

**Policy**

STUDENT DISABILITIES PURSUANT TO SECTION 504  
OF THE REHABILITATION ACT OF 1973

Introduction

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal anti-discrimination law that protects the rights of students and employees with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education. Section 504 requires the District to provide a “free and appropriate education” (FAPE), to each qualified student with a disability who is in the District’s jurisdiction.

Under Section 504, providing FAPE means that students with physical or mental impairments that substantially limit their major life activities in a way that impacts their functioning in the school setting shall be provided with an individualized and systematic plan of accommodations and services. The District shall always consider the applicability of Section 504 protections for students when it is utilizing procedures as identified in the Intervention and Referral Services (I&RS) board policy and regulations or the Individuals with Disabilities Education Act (IDEA), as identified in the Special Education board policy.

In accordance with its obligation to provide FAPE, the District shall provide accommodations to a student with disabilities that are designed to allow the student to access curricular and extra-curricular activities in a manner substantially consistent with his or her non-disabled peers. All students eligible for services under the Individuals with Disabilities Education Act (IDEA) are protected under Section 504. Students who are not eligible for services under IDEA may nonetheless be eligible for educational and related services under Section 504. To the maximum extent possible, the student has the right to be educated with students who are not disabled.

The Board directs that all reasonable efforts be made to identify unserved students with disabilities in this District who are eligible for special education and/or related services in accordance with the Special Education Board Policy, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

The Board recognizes its responsibility to provide a Free Appropriate Public Education for qualified persons with disabilities that is commensurate with that provided for persons who do not have disabilities to the maximum extent appropriate to meet the needs of the students with disabilities. With regard to nonacademic and extracurricular services and activities, the Board recognizes its responsibility to arrange for the provision of those services and activities such that students with disabilities participate with nondisabled students to the maximum extent appropriate to the needs of the student with disabilities. Any facility which the Board operates for students with disabilities shall be comparable to facilities, services and activities provided for nondisabled students.

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Evaluation

In compliance with federal law, the Board directs that students with disabilities pursuant to Section 504 be identified, referred to and evaluated by a Section 504 committee, and that a determination of eligibility for accommodations of his/her general educational program be made.

Parents/guardians and school staff may refer a student for evaluation under Section 504 if they know or suspect that, due to a physical or mental impairment, a student requires accommodations to participate in or benefit from the general education program. An initial evaluation for Section 504 eligibility can only take place with the written consent of the student's parent/guardian.

In making accommodation, services and placement decisions, the Section 504 committee shall draw upon a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, and adaptive behavior, and recommendations from medical providers, as appropriate. The Section 504 Coordinator shall establish procedures to ensure that information obtained from all such sources is documented and carefully considered.

In the event that parents/guardians disagree with the decision of the Section 504 Committee, parents/guardians have the right to request mediation or an impartial due process hearing. Parent/guardians have the right to take part in the hearing and have attorney representation. Concerns and complaints may be directed to the District Section 504 Coordinator.

Implementation of this Policy and Procedural Regulations for Ensuring Compliance  
with Section 504

The Superintendent shall issue regulations and procedures for complying with Section 504 and this policy.

The Superintendent of Schools, and/or his/her designee, shall take all actions necessary to ensure that school 504 Coordinators inform all appropriate staff of a student's right to accommodations and services under Section 504 in order to accomplish the goals of that student's Section 504 Plan.

Copies of this Policy and a Notice of Procedural Rights afforded by Section 504 shall also be provided to parent(s)/guardian(s) upon request, as well as upon the request of parent(s)/guardian(s) request for a referral for Section 504 evaluation, or as part of the notification that their student has been referred for an evaluation for eligibility for accommodations under Section 504.

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Key Words

Section 504, Disability, Nondiscrimination, Rehabilitation Act, 504 Plan, 504 Officer

<b><u>Legal References:</u></b>	N.J.S.A. 10:5-1 et seq.	Law Against Discrimination
	N.J.S.A. 18A:36-20	Discrimination; prohibition
	N.J.S.A. 18A:38-5.1	No child to be excluded from school because of race, etc.
	N.J.S.A. 18A:46-1 et seq.	Classes and Facilities for Handicapped Children
	N.J.A.C. 6A:7-1.1 et seq.	Managing for Equality and Equity in Education
	<u>See particularly:</u>	
	N.J.A.C. 6A:7-1.4,-1.7	
	N.J.A.C. 6A:16-6.3(e)	Reporting students or staff members to law enforcement Authorities
	N.J.A.C. 6A:17-1.1 et seq.	Education of homeless children and students in state facilities
	N.J.A.C. 6A:30-1.1 et seq.	Evaluation of the Performance of School Districts
	N.J.A.C. 6A:32-12.1	Reporting requirements
	N.J.A.C. 6A:32-14.1	Review of mandated programs and services
	20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972	
	20 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973	
	20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act)	
	42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)	

Possible

<b><u>Cross References:</u></b>	*2224 Nondiscrimination/affirmative action
	*4111.1/4211.1 Nondiscrimination/affirmative action
	*5131.1 Harassment, intimidation and bullying
	*5134 Married/pregnant students
	*5145.4 Equal educational opportunity
	*6121 Nondiscrimination/affirmative action
	*6141 Curriculum design/development
	*6145 Extracurricular activities
	*6161.1 Guidelines for evaluation and selection of instructional materials
	*6171.4 Special education

\*Indicates policy is included in the Critical Policy Reference Manual.