

Regulation

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

Definitions

- A. Disability: A student is “disabled” pursuant to Section 504 if he or she:
1. Has a physical or mental impairment which substantially limits one or more of such student’s major life activities;
 2. Has a record of such an impairment, or
 3. Is regarded as having such impairment.
- B. “Substantially limits” is defined as being unable to perform a major life activity that the average person in the general population can perform or is significantly restricted in the condition, manner, or duration under which an individual can perform a particular major life function as compared to the condition, manner, or duration which the average person in the general population can perform that same major life activity.
- C. “Major life activities” include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The disabling condition need only substantially limit one major life activity in order for a student to be eligible.
- D. The “District Section 504 Coordinator” is the person who assures that the district is in compliance with legal requirements specified under Section 504. The District Section 504 Coordinator has the authority to investigate and recommend to the Superintendent or his/her designee a resolution of written grievances.
- E. The “Building Section 504 Coordinator” is the building Principal or his/her designee who is responsible for managing the Section 504 Committee in his/her building and ensuring implementation of Section 504 plans for students in the building. The Building Coordinator shall be responsible for ensuring that all appropriate staff are informed of the student’s right to accommodations under Section 504 and for ensuring that Section 504 plans are implemented.
- F. A “Section 504 Committee” shall serve as an initial means of redress for any parent/guardian who has concerns about any aspect of a student’s Section 504 Plan. A Section 504 Committee shall consist of a group of persons who will, when necessary, become knowledgeable about the student, the meaning of the evaluation data, and the options with respect to accommodations, services and placement. The Section 504 committee shall also serve as an initial means of redress for any parent/guardian who has concerns about any

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aspect of a student's Section 504 Plan. Pursuant to the Intervention and Referral Services (I&RS) board policy and regulations, the I&RS team may also serve as the Section 504 Committee. The staffing of a Section 504 committee may differ for each student, depending upon the specific accommodations/services required.

- G. "Accommodations" shall mean/include changes in the timing, formatting, setting, scheduling, response and/or presentation of an educational experience, including assistive technology(ies), that allow a student with disabilities to have equal access to the general educational program. Costs of such accommodations shall be borne by the District.

Section 504 Committee

The school principal shall determine the selection of professional staff members. The school level Section 504 committee must include, at minimum, the following participants:

- A. The building principal or his/her designee;
- B. An instructional staff member (general education teacher and/or special education teacher);
- C. One or more representatives from the following: student assistance coordinator, school counselor, school psychologist, learning disabilities teacher consultant, school social worker, speech language specialist, school nurse, board physician, and others as necessary; and
- D. The person requesting assistance may be included in the team composition. In addition, requests can be made from individuals that work with students on behalf of the school district as well as parents or other concerned persons.

Additional staff or resources can be added as ad hoc members as needed. Such teams should include representation from a variety of grade levels and provide a multidisciplinary perspective.

Parental/Guardian Involvement

The parent(s)/guardian(s) shall be involved in academic, behavioral, and health planning. Parent/Guardians must be invited to attend the initial meeting and a record of communication between the parent/guardian and the Section 504 committee must be kept as a part of the Section 504 record for the student.

Parents/guardians must be provided with a "Notice of Procedural Rights" upon their request for a Section 504 evaluation or as part of the notification that their student has been referred for evaluation for Section 504 accommodations. A copy of such a notice may be found in the Exhibit A titled "Procedural Safeguards Statement."

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Procedures for Implementation

A student may be determined eligible for services and protection under Section 504 as a result of an evaluation to have a physical or mental impairment, or is perceived to have such an impairment, that substantially limits one or more major life activities.

- A. A student may be referred to the Section 504 committee by an adult that is knowledgeable with the situation, including a teacher, certified staff member, and/or parent/guardian. The following may be applicable for student referral:
1. The student has been through a referral process, inclusive of the I&RS process and the Child Study Team evaluation process, and has not been found eligible for special education services, however attempts at interventions have not been successful; and/or
 2. Parents may request the student be considered for a Section 504 plan based on an outside test/evaluation.
- B. The Section 504 Committee will review initial requests and identify eligibility/non-eligibility for Section 504 consideration. During this process, the Section 504 committee will follow the determination of eligibility procedure which requires consideration of the following:
1. Does the student have a diagnosed physical or mental impairment?
 2. Does the student have a perceived physical or mental impairment?
 3. Does the impairment affect one or more major life activities as defined by Section 504 of the Rehabilitation Act of 1973?
 4. Does the impairment substantially limit a major life activity?
 5. Information and data from relevant sources is gathered and reviewed by the 504 team.
- C. For students found eligible, the Section 504 Committee will develop a plan, in partnership with the parent/guardian, classroom teacher(s), and/or service providers. Such a plan may include, but is not limited to:
1. Highlighted textbooks;
 2. Extended time on tests and/or assignments;
 3. Peer Assistance;
 4. Additional textbooks for use in the home;
 5. Computer-aided instruction;
 6. Enlarged print;
 7. Behavior intervention plans;
 8. Rearranging of class schedules;
 9. Oral assessment;
 10. Use of audio systems;
 11. Advance notes for preparation; or
 12. Audio books.

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D. Section 504 Compliance and Transition

1. The school will ensure that upon completion of the Section 504 plan, and agreement by the parent/guardian, the accommodations identified in the Section 504 plan are fulfilled by the classroom and school.
2. All Section 504 plans may be re-evaluated on an annual basis or upon significant change in school placement or program.

Grievance Procedures

This grievance procedure shall apply to qualified persons who are pupils with alleged discriminatory act(s) under the provisions of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

- A. The parent(s) or legal guardian(s) of a qualified pupil who believe the pupil has a valid basis for a grievance under Section 504, or the American Disabilities Act shall file an informal complaint in writing, stating the specific facts of his/her grievance and the alleged discriminatory act, with the district coordinator.
- B. The district coordinator shall make all reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff which may include, but not be limited to, the Principal, assistant principal, child study team members, school counselor(s) and/or the classroom teacher(s).
- C. The District Coordinator will investigate and document the complaint.
- D. The District Coordinator will contact the parent/legal guardian.
- E. The complainant may file a written appeal to the Superintendent of Schools if not satisfied with decision, complainant may request Mediation and Due Process in accordance with N.J.A.C. 6A:14-2.6 and 2.7.

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