

West New York School District

A Parent Guide to

SECTION 504

of the

Rehabilitation Act of 1973



The person at the school responsible for Section 504 is: _____

School/Telephone Number: _____

This guide was designed to give parents/legal guardians a short overview of Section 504 of the Rehabilitation Act of 1973 as it pertains to the West New York School District. While Section 504 defines the equal access requirements for both students and employees, this guide will focus on students. The information has been organized around questions parents/legal guardians frequently ask when trying to understand this civil rights statute.

Section 504 Policy Statement

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

What is Section 504?

Schools receiving federal funding are required to eliminate discrimination based on disability from all aspects of school operations. Since the West New York School District receives federal dollars, it is required to provide eligible disabled students with equal access to services, programs, and activities offered by the District. Section 504 is a civil rights statute and not a special education statute. Therefore, it is the responsibility of the general education staff and building administration to implement those practices and procedures necessary for a school to fulfill the requirements of this law. It is also important to understand that schools receive no additional funding to implement Section 504 accommodations.

Accommodations are changes in **how** a student accesses information and demonstrates learning. Accommodations do not substantially change the instructional level, content, or performance criteria. Generally accommodations are minor adjustments to things like seating arrangements, lesson presentation, assignments, and other facets of the learning environment. The changes are made in order to provide a student with equal access to learning and equal opportunity to show what he or she knows and can do. An example might be moving the student to a position in the room that best supports his/her ability to focus on school work. Accommodations might also involve the use of such things as visual aids, large print, or using audio or video recordings. There are numerous accommodations that exist to support a student's equal access to educational opportunities. It is the responsibility of the 504 Committee to identify those accommodations that will support the needs of a particular student resulting from the identified impairment and ensures that the student receives a free appropriate public education (FAPE). Please keep in mind that each school will include accommodations that it has the ability to accomplish based on what the school offers to all students and resources available to implement its programs and services. This means that accommodations may be designed differently at the various schools/levels (preschool, elementary, WNY Middle School and Memorial High School). Schools are not expected to substantially alter an existing program to accommodate students with disabilities.

Who is Eligible?

Under Section 504 and the ADA Amendments Act, the definition of an “individual with a disability” is a person who:

- has a mental or physical impairment that substantially limits one or more major life activities;
- has a record of such impairment; or
- being regarded as having such an impairment. An individual meets this requirement if he/she establishes that he/she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This does not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

What is a Major Life Activity?

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Section 504 Committee

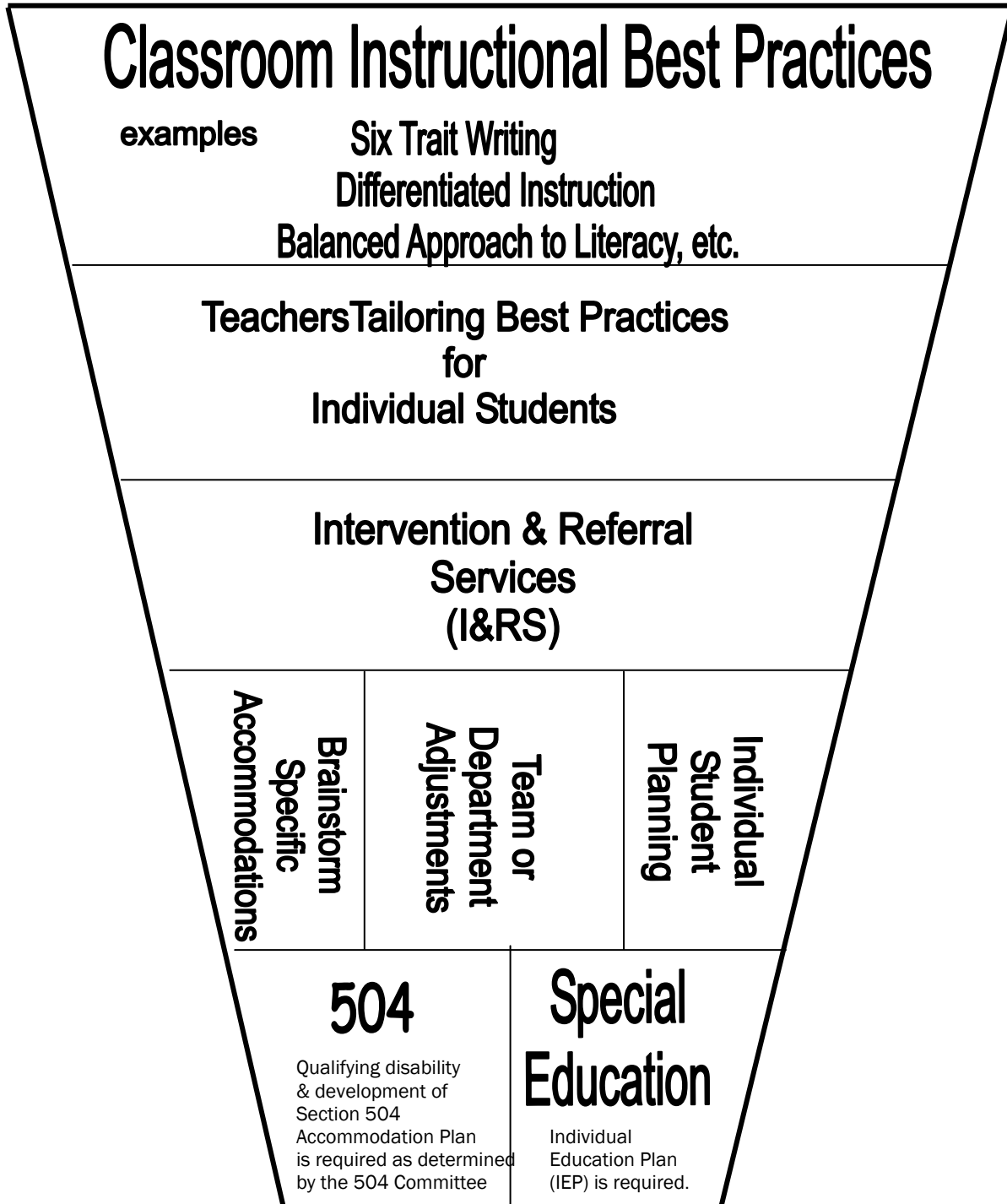
In West New York Public Schools, the I&RS (Informational & Referral Services) committee may serve as the 504 committee. Members participating in 504 Eligibility Conferences will be determined based on the major life activity suspected as the impairment which may be substantially impacting equal access to services, programs, and activities offered by the District:

- Administrator who can authorize accommodations
- Teacher(s) who have knowledge of the child’s difficulties and need for accommodations and who are knowledgeable about local programs
- School Social Worker for general education students if there are behavioral or social/emotional issues and/or counseling referred student
- LDTC, Psychologist or CST School Social Worker will join as needed
- School Nurse if any medical information is relevant to the learning situation
- Parent(s)/Legal Guardian, although not officially a member by law, is invited

PROCESS

1. Any student may be referred by parents, physicians, teachers, counselors, administrator or other district employees who are knowledgeable about the child being recommended for evaluation.
2. All referral must be submitted in writing to the Section 504 Officer, in the student's school building, who will prepare and send all required notices.
3. The 504 Committee will consider the referral and based upon a review of the student's records will make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the Section 504 Officer will inform the parents/legal guardian of this decision and their procedural rights.
4. If there is a reason to believe that, because of a qualifying disability, a student needs accommodations or services the school's 504 Committee will gather information (e.g. medical reports) and data (e.g. state assessment scores, reading scores from the Literacy Coaches, student work products, mid-term exams, etc.) from relevant scores, and reviewed by the 504 Committee in preparation for the meeting.
5. At the determination of eligibility/planning meeting the following steps will be 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 on a question(s).
 - Once all questions are asked, the Chair will lead the committee in determining the specific degree that the impairment limits in a major life activity.
 - Once the extent of the limitation is determined, the committee will decide if the student is eligible for a 504.
 - Where a disabled student qualifies for a 504, a written plan is created which assures reasonable accommodations necessary for the student to have opportunities commensurate with/equal to his/her peers.
6. A plan monitor will be appointed, date(s) for review/re-evaluation will be established and the parents/legal guardian will sign the 504 Accommodation Plan. Plans shall be reviewed on an annual basis.
7. The 504 Chairperson will update the school's 504 roster on a continuous basis.
8. The 504 Chairperson will forward copies of initial and annual 504 Accommodation Plans to the Department of Special Services. Notification of termination of a 504 Accommodation Plan must be sent to the Department of Special Services within 7 school days.

Levels of Student Instructional Service



Notice of Parent/Student 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 disabilities. The intent of this manual is to keep you informed concerning decisions about your child and to inform you of your rights should you disagree with any of these decisions.

- Have your child take part in, and receive benefits from public education programs without discrimination based on a disability.
- Have the West New York School District advise you as to your rights under federal law.
- Receive notice with respect to identification, evaluation, or placement of your child.
- Have your child receive a free appropriate public education (FAPE). This includes the right to be educated with non-disabled students to the maximum extent appropriate or in the least restrictive environment (LRE). It also includes the right to have the West New York 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 students without disabilities.
- Have your child receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA), or to receive reasonable accommodations under Section 504 of the Rehabilitation Act of 1973 if not eligible under IDEA.
- Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the eligibility data, and placement options.
- Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the West New York School District through the provision of reasonable accommodations.
- Examine all relevant records relating to decisions regarding your child's identification, eligibility, educational program, and placement.
- Receive a response from the West New York 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 District refuses this request, it shall notify you within a reasonable time, and advise you of the right to a hearing.

- Request impartial due process hearing related to decisions regarding your child's identification, eligibility, and educational placement. You and your child may take part in the hearing and have an attorney represent you at your own cost.
- File a complaint with the West New York School District when you believe your child's rights have been violated.

Whom should parent contact when they have a Section 504 complaint?

The first step in resolving a complaint involves a parent/legal guardian contacting the building administration and discussing the issue with Building 504 Officer, Building Principal and other appropriate building staff. Should the issue not be resolved through these discussions, the parent/legal guardian can file a **Section 504 Complaint Form** with the school principal. Please find a sample of this form on page 16. The form is also available at your child's school. If the issue is still not resolved, the parent/legal guardian can continue the complaint process by forwarding a copy of the complaint to District 504 Officer.

Section 504 Review Request Form

Student Name _____ Date _____ Grade _____
Student ID # _____ Birth Date _____
Address _____
Parent(s)/Legal Guardian Name(s) _____
Home Phone _____ Cell Phone _____
Building 504 Coordinator or designee _____

Section 504 of the Rehabilitation Act of 1973 is designed to prohibit discrimination based on disability in any program or activity receiving federal money. This statute obligates public schools to provide equal access and equal opportunity to otherwise qualified persons with disabilities. For a student to be eligible for a 504 Accommodation Plan, the student must meet all three criteria.

Under Section 504 and the ADA Amendments Act, the definition of an "individual with a disability" is a person who:

- has a mental or physical impairment that substantially limits one or more major life activities;
- has a record of such impairment; or
- being regarded as having such an impairment. An individual meets this requirement if he/she establishes that he/she has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This does not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

The disability must be why the student is unable to gain access and benefit from his/her school program and services. The manual, *A Parent Guide to Section 504 of the Rehabilitation Act of 1973*, is a resource available to parent through their child's school.

If you believe that a student **may** be eligible for Section 504 support, please complete and sign the following form and submit it to your school's principal or building 504 coordinator.

Please describe the student concern and how it matches the above criteria. (use back of form if you need more space)

Signature of person requesting Section 504 review _____

WEST NEW YORK PUBLIC SCHOOLS
DETERMINATION OF 504 ELIGIBILITY

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

School: _____ Grade: _____ Disability _____

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"/> DRA Scores | <input type="checkbox"/> Other _____ |

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

Compensatory Measures and Medications Used: Yes No If yes, describe: _____

_____ **Major Life Activity (MLA):** _____

(MLA - includes, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating and working.)

Does the Disability Substantially Limit MLA?

1. 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 peers? If yes, indicate the types of assignments in which more time is required and the percentage of additional time required for each type.
2. Yes No Are testing accommodations consistently necessary for the student to be able to demonstrate knowledge? If yes, indicate the type of subject matter and the type of testing and the accommodations required.
3. 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.
4. Yes No Does the student exhibit significant difficulty in planning, organization and execution of school-related activities and assignments?
5. 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 _____.

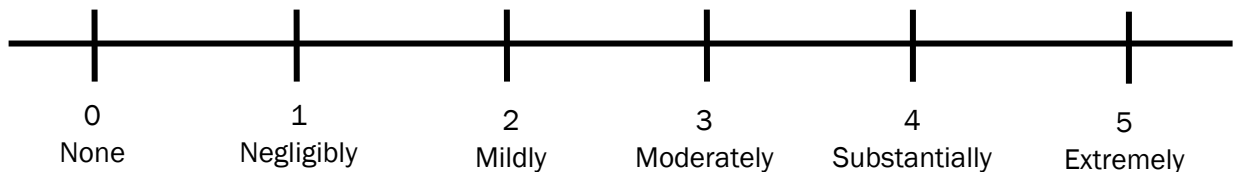
Student's Name: _____

School: _____

6. Yes [] No [] Has the student experienced a steady decline in academic performance?
7. Yes [] No [] Is there no known cause other than the diagnosed physical or mental impairment?
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 general education classes, does the student still exhibit significant learning difficulties?
10. Yes [] No [] Does the student have physical or psychological impairment(s) that impair his/her ability to access school programs or meet school related requirements?

Place an "X" on the following scale to indicate the specific degree that the impairments limits the major life activity.

- Make sure that the committee 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, impact of familial issues, 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 committee's determination was 4 or 5, the committee should determine and list on the 504 Accommodation Plan the specific accommodations that are necessary for that student to have an opportunity commensurate with non-disabled students (at the same age) in the district.

Is the student's school academic and behavioral functioning comparable to the functioning of the typical non-disabled student?

[] Yes [] No

Eligibility Determination: _____ [] is Section 504 Eligible.

_____ [] is **not** Section 504 Eligible.

Adapted from Haddonfield Public Schools.

Student's Name: _____

School: _____

Date ____/____/____

504 Committee Signatures

Title

Agree

Disagree*

| | | | |
|-------|---------------------------------|-----|-----|
| _____ | 504 Building Coordinator | [] | [] |
| _____ | Principal/Asst. Principal | [] | [] |
| _____ | Classroom Teacher | [] | [] |
| _____ | General School Social Worker | [] | [] |
| _____ | School Nurse | [] | [] |
| _____ | Child Study Team Representative | [] | [] |
| _____ | Teacher | [] | [] |
| _____ | Teacher | [] | [] |
| _____ | Parent/Legal Guardian | [] | [] |
| _____ | Parent/Legal Guardian | [] | [] |
| _____ | Other _____ | [] | [] |
| _____ | Other _____ | [] | [] |

*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/Legal Guardian Signature | Date |

| | |
|---------------------------------|----------------|
| _____ | ____/____/____ |
| Parent/Legal Guardian Signature | Date |

xc: Parents
Teachers
504 Folder

Section 504 Log

Student's Name: _____

Grade: _____

School: _____

| DATE | PURPOSE | ACTION |
|------|---|---|
| | Initial Request | Invitation to 504 Eligibility Determination sent on _____ |
| | 504 Committee reviews initial request and determines what additional information is necessary | |
| | Eligibility Determination Meeting | |
| | | |
| | | |
| | | |
| | | |
| | | |

504 Complaint Procedures

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

A. Definition

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

B. Procedure

1. An adult student or a parent/legal guardian on behalf of a student may file a complaint. Any complaint must be lodged using the “**West New York Public School Section 504 Complaint Form**” at the proper initiating level within thirty (30) school day 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 complainant to proceed to the next step. Failure at any step of this procedure to appeal a complaint 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 complaint 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 504 Committee in an attempt to resolve the alleged violation(s) outlined in the complaint. The Building 504 Officer shall render a decision/response in writing within ten (10) working days to the complainant. If the complainant is not satisfied with the resolution, he/she may appeal the decision within ten (10) working days to the District 504 Officer.
4. **Level Two – District 504 Officer.** The complainant 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 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) working days.

**Ms. Beverly Lazzara
Director of Special Services
Section 504 Officer
West New School District
Dept. of Special Services
AMVETS
5602 Blvd. East
West New York, New Jersey 07093**

5. **Level Three** - Within thirty (30) calendar days of receiving the written notice of appeal, the District 504 Officer will schedule and hold a local mediation conference or arrange a hearing with an impartial hearing officer. The District 504 Officer will provide written notice to the student’s parents/guardians of the date, time, and place of the conference or hearing.

The impartial hearing officer needs to be an individual outside of the district. It may be appropriate to use an administrator from another school or district.

However, the hearing officer should not be a member of the Board of Education, a relative to any member of the Board of Education in a degree that would be prohibited under the nepotism statute. The parents/guardians have a right to counsel for the impartial hearing. The mediation conference and/or impartial hearing will be conducted in an informal and non-adversarial manner.

Office of Civil Rights Complaints:

Parents/guardians who believe that the district has violated the provisions of Section 504 are entitled to file a complaint with the Office of Civil Rights (OCR), which has jurisdiction in New Jersey. The contact information is as follows:

**Office of Civil Rights, New York Office
United States Department of Education
32 Old Slip, 26th Floor
New York, New York 10005-2500
646- 428-3900
Fax: 646 - 428-3843
TDD: 877- 521-2172**

(This location serves: New Jersey, New York, Puerto Rico, and the Virgin Islands.)

Procedural Safeguards

- The parents/guardians have a right to be notified in writing of any decisions made by the school district concerning identification, evaluation or educational placement of students pursuant to section 504.
- Parent/guardians are entitled to have the opportunity to review relevant educational records under the Family Education Rights and Privacy Act (FERPA). Information that the parent or adult student feels is inaccurate, misleading or otherwise in violation of privacy or other rights can be challenged in two ways. A parent or adult student may: (1) require that an explanation or additional data be inserted into the records to correct any false impression; or (2) may seek the expungement or correction of misinformation.
- Parents/guardians have a right to request a Section 504 local mediation conference or due process hearing within ten (10) calendar days of the notice of the 504 Committee's decision with which they disagree.

West New York Public School Section 504 Complaint Form

It is the policy of the West New York Board of Education not to discriminate in its programs, activities, employment practices or admission policies on the basis of race, color, creed, religion, gender, ancestry, national origin, affectional and sexual orientation, disability or social or economic status.

West New York Public Schools pledges that the District complies with Section 504 regulations and that no discrimination based on disability is permitted in the programs or activities that the District operates. If you believe that discrimination has occurred against a students because of a disability complete, sign, and forward this form to the school's principal.

Date: _____

On behalf of: _____

Complainant is: Student: _____
 Student's Parent/Legal Guardian: _____
 Other: _____

Address: _____

Telephone: _____

Home

Cell

Work

1. Describe the alleged violation of Section 504 in specific terms. Include 1) the specific incident or activity that is viewed as discrimination; 2) the individual involved; 3) dates, times, location involved; and 4) the disability that forms the basis of the complaint (attach additional pages if needed).

2. Describe any communication that has already occurred, with whom and when, to address this issue.

3. Please describe how you propose to resolve this issue.

Please return this form to your school's principal.