

Haddonfield Public Schools

Section 504 Manual Americans With Disabilities Act

The Office for Civil Rights (OCR) is charged with the enforcement of Section 504 of the Rehabilitation Act of 1973. Section 504 prohibits discrimination against persons with disabilities by school districts receiving federal financial assistance. The regulations require identification, evaluation, provision of appropriate services, and procedural safeguards in every school in the United States. Section 504 ensures that the education system provides accommodations and services to meet the educational needs of a student with a disability as adequately as those of a non-disabled student.

There are some students who are not eligible for IDEA (Special Education) services but whom nevertheless are deemed disabled under Section 504, and to whom a district may therefore have responsibilities. These children require a response from regular education staff and curriculum.

The IDEA defines as eligible for special education and related services a child who has one of several educational disabilities that adversely affects the child's educational performance and results in a need for special education and related services. Specific criteria must be met for each category of educational disability. 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 require special education services, provided the section 504 eligibility definition is satisfied.

A regular education intervention plan is appropriate for a student who does not have a disability or is not suspected of having a disability but may be facing challenges in school. If a student is eligible under the IDEA, an IEP will be developed and proposed for the student to meet his/her needs. Development of an IEP for such a student satisfies the school district's Section 504 obligations to the student. If a student with a disability or who is suspected of having a disability (as defined in Section 504) is not eligible under the IDEA, but who might be eligible under section 504, the school district shall conduct an evaluation in accordance with Section 504 and determine whether the student is Section 504 eligible. If the student is Section 504 eligible, then the district shall develop a Section 504 plan for the student.

What is required for the Section 504 evaluation and placement process is determined by the type of handicap suspected and the type of services the student may need. The evaluation must be sufficient to assess accurately and completely the nature and extent of the handicap, and the recommended services. Evaluations more limited than a full special education evaluation (Child Study Team) may be adequate. For example, in the case of the student with juvenile arthritis, the evaluation might consist of the school nurse meeting with the parent and reviewing the student's medical records. In cases of attention deficient disorder, current psychological evaluations may be used in combination with appropriate medical information if such evaluation diagnosed the ADD issue. In other cases, additional testing may be necessary. All cases must be presented to the school IR&S Team for discussion, disposition, action, etc.

A group of persons, knowledgeable about the student, must make the determination of what services are needed. The group should review the nature of the handicap and how it affects the student's education, determine whether the student is eligible under Section 504 and if so whether specialized services are needed, and what those services are. The decisions about Section 504 eligibility and services must be documented in the student file and reviewed periodically.

It should be noted that, under Section 504, the parent or guardian must be provided with notice of actions affecting the identification, evaluation, or placement of the students and are entitled to an impartial hearing if they disagree with district decisions in these areas. For handicaps covered only by Section 504 and not the IDEA, a Section 504 hearing will have to be made available.

It is 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. This information is specific to the federal legislation referenced. For further information contact the New Jersey State Department of Education or the U.S. Office of Civil Rights.

SECTION 504 POLICY STATEMENT

It is the intent of the district to ensure that students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be handicapped under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA).

504 COMMITTEE/TEAM

In our schools, the I&RS (Information and Referral Services) committee will serve as the 504 committee/team. It will include among others the following:

- ADMINISTRATOR who can authorize accommodations and/or alternative placement
- COUNSELOR who can interpret scores and offer other insights on the child
- TEACHER(S) who can recognize the child's difficulties and need for accommodations and who are knowledgeable about local programs
- PSYCHOLOGIST, LDTC or SOCIAL WORKER will join only if indicated.
- NURSE if any medical information is relevant to the learning situation
- PARENT(S), although not officially a member by law, is invited

PROCESS

- A student is referred for consideration to the I&RS/504 committee by an adult who is knowledgeable about the student's situation. In most cases, the student has been through the I&RS process and attempts at interventions were unsuccessful. In some cases, parents may request a 504 plan based on outside testing/evaluation.
 - I&RS/504 Committee reviews initial request and accepts/rejects need for 504 evaluation. If accepted, team member is assigned as case manager.
 - Parent is advised of the decision
 - Information and data from relevant sources is gathered and reviewed by the 504 team in preparation for the meeting.
1. Team reviews documentation, determines whether students meets criteria for 504 eligibility..
 2. The Team determines eligibility and whether a Section 504 Plan is required. If so the plan is written which assures accommodations necessary for the student to have opportunities commensurate with peers.
 3. Appoint a plan monitor, establish date(s) for review/re-evaluation, and have parents sign 504 plan.

At the determination of eligibility /planning meeting, the following steps are taken:

- The 504 Coordinator for the building will chair the meeting.
- The Chair will follow the Determination of Eligibility form, asking all questions and noting where members of the committee may differ as to the answer to the questions.
- Once all questions are asked, the Chair will lead the group in determining the specific degree that the impairment limits the major life activity.
- Once the extent of the limitation is determined, the Team will decide if the student is eligible for a 504 and if the student is eligible, develop school and classroom accommodations.

**NOTICE TO PARENT OF RIGHTS AFFORDED BY
SECTION 504 OF THE REHABILITATION ACT OF 1973**

The following is a description of some of the rights granted by federal law to students with handicaps. The intent of the manual is to keep you fully informed concerning decisions about your child and to inform you of your rights should you disagree with any of these decisions.

You have the right to:

- Have your child take part in, and receive benefits from public education programs without discrimination because of a handicapping condition
- Have the school district advise you of your rights under federal law
- Receive notice with respect to identification, evaluation, or placement of your child
- Have your child receive a free and appropriate public education. This includes the right to be educated with non-handicapped students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities
- Have your child educated in facilities and receive services comparable to those provided non-handicapped students
- Have evaluation, educational, and placement decisions based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options
- Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement
- Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records
- A response from the school district to reasonable requests for explanations and interpretations of your child's records
- Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request it shall notify you within a reasonable time, and advise you of the right to a hearing
- Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program, or placement. You and the student may take part in the hearing and have an attorney represent you
- File a local grievance with the person in the district that is responsible for assuring compliance.

**INFORMATION REGARDING SECTION 504
REHABILITATION ACT OF 1973**

Section 504 is an Act, which prohibits discrimination against persons with a handicap in any program receiving Federal financial assistance. The Act defines a person with a handicap as anyone who:

1. Has a mental or physical impairment which substantially limits one or more major life activities. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and operation of a major bodily function.
2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

In order to fulfill its obligation under Section 504, the Haddonfield Public School District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a handicap will knowingly be permitted in any of the programs and practices in the school system.

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and to afford reasonable accommodations and/or services to any child/employee determined to be eligible.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to an impartial hearing. If an employee disagrees with the determination made by the professional staff of the school district or district consultants, he/she has a right to an impartial hearing.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to: 1) inspect and review the child's educational record, 2) make copies of these records, 3) receive a list of individuals having access to those records, 4) ask for an explanation of any item in the records, 5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights, and 6) a hearing on the issue if the school refuses to make the amendment.

District 504 Coordinator: Director of Special Education

EVALUATION GUIDELINES
(SECTION 504 OF THE REHABILITATION ACT OF 1973)

1. If a child needs or is believed to need general education accommodations, related services, and/or supplemental aids under Section 504 of the Rehabilitation Act of 1973, the school district must evaluate the child.
2. Notification, not consent, of the parent/legal guardian is required for Section 504 evaluation or re-evaluation. The person responsible for the Section 504 referral should communicate in person or by telephone with the parent/legal guardian in addition to sending the Receipt of Section 504 Referral Notice, the Parent/Student Rights in Identification, Evaluation, Accommodation and Placement, and a copy of the Request for Section 504 Services.
3. The Section 504 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 with relevant information
 - should document and consider all available pertinent information; e.g. records, assessment data, medical reports related to the suspected physical or mental impairment which 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, evaluative procedures, the meaning of the evaluative data, and possible and appropriate accommodation/placement options
 - should utilize assessment materials, tests, and/or evaluation procedures, which are tailored to assess specific areas of educational need, are not racially or culturally discriminatory, and are validated for the specific purposes for which they are used.
4. Section 504 evaluation procedures may include:
 - review of school records, including testing, attendance, and discipline
 - interviews with persons knowledgeable about the child's functioning
 - observations in the school, home or community environments
 - statements and information from physicians and other professionals when appropriate and available.
5. The parent/legal guardian must be invited to participate in the Section 504 Evaluation Meeting where the determination of handicap, and possible accommodations/services will be discussed. Every effort should be made to hold this meeting at a time when the parent/legal guardian is able to attend.
6. In order to determine Section 504 eligibility during the evaluation meeting, the team should consider the following steps:
 - Discuss relevant collected data
 - Determine whether a physical or mental impairment can be identified
 - Determine whether the impairment or condition substantially limits one or more major life activities.
7. If the student is determined to be disabled under Section 504, the evaluation team decides whether a Section 504 Plan is necessary and if so develops a written Section 504 Education Plan which documents in the regular education classroom accommodations and/or related services that will be provided in order to meet the educational needs of the disabled student.
8. Periodic reevaluation is required by Section 504 regulations. Reevaluations of the Section 504 Education Plan

is recommended once a year or upon significant change in school placement or program.

Section 504 Request Form**1. Student Information**

Name _____

Date of Birth _____

Parent _____

Phone No. _____

Address _____

School _____

Teacher _____

Grade _____

Referred by _____

Date of Referral _____

2. Background Information

A. Reason for Referral

B. Strategies Implemented to date

C. Results of the strategies implemented

INVITATION TO SECTION 504 MEETING

Student Name: _____ Student ID #: _____ Date: _____

Date of Birth ___/___/___ School: _____ Teacher: _____

Dear _____:

You are invited to a meeting of the Section 504 team for the following purpose(s):

_____ Determine eligibility _____ Reevaluation

_____ Develop a 504 Plan _____ Other

_____ Annual Review or modify current 504 Plan

The following members of the Section 504 team will be present at the meeting:

_____	_____
Name	Position
_____	_____
Name	Position
_____	_____
Name	Position
_____	_____
Name	Position

The meeting is scheduled at _____am/pm on _____(date) in Room _____ at _____ School. If you have questions or desire an alternate date, please contact: _____, team chairperson (_____).

Name Phone number

PLEASE SIGN AND RETURN TO SCHOOL

_____ Yes, I plan to attend _____ No, I am not able to attend

_____ Please call about another meeting time

_____ Parent Signature _____/_____/_____ Date

SCHOOL USE ONLY

2nd notice ___/___/___ Method of notice: _____

3rd notice ___/___/___ Method of notice: _____

**Copies:
Parent
504 Folder**

HADDONFIELD PUBLIC SCHOOLS
DETERMINATION OF 504 ELIGIBILITY

Name: _____ Student ID #: _____ DOB ___/___/___

School: _____ Grade: _____

Specify the mental or physical impairment: _____

A. Information Used to Determine Eligibility: (Check blocks that apply; attach copies of checked items to this form)

- | | | |
|---|--|---|
| <input type="checkbox"/> Physician's Report | <input type="checkbox"/> Remediation Plan (If available) | <input type="checkbox"/> Parent Information |
| <input type="checkbox"/> Report Card (Required) | <input type="checkbox"/> Scholastic Record | <input type="checkbox"/> Work Samples |
| <input type="checkbox"/> State Assessment Results | <input type="checkbox"/> Attendance/Tardiness | <input type="checkbox"/> Other |

Cultural, Economic & Environmental Factors: The student's limited academic and/or behavioral performance is _____ is not _____ caused by cultural, economic and environmental circumstance

Major Life Activity (MLA): _____

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and operation of a major bodily function.

B. Does the Disability Substantially Limit the MLA?

1. YES ___ NO ___ Does the student have a diagnosed physical or mental impairment?
2. YES ___ NO ___ Has the student demonstrated a consistent need for substantially more time to complete homework assignments and in-school assignments than is required by non-disabled students? If yes, indicate the types of assignments in which more time is required and the percentage of additional time required for each type.
3. YES ___ NO ___ Is modified testing consistently necessary for the student to be able to demonstrate knowledge? If yes, indicate the type of subject matter and the types of testing and the modifications required.
4. YES ___ NO ___ Does the student exhibit frequent behaviors, such as drowsiness, impulsivity, inattentiveness, or aggressiveness, associated with an identified physical or mental impairment or medication and do these behaviors interfere with school performance? If the answers are yes, describe the behavior and how they significantly interfere with learning.

5. YES ____ NO ____ Does the student exhibit significant difficulty in planning, organization and execution of school-related activities and assignments?

6. YES ____ NO ____ Is the student chronically absent or tardy for reasons related to a diagnosed physical or mental impairment and are absences or tardies interfering with school performance? If yes, indicate the number of absences during the previous school year _____ and in the current school year _____.

7. YES ____ NO ____ Has the student experienced a steady decline in academic performance?

8. YES ____ NO ____ Has the student experienced a steady increase in disciplinary interventions for which there is no known cause other than the diagnosed condition?

9. YES ____ NO ____ After at least two intervention strategies have been implemented in regular education, does the student still exhibit significant learning difficulties?

10. YES ____ NO ____ Does the student have a physical or psychological impairment(s) that impair his/her ability to access school programs or meet school related requirements.?

C. Substantially Limited

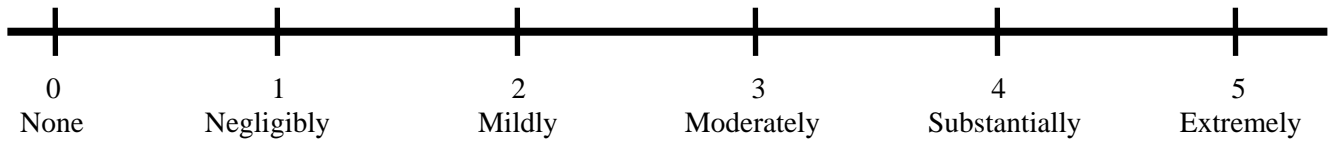
- Only one activity need be affected
- Impairment that is episodic or in remission is a disability if it meets the test when active
- “Substantially limited” is determined without regard to mitigating measures (medication, medical equipment, prosthetics, hearing aides etc.
- “Substantially limited” is determined without regard to reasonable accommodations, use of assistive technology, auxiliary aides or services, or learned behavioral or adaptive neurological modifications.

D. Place an “X” on the following scale to indicate the specific degree that the impairment limits the major life activity.

- Make sure that the team focuses on the major life activity as a whole (e.g. learning), not in a particular class or subject or for a particular sub-area (e.g. socialization).

- Discount from the analysis sub-par performance due to other factors, such as normal moods, lack of motivation, and the immediate situation or environment.

- Use the average student in the general population as the frame of reference for purpose of comparison.



If the team’s determination was 4 or 5, the team should determine and list on the accommodation plan the specific accommodations that are necessary for that child to have opportunity commensurate with non-disabled students (at the same age) in the district.

Eligibility Determination: _____ is is not Section 504 Eligible
(student name)

If student is not eligible summarize the reasons below:

Student's Name: _____

School: _____

Team Signatures	Date ____/____/____	Title	Agree	Disagree*
_____		504 Case Manager	<input type="checkbox"/>	<input type="checkbox"/>
_____		School Counselor	<input type="checkbox"/>	<input type="checkbox"/>
_____		Principal/Asst. Principal	<input type="checkbox"/>	<input type="checkbox"/>
_____		Classroom Teacher	<input type="checkbox"/>	<input type="checkbox"/>
_____		Child Study Team Representative	<input type="checkbox"/>	<input type="checkbox"/>
_____		Nurse	<input type="checkbox"/>	<input type="checkbox"/>
_____		Teacher	<input type="checkbox"/>	<input type="checkbox"/>
_____		Teacher	<input type="checkbox"/>	<input type="checkbox"/>
_____		Parent	<input type="checkbox"/>	<input type="checkbox"/>
_____		Parent	<input type="checkbox"/>	<input type="checkbox"/>
_____		Other	<input type="checkbox"/>	<input type="checkbox"/>
_____		Other	<input type="checkbox"/>	<input type="checkbox"/>

* Attach a statement of dissent

Plan Type: () Initial () Reevaluation () Other

I have participated in the development of this plan and have received a copy of the Notice of Section 504 Rights.

_____ /_____/_____/_____/_____
 Parent Signature Date Initial/Date Initial/Date

I agree/disagree with the results of this Eligibility Meeting.

() Annual Review ____/____ ____/____ ____/____ ____/____
 Initial/Date Initial/Date Initial/Date Initial/Date

() Annual Review ____/____ ____/____ ____/____ ____/____
 Initial/Date Initial/Date Initial/Date Initial/Date

**Copies: Parents
 Teachers
 504 Folder**

Section 504 Log

Student: _____

DATE	PURPOSE	ACTION
	Initial Request	Invitation to 504 Eligibility Determination Meeting sent. Date: _____
	IR&S/504 Committee reviews initial request and determines what additional information is necessary	
	Eligibility Determination Meeting	

**NOTICE TO PARENT OF RIGHTS AFFORDED BY
SECTION 504 OF THE REHABILITATION ACT OF 1973**

Form E

- Section 504 of the 1973 Rehabilitation Act is a non-discrimination statute barring discrimination on the basis of disability.
- It is the policy of the school district not to discriminate on the basis of disability in its educational programs, activities or employment policies as required by the Act.
- The 1973 Rehabilitation Act requires the school system to locate, evaluate and determine if the student is a qualified individual requiring accommodation necessary to provide access to educational programs.
- Parents are entitled to have the opportunity to review relevant educational records under the Family Education Rights and Privacy Act (FERPA). The requirements are described in the local board of education policy manual that is available in the Central Administrative Office Building or in the office of the school principal.
- Parents or guardians disagreeing with the decisions reached by the school personnel regarding necessary accommodations for access to educational programs may request a hearing before an impartial hearing officer by notifying the school district ADA/Section 504 Coordinator. The parent or guardian is entitled to participate in the hearing and to be represented by counsel.
- The designated school district ADA/Section 504 coordinator is Mrs. Bonni Rubin-Sugarman. She may be reached or by calling (856) 429-3960, ext. 148, or by e-mail at brubin@haddonfield.k12.nj.us.

SECTION 504 GRIEVANCE PROCEDURES

This is a voluntary process, which we hope you will follow in order to resolve disputes.

A. Definition

The term "grievance" means a complaint that there has been an improper application, interpretation or violation of the 504 policy or procedures affecting a student.

B. Procedure

1. A student or a parent/guardian on behalf of a student may file a grievance. Any grievance must be lodged using the "Section 504 Grievance Form" at the proper initiating level within thirty (30) school days of the happening of the event.
2. Failure at any step of this procedure to communicate a decision on a grievance within the specified time limits shall permit the grievant to proceed to the next step. Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed acceptance of the decision rendered at that step. Time limits may be extended by the mutual consent of the parties.
3. **Level One - Building 504 Officer.** The grievance shall be filed with the Building 504 officer in the school building in which the student attends school. The Building 504 officer may convene the school I&RS/504 Team in an attempt to resolve the complaint(s) outlined in the grievance. The Building 504 officer shall render a decision/response in writing within ten (10) working days to the grievant. If the grievant is not satisfied with the resolution, he/she may appeal the decision within ten (10) days to the District 504 Officer.
4. **Level Two - District 504 Officer.** The grievant may appeal the Level One decision to the District 504 Officer within ten (10) working days. The appeal to the District 504 Officer must be in writing reciting the matter submitted to the Building 504 Officer as specified in Level One and his/her dissatisfaction with the decisions previously rendered. The District 504 Officer shall attempt to resolve the matter as quickly as possible but within a period not to exceed ten (10) workdays. The District 504 Officer shall communicate his/her decision in writing to the grievant and the Building 504 officer.
5. **Level Three - Board of Education and/or Student Services Committee.** If the grievance is not resolved to the grievant's satisfaction, he/she no later than five (5) workdays after the receipt of the District 504 Officer's, may request a review by the Board of Education. The request shall be submitted in writing through the Superintendent, who shall attach all related papers and forward the request to the Board of Education. The Board, or a committee thereof, shall review the grievance and may at the option of the Board, hold a hearing with the grievant and shall render a decision in writing within thirty-five (35) calendar days of receipt of the grievance by the Board.
6. **Level Four – Filing a Complaint with the Office of Civil Rights.** If the grievance is not resolved to the grievant's satisfaction, he/she may file a complaint with the Office of Civil Rights.

Meetings: No Section 504 related meetings, conducted under this procedure shall be public except as provided by law. The only parties in attendance shall be the parties in interest, witnesses, and the designated or selected representatives.

Section 504 Grievance Form

Name of Grievant: _____ Date: _____

School: _____ Job Title/Position (if employee) _____

If the grievant is a non-adult pupil, the parents must file this form on behalf of the child. If that is the case, please list the student's name and grade level here:

Name: _____

Grade: _____

School: _____

1. List the disability and how it impacts major life activity:

2. Describe your grievance including all alleged discriminatory acts:

3. Describe the relief you are seeking:

While this manual addresses primarily student rights under Section 504, employment practices are also encompassed under Section 504.

For employment purposes a qualified individual with a disability or disabilities is one, who with reasonable accommodations, can perform the essential functions of the job in question.

Because the Haddonfield Public Schools receive federal financial assistance under IDEA, we are required to take positive steps to employ and advance qualified individuals with disabilities. Schools must make reasonable accommodations to the known mental and physical limitation of an otherwise qualified applicant or employee who has a disability unless the accommodations would impose an undue hardship on the operation of the school district. Some examples of reasonable accommodations include making facilities readily accessible to and usable by persons with disabilities or job restructuring, modified work schedules or modified equipment or devices to assist employees.

Below are the procedures outlined for an employee to request accommodations under Section 504:

Procedures for Employee 504 Accommodation Requests

1. If an employee believes he/she has a disability that can be accommodated through Section 504, the Section 504 Employee Accommodation or Intervention Plan form must be completed and forwarded to the employee's immediate supervisor.
2. The immediate supervisor will meet with the building/department 504 team to determine if all appropriate medical documentation is included along with the request form and when appropriate, forward the request to the District 504 Officer.
3. The District 504 Officer will forward the request to the District Medical Inspector to assess if the request warrants 504 accommodations.
4. If the District Medical Inspector determines that the request warrants 504 accommodations, he/she will notify the District 504 Officer in writing. The District 504 Officer will process and oversee the implementation of any equipment, facility modifications, etc., needed to meet the requirement of the 504 accommodation request.
5. If the District Medical Inspector determines that the 504 request should be denied, the District 504 Officer will notify the employee in writing of the determination and the reasons thereof.
6. Failure by the employee to provide the requested appropriate medical documentation may result in the denial of employee's request.

