

- A. Every New York City public school and educational program must post the DOE's Notice of Non-Discrimination Under Section 504, which includes information about this regulation, in a prominent location where it can be seen by employees, parents and students. The notice is posted on the DOE's website at <https://www.schools.nyc.gov/docs/default-source/default-document-library/notice-of-non-discrimination-under-504---accessible.pdf>.
- B. Schools must provide all of the following materials to all parents of DOE students upon request, in addition to: on an annual basis, the Notice of Non-Discrimination Under Section 504; and upon enrollment at any point during the course of the school year, along with the 504 Accommodations: Student & Family Guide (available at <https://www.schools.nyc.gov/docs/default-source/default-document-library/504-accommodations-student-and-family-guide>) and new student Section 504 parent letter (available at <https://infohub.nyced.org/in-our-schools/translations/forms/health-forms-and-notices>).

- C. The term “parent,” whenever used in this regulation, means the student’s parent or guardian, or any person in a parental or custodial relationship to the student, or the student if they are an emancipated minor or have reached 18 years of age.

II. **IMPLEMENTATION OF POLICY**

Personnel shall be designated at the Central and school levels to ensure compliance with this regulation.

- A. In consultation with relevant DOE divisions, the Central Section 504 Coordinator, referred to as the Section 504 Program Manager shall prescribe the standard procedures and forms used for notifying parents of Section 504 rights, Section 504 referrals, and Section 504 evaluations.

- B. Each principal shall appoint a school-based 504 Coordinator to oversee implementation of this regulation at the school level. The school-based 504 Coordinator must be a licensed administrator, supervisor, teacher, guidance counselor, school psychologist, or social worker who works at the school full-time. Consistent with this regulation, responsibilities of the 504 Coordinator include but are not limited to:

- prominently posting, and disseminating to the parents of all students at the school, the Notice of Non-Discrimination Under Section 504;
- disseminating Section 504 letters, notices, and request forms to parents in their preferred “covered language,” as defined in Chancellor’s Regulation A-663 (Translations, <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-663-english>);
- following up with parents of returning students who received 504 accommodations during the prior school year;
- coordinating with the parent, school, Borough/Citywide Office, Central staff, and health care providers to ensure the DOE receives all forms needed for the DOE to conduct the Section 504 process in a timely manner;
- reviewing and discussing with the parent the content of the completed 504 request forms upon submission and in advance of the 504 Team Meeting;
- convening 504 Teams to evaluate requests for accommodations;
- overseeing the development and finalization of the 504 Plan;
- overseeing provision of any accommodations, including identifying to the school nurse any school staff who may need relevant health-related training, such as on diabetes care or allergy response, to support student access to DOE programs and activities (including school trips);
- maintaining data relevant to the school’s implementation of this regulation including but not limited to:

- the dates 504 accommodation request documents were distributed to and received from the parent;
 - the date(s) 504 meeting(s) were scheduled and occurred, and names and titles of meeting participants (including those who participate by teleconference);
 - identifying details regarding the student;
 - details regarding the parent, including translation and interpretation needs;
 - which students have current 504 Plans in place, including a saved copy of each student's 504 Plan, the 504 request documents, and other relevant supporting documents (e.g., notice of eligibility, attendance sheet);
 - the accommodations requested and the determination for each, including the staff responsible for implementing the authorized accommodations; and
 - written records of any incidents related to, or resulting from the student's 504 Plan.
- attending DOE-mandated initial or annual refresher 504 Coordinator Training, and any additional training (including health-related training) required during the school year.

III. REQUESTS FOR SECTION 504 ACCOMMODATIONS

A. Requests Initiated by School Staff

1. School staff shall initiate a request for an evaluation by a 504 Team for any student who is reasonably believed to have a disability and need accommodations within the meaning of Section 504 in order to participate in DOE programs and activities on an equal basis with their peers who do not have disabilities. School staff shall not encourage or require parents to make Section 504 requests in lieu of staff-initiated requests. Staff initiate a request by contacting the school-based 504 Coordinator.
2. Within five (5) school days of receiving the staff-initiated request, the 504 Coordinator must notify the parent in writing using the DOE meeting scheduled notice. When school staff initiates the request, 504 request forms still must be completed by the parents and the student's health care provider, as applicable, before the 504 Team can evaluate the student's eligibility for 504 accommodation(s). Forms are available on the DOE website at <https://www.schools.nyc.gov/school-life/health-and-wellness/504-accommodations>.

3. If the parent chooses not to complete the form to request an accommodation or to consent to a Section 504 evaluation, no further action is required by the school. A record should be made of the failure to consent.

B. Requests Initiated by Parents

1. Parent requests for 504 accommodations must include supporting documents from the student's health care provider, if needed, and must be submitted in writing to the school-based 504 Coordinator using the following DOE forms (available from the 504 Coordinator or the DOE's website):

- Request for Section 504 Accommodations Parent Form with HIPAA Authorization (completed by the student's parent); and
- Medical Accommodations Request Form (completed by the student's health care provider).

As described below in Section V.B.1, to request health services, the parent must also submit the following forms completed by the student's health care provider to the school nurse/health care provider in the student's school building:

- Medication Administration Form (MAF, for medication administration)
- Medically Prescribed Treatment Form (non-medication).

These medical forms are not required in order for the 504 evaluation to commence and for the 504 Team Meeting to be held.

2. The 504 Coordinator or designee is responsible for ensuring that 504-related documents and communications with parents comply with Chancellor's Regulation A-663 and the instructions detailed in the 504 Coordinator Training.

IV. SECTION 504 EVALUATION PROCESS

A. Composition of School-Based 504 Team

1. The school-based 504 Coordinator shall determine the composition of the 504 Team. A 504 Team shall consist of the 504 Coordinator and the student's parent, and at minimum must also include:
 - at least one (1) person familiar with the student's abilities;
 - at least one (1) person able to interpret any reports or evaluations that have been provided either by the parent or the school in connection with the request for accommodation(s); and
 - at least one (1) person knowledgeable about the accommodation(s) available to meet the student's needs.
2. Where health services are requested, the school nurse, or Office of School Health member (e.g., Borough Nursing Director, Nursing Supervisor, Diabetes Team Member, health care provider) must be a member of the 504 Team.

3. Team membership will be determined by the needs of the individual student being evaluated and may not be composed of a single pre-determined group assembled to evaluate all students. As long as there are at least two (2) members of the team in addition to the parent, one of whom will always be the 504 Coordinator, the above requirements can be satisfied by these two members, if appropriate.
 4. The Borough/Citywide Office Health Director (Health Director) may be consulted by the 504 Team in appropriate cases, and must be consulted where additional resources requiring funding are being considered for a new accommodation or to renew an existing accommodation. However, the decision about whether a student requires particular accommodations is strictly within the purview of the school-based 504 Team.
 5. To the extent possible, on-site school personnel should participate as 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 unavailable or unqualified to serve or if additional resources are needed, the 504 Coordinator shall request assistance from the Health Director in arranging for the participation of other personnel, according to the individual needs of the student. Such personnel may include but are not limited to, health care providers, instructional experts, and administrative personnel.
- B. 504 Team Meeting
1. 504 Team Meetings can be held, and 504 Plans reviewed, regardless of whether the Office of School Health has completed its review of the applicable Allergies/Anaphylaxis, Asthma, Diabetes, General, or Seizure MAF or Medically Prescribed Treatment Form.
 2. Prior to the 504 Team Meeting, a school-based member of the 504 Team should consult with any other individual(s) with the authority to provide the requested accommodations, such as paraprofessional services and nursing services, if such individual(s) will not be present at the 504 Team Meeting. The Section 504 Program Manager and Health Director are resources for the 504 Team.
 3. Participants on the 504 Team may participate in a meeting either in person or through alternative means such as teleconferencing. Each participant must be provided with documents necessary to make an informed evaluation.
 4. The 504 Team may meet and decide issues relating to the referral, evaluation, and identification of accommodations without the attendance or participation of the student's parent as long as the school has provided the parent with reasonable notice of the meeting and the parent either does not attend or declines to attend. The 504 Coordinator must maintain a record of the notice sent to the parent and the attempts to arrange for the parent's participation at a mutually agreeable time and place. At least two (2) such attempts should be documented before a meeting is held without the parent.

5. Timeline for Meeting

Within five (5) school days of receiving the 504 request (completed DOE forms), the school-based 504 Coordinator shall schedule the 504 Team Meeting to take place on one of the following timelines, as applicable:

- a. No medication administration or medically prescribed treatment requested: within fifteen (15) school days when possible, and no later than thirty (30) school days, of receipt of completed 504 request forms for an initial written request for 504 accommodations or a written request for a change to a student's 504 Plan.
- b. Medication administration or medically prescribed treatment requested and the student requires accommodation(s):

- i. Returning Students (currently enrolled DOE students who will be in same school the following school year):

Within fifteen (15) school days of receipt of the written 504 request and MAF or Medically Prescribed Treatment Form, or prior to the end of the school year, whichever is sooner. If the returning student's parent is unable to participate in a 504 Team Meeting within this timeframe, the 504 Coordinator may schedule the meeting at a later date when the parent is available.

- ii. Newly Enrolled (including newly transferred from a different DOE school) and/or Newly Diagnosed Students:

- Submitted a MAF or Medically Prescribed Treatment Form, or written 504 request prior to the start of the school year: the 504 Coordinator will schedule a 504 Team Meeting to take place prior to the first day of school whenever possible, and when health services are requested, no later than fifteen (15) school days after the first day of school, unless additional time is necessary to accommodate a parent's schedule.
- Submitted a MAF or Medically Prescribed Treatment Form, or written 504 request during the school year: the 504 Coordinator will hold a 504 Team Meeting as soon as possible after receiving the submission, and when health services are requested, no later than fifteen (15) school days from the receipt of the MAF or Medically Prescribed Treatment Form, or request for health services, unless additional time is necessary to accommodate a parent's schedule.

6. Notice of Meeting to Parents

At least five (5) school days prior to the 504 Team Meeting, the 504 Coordinator will notify the student's parent in writing using the DOE meeting scheduled notice of the purpose, date, time, and place of the 504 Team Meeting as a reminder. 504

Coordinators are also encouraged to complete a proposed draft of the 504 Plan the extent possible to also include with this notice.

7. Team Considerations

The 504 Team shall consider all available relevant information, including any reports, evaluations, and/or medical records (including diagnoses) provided by the student's parents, as well as the student's disciplinary referrals, health information, language surveys, parent information, standardized test scores, grades, and teacher comments.

C. Eligibility Determination

1. The 504 Team must first decide whether the student is a qualified individual with a disability pursuant to Section 504.

2. The 504 Team must consult the 504 Accommodations: Student & Family Guide or 504 Accommodations webpage to evaluate whether the student is a qualified student with a disability, in accordance with the three-step process outlined below.

a. Step One - Does the student have a physical or mental impairment?

A student who does not have a physical or mental impairment is not entitled to receive accommodations through a 504 Plan.

b. Step Two - Is a major life activity affected by the physical or mental impairment?

A student whose physical or mental impairment does not substantially limit at least one major life activity is not entitled to receive accommodations through a 504 Plan.

c. Step Three - Is the major life activity substantially limited?

The 504 Team must evaluate whether the student's condition, when in the active state, substantially limits the student in a major life activity. An impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting. The limitation is interpreted without regard to the remedial effects of mitigating measures (like medications, prosthetic devices, assistive devices), other than ordinary eyeglasses or contact lenses.

3. 504 Teams should contact their Health Director, the Section 504 Program Manager, and/or their Senior Field Counsel for guidance as needed.

4. Once a determination has been made, the school-based 504 Coordinator shall notify the parent in writing of the decision of the 504 Team regarding the student's eligibility for 504 accommodation(s). The notice shall include a description of the parent's right to challenge any decision made by the 504 Team, in accordance with Section VII (Procedural Due Process) of this regulation.

V. 504 PLANS

If the 504 Team determines that the student has a physical or mental impairment that substantially impairs a major life activity, it must next decide what, if any, accommodations are necessary for the student to participate in DOE programs and activities on an equal basis with their peers who do not have disabilities.

A. General Requirements

1. If the 504 Team determines that accommodations are required, it must draft a 504 Plan for the student using the relevant DOE 504 Accommodation Plan template (the 504 Accommodation Plan Template, or the Diabetes 504 Accommodation Plan Template), which are available on the DOE 504 Accommodations webpage: <https://www.schools.nyc.gov/school-life/health-and-wellness/504-accommodations>.
2. Determinations regarding accommodations should be made on an individualized basis based on the student's condition, needs, and abilities, and the degree of impact on the student's ability to participate in DOE programs and activities.
3. Accommodations must be provided in the least restrictive environment to allow the student to interact to the greatest extent possible with their peers who do not have disabilities, with the goals of limiting missed instruction time and separation from classmates. Resources, such as the availability of the school nurse, are not a proper consideration for determining the least restrictive environment.
4. Except as otherwise described below, a request for accommodations through a 504 Plan is made by submitting the Request for Section 504 Accommodations Parent Form with HIPAA Authorization, and the Medical Accommodations Request Form (completed by the student's health care provider).

B. Examples of Accommodations**1. Health Services**

- a. If a student solely needs the administration of medication or medically prescribed treatment, a MAF or Medically Prescribed Treatment Form (non-medication) must be completed, but a 504 Plan may not be needed. If the student needs accommodations in addition to what is stated on the MAF or Medically Prescribed Treatment Form, a 504 Plan is also required. Each situation is considered on a case-by-case basis. Parents may contact the school-based 504 Coordinator for guidance.
- b. For health services, submit the following forms completed by the student's health care provider to the school nurse/health care provider in the student's school building:

- MAF (for medication administration)
 - Medically Prescribed Treatment Form (non-medication): to request special procedures such as bladder catheterization, postural drainage, tracheal suctioning, gastronomy tube feeding, etc. This form may be used for all skilled nursing treatments.
- c. If a 504 Plan is also required, parents must submit the Request for Section 504 Accommodations Parent Form with HIPAA Authorization, and the Medical Accommodations Request Form (completed by the student's health care provider) to the 504 Coordinator.

2. Educational Accommodations

a. Classroom Accommodations

Classroom accommodations are changes to the classroom setting to enable students with disabilities to participate in school. Examples include modifications to a student's class schedule, class setting, seating arrangement, method of receiving directions for class activities, allotted time for certain activities, or breaks.

b. Testing Accommodations (Not Including Emergency Accommodations)

Testing accommodations are changes to the test format, test administration, or method of response. Testing accommodations are intended to remove barriers and increase access to the test, but do not change the skills or content that the assessment is measuring.

- i. Testing accommodations are for all tests, not just State or Citywide assessments, consistent with the student's 504 Plan.
- ii. Requests for testing accommodations should be made at the beginning of the school year or immediately upon discovery of a condition that would warrant such a request. Testing accommodation requests should not be made immediately prior to State, Citywide, or classroom testing except in cases of emergency (addressed below). The DOE allows only the same types of testing accommodations that are allowed by the State for citywide testing.
- iii. Eligibility for testing accommodations is subject to the standards necessary to maintain the integrity of test content and programs in accordance with procedures established by the New York State Commissioner of Education and the DOE. For example, permitting a calculator for a computation test would be an inappropriate accommodation, as it replaces the skill being tested. However, it would be permissible for a student to take the test in a separate location.

c. Emergency Testing Accommodations

- i. School principals may authorize certain emergency testing accommodations for students who develop a short-term disability (e.g., broken arm, blurred vision) or long-term disability (e.g., diabetes, anxiety) within thirty (30) days prior to the administration of State, Citywide, or classroom tests, when the disability requires accommodation(s) in order for the student to access the test on an equal basis with their peers who do not have disabilities, and there is not sufficient time to develop or amend the student's 504 Plan or Individualized Education Program (IEP).
- ii. Consistent with New York State Education Department (NYSED) and DOE Division of Assessment and Accountability requirements, emergency testing accommodations must not significantly impact the skills being tested, and are limited to: extending the time limit for the test; administering the test in a special location; recording the answers in an alternative manner (i.e., use of a scribe); or reading the test aloud to a student with vision impairment.
- iii. With the exception of emergency testing accommodations for classroom assessments, principals must consult with their DOE Borough Assessment Implementation Director prior to authorizing each student's emergency testing accommodations. Emergency testing accommodations are treated as an interim Section 504 accommodation.
- iv. As described further in the NYSED Test Manuals for School Administrators (available at <http://www.p12.nysed.gov/assessment/manuals/>), the principal must maintain a record of all emergency testing accommodations made, and must send a report concerning each emergency testing accommodation for State assessments to the Office of State Assessment by mail, email, or facsimile:

Director of State Assessment
State Education Department
Room 775 EBA
Albany, NY 12234
Email: emscassessinfo@nysed.gov
Facsimile No.: (518) 486-5765 or (518) 474-1989

- v. For each student granted emergency testing accommodations, the principal must, within two (2) school days of granting the accommodation, refer the student either to the school-based 504 Coordinator for an evaluation of the need for continued 504 accommodations, or to the appropriate school-based IEP team for evaluation consistent with the Individuals with Disabilities Education Act (IDEA). A referral to the 504 Coordinator shall be treated as a Request Initiated By School Staff as discussed in Section III.A above.

3. Other Accommodations

Examples of other accommodations include assistive devices, special furniture, building adaptations, and elevator use. To request a barrier-free building, parents should contact the DOE Office of Student Enrollment or the Director of Placement for District 75.

4. Paraprofessionals

- a. Paraprofessionals are assigned to students who require support with tasks due to their disability in order to access DOE programs and activities.
- b. For students with diabetes: as soon as the 504 Team determines that the assignment of a paraprofessional is appropriate, the school principal or designee will promptly, and within five (5) school days of the determination, identify a paraprofessional to perform the paraprofessional diabetes-related care tasks documented in the student's 504 Plan (and consistent with the student's Diabetes MAF). If a paraprofessional cannot be identified within five (5) school days of the determination, the principal or designee must promptly notify the Section 504 Program Manager for assistance, and identify a paraprofessional within ten (10) school days of the determination to assign the student a paraprofessional.

5. Transportation Accommodations

Consistent with Chancellor's Regulation A-801 (Pupil Transportation, <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-801-9-5-2000-final-combined-remediated-wcag2-0>), students may be eligible for 504 transportation accommodations to and from school. The Office of Pupil Transportation (OPT) webpage has additional information on eligibility for student transportation: <https://www.schools.nyc.gov/school-life/transportation/>.

- a. Long-term medical conditions: For requests for transportation accommodations (for example, limited travel time or paraprofessional support to provide one-to-one supervision on the school bus), the student's parent must submit the Request for Section 504 Accommodations Parent Form with HIPAA Authorization and Medical Accommodations Request Form to the 504 Coordinator. If the student is approved for a transportation accommodation, they will be transported to school in a bus even if they do not meet the general education grade and distance requirements.
- b. Temporary medical conditions, or short- or long-term limited mobility: For requests based on a temporary medical condition or limited mobility, the parent must submit the Medical Exception Request forms (available at

<https://www.schools.nyc.gov/school-life/transportation/bus-eligibility/exceptions-to-transportation-eligibility>) to OPT instead of the 504 request forms described above.

C. Notification and Consent

1. A 504 Plan for the student shall be approved at the conclusion of the 504 Team Meeting when possible, or as soon as possible after the meeting. For a 504 Plan being renewed that cannot be finalized at the 504 Team Meeting, the 504 Team will finalize Plans to the extent possible no later than the end of the school year.
2. No 504 Plan may be implemented without written parental consent. The school-based 504 Coordinator shall provide a copy of the 504 Plan to the parent for their approval and signature.
3. The parent shall return the signed 504 Plan to the 504 Coordinator, and the 504 Coordinator will provide the parent with a copy of the final, fully executed version (signed by a school representative and the parent), and will maintain a copy consistent with the requirements of this regulation. Parental consent shall be valid while the signed 504 Plan remains in effect unless the parent informs the 504 Coordinator in writing that they are withdrawing consent.

D. Transfers/Transitions between DOE Schools during the School Year

1. During the School Year

- a. If a student transfers between DOE schools during the school year, the sending school shall include the 504 Plan when the sending school forwards the records to the receiving school. The sending school 504 Coordinator should inform the 504 Coordinator at the receiving school about the 504 Plan in effect for the current school year.
- b. The receiving school reviews the 504 Plan received, and to the extent possible, the receiving school immediately implements the 504 Plan in effect for the current school year.
- c. If implementation of the existing 504 Plan is not immediately possible at the receiving school, the receiving school 504 Coordinator must notify the student's parent in writing of the date on which it is anticipated that the accommodations will be provided.
- d. If the receiving school has a reasonable basis to seek a review of the student's 504 Plan, the 504 Coordinator shall:
 - i. notify the student's parent that the receiving school will not provide the accommodations on the 504 Plan, and state the reasons for such decision; and
 - ii. convene a 504 Team to evaluate the student consistent with this regulation, and revise the 504 Plan, if necessary.

- e. For students requesting medication administration who require accommodation(s), implementation of the existing or revised 504 Plan must occur on the timelines set forth in IV.B.1.b.ii.
2. End-of-Year Transition to New DOE School After Ultimate Grade
 - a. In the spring, the 504 Team at the current school finalizes the 504 Plan to the extent possible based on the accommodations the student required at their school at that time, and sends the 504 Plan to the receiving school.
 - b. Before or as soon after the first day of school as possible, the 504 Team at the receiving school convenes to amend the 504 Plan if necessary.
- E. Transfers from a Non-DOE School
1. DOE schools are not required to automatically implement a 504 Plan or to provide accommodations that have not been developed by a DOE school.
 2. Students who transfer during the school year from another school district or a private or charter school and who present accommodation plans prepared elsewhere or request DOE 504 accommodations shall be evaluated in accordance with the process and procedures set forth in this regulation, including the timelines described in Section IV.B.1.
 3. If the student has a 504 Plan from another school district or a private or charter school, that Plan will be implemented to the extent possible until the student is evaluated by a DOE 504 Team in accordance with this regulation.
- F. Annual Renewal
1. 504 Plans must be reviewed at the school level by the school-based 504 Coordinator on an annual basis before the end of the school year.
 2. The 504 Coordinator will forward 504 request forms for the upcoming school year used to request new or modified accommodations, and are encouraged to include a copy of the most recent 504 Plan, to all parents whose children had a 504 Plan during the preceding school year.
 3. There must be an annual note from the student's health care provider indicating the student's need for accommodations, if the disability was originally diagnosed by a health care provider or the disability needs regular medical intervention.
 4. For all returning students with a MAF or Medically Prescribed Treatment Form, and/or 504 Plan, who may require health services in the following school year: the 504 Coordinator or designee will affirmatively contact the parents to remind them to submit a 504 request (to request new or modified accommodations) or revised MAF or Medically Prescribed Treatment Form as soon as practicable and before the end of the current school year for the upcoming school year, and if accommodations are needed to discuss scheduling a 504 Team Meeting to take place prior to the end of the current school year.

5. If no changes to the student's 504 Plan are needed, the 504 Plan is readopted for the next school year without the full 504 Team convening when the parent returns the signed 504 Plan to the 504 Coordinator and the school representative signs the 504 Plan. The 504 Coordinator will ensure that the finalized 504 Plan is disseminated to the parent and all parties responsible for implementing it. If the 504 Coordinator, or other member(s) of the 504 Team, including the parent, indicate that the 504 Plan requires changes, a full 504 Team must convene to modify the 504 Plan.

G. Special Education Services

A student may be in need of Special Education services if they have a disability as defined in the IDEA that impacts their ability to learn. Some students referred for Section 504 accommodations may be in need of special education services through an IEP. In this situation, the 504 Team shall refer the student to the school-based IEP team or district Committee on Special Education for evaluation.

VI. RECORDKEEPING

- A. A copy of each student's 504 Plan for each school year must be maintained in the student's cumulative record, so that it can be transferred with the student if the student changes schools. The 504 Plan must be transferred to any DOE school that the student attends.
- B. In addition to the recordkeeping described above in Section II.B, school-based 504 Coordinators must record in Automate the Schools (ATS) every written 504 request. This includes all written requests, not just those that ultimately are determined to require accommodations. The data recorded shall include, at a minimum:
 - date of 504 request;
 - action taken; and
 - action date.
- C. The school-based 504 Coordinator must send all 504 requests, final 504 Plans, and related documentation to the Section 504 Program Manager consistent with the instructions in the 504 Coordinator Training.

VII. REVIEW PROCEDURES

A. 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 504 Plans in accordance with Chancellor's Regulation A-820 (Confidentiality and Release of Student Records; Records Retention, <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-820-6-29-2009-final-combined-remediated-wcag2-0>).

B. Complaints

1. Parents may initiate complaints regarding the referral, evaluation, development, and implementation of a 504 Plan by doing the following:
 - a. Requesting that the Health Director (<https://auth-infohub.nyced.org/docs/default-source/default-document-library/health-director-contacts.pdf>) in the borough in which the student's school is located review the decision made by the school-based 504 Coordinator or the school-based 504 Team. Such request shall be made in writing within ten (10) school days of the parent's receipt of written notice of the decision being challenged. Within fifteen (15) school days of receipt of such request for review, the Health Director shall issue a written decision; and/or
 - b. Filing a complaint with the DOE's Office of Equal Opportunity and Diversity Management pursuant to Chancellor's Regulation A-830 (Anti-Discrimination Policy and Procedures for Filing Internal Complaints of Discrimination, <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-830>), if the parent believes that discrimination has occurred based on the student's disability.
2. Parents may request an Impartial Hearing to resolve any adverse determination or decision of the Health Director in response to a request for review described in Section VII.B.1.a above. Such request must be made within ten (10) school days of the parent's receipt of the written decision to: Impartial Hearing Office, New York City Department of Education, 131 Livingston Street, Room 201, Brooklyn, NY 11201 or IHOQuest@schools.nyc.gov. In such Impartial Hearings, it shall be the parent's burden to prove that the decision of the Health Director was inappropriate.

VIII. ALTERNATIVE COMPLAINT PROCEDURES

These internal procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with any of the external agencies noted below.

- U.S. Department of Education, Office for Civil Rights
- New York State Division of Human Rights
- New York City Commission on Human Rights

The time frames for filing with these agencies may vary.

IX. INQUIRIES

Inquiries regarding Section 504 accommodations at the school level should be addressed to the school-based 504 Coordinator.

Inquiries regarding this regulation should be directed to the Section 504 Program Manager or Health Director (listed at: <https://auth-fohub.nyced.org/docs/default-source/default-document-library/health-director-contacts.pdf>):

Section 504 Program Manager

Office of School Health

42-09 28th Street, CN-25

Queens, NY 11101

Telephone: (718) 786-5041

Email: 504Questions@schools.nyc.gov

For additional information, visit the following resources:

- DOE 504 Accommodations webpage: <https://www.schools.nyc.gov/school-life/health-and-wellness/504-accommodations>
- DOE Health Services webpage: <https://www.schools.nyc.gov/school-life/health-and-wellness/health-services>
- DOE Health Forms and Notices webpage: <https://fohub.nyced.org/in-our-schools/translations/forms/health-forms-and-notice>
- 504 Accommodations: Student & Family Guide: <https://www.schools.nyc.gov/docs/default-source/default-document-library/504-accommodations-student-and-family-guide>
- U.S. Department of Education, Office for Civil Rights, Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools: <https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>