

What is Section 504?

The American with Disabilities Act (ADA) protects the rights of students and parents with disabilities. Section 504 of the Rehabilitation Act prohibits discrimination against individuals with disabilities in any program and/or activity receiving federal funds.

Who is Eligible?

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

- has a physical or mental impairment that substantially limits one or more major life activities;
- has a record of such an impairment; or
- being regarded as having such an impairment. An individual meets this requirement if he/she establishes he/she has been subjected to an action prohibited under the ADA. 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 caring for one’s self, performing manual tasks, hearing, eating, sleeping, walking,

standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Also included is 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 productive functions.

What is the School District’s Responsibility?

It is the responsibility of the West New York School District to: develop and implement standards and procedures for the identification, assessment and proper placement of eligible students; ensure the provisions of necessary individualized services and support; and train instructors and support staff to enable them to perform services or make appropriate accommodations in the general education classroom.

What is the Difference between Section 504 and IDEA?

Section 504 requires reasonable accommodations to insure non-discrimination against students with disabilities. IDEA requires affirmative action in providing special education and related services. IDEA compliance involves special education while Section 504 is a general education initiative. Students may be eligible for services under the provisions of Section 504

even though they do not qualify for special education services pursuant to the Individuals with Disabilities Act (IDEA). Students who are identified as eligible under IDEA are not addressed in these guidelines.

Identification and Referral Procedures

- 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.
- All referrals must be submitted in writing to the Section 504 Officer, in the student’s school building, who will prepare and send all required notices.
- 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 parent/guardians of this decision and their procedural rights.

Evaluation

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 evaluate the student and develop and implement an accommodation plan for the delivery of any needed services. The parents/guardians shall be notified of

504 Committee meetings where services for the student will be determined and shall be given an opportunity to examine all relevant records. Requirements for Section 504 evaluation and placement process are determined by the type of disability believed to be present and the type of services the student may need. The evaluation must be sufficient to accurately assess the nature and extent of the disability; its effects on major life activities and recommended services. A final decision will be made by the 504 Committee, and the parents/guardians of the student shall be notified in writing of the student’s eligibility or ineligibility and of the Section 504 procedural safeguards available to them, including the right to mediation or an impartial hearing. Students who are provided services and/or accommodations under Section 504 shall be re-evaluated every three years, or prior to a significant change in placement.

What Does “Accommodation Plan” Mean?

An appropriate education for students eligible under Section 504 may consist of education in general education classes with needed accommodations being made and/or the use of supplementary services/programs designed to meet the unique needs of a particular student. Adjustments in

academic requirements and expectations may be necessary to accommodate the needs of individual students with a disability to enable him/her to participate in the general education program. Section 504 requires a plan describing placement and services, commonly referred to as "accommodation plan."



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 have a right to examine, copy, and request amendments to the student's educational record.
- 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.

The request shall be made to:

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

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.

Review of Student Progress

The 504 Committee will monitor the student's progress and the effectiveness of the student's educational accommodation plan annually to determine whether special services and/or educational accommodations are appropriate and necessary; and that the student's needs are being met as adequately as the needs of non-disabled students. It is each principal's responsibility to monitor the implementation of accommodations plans within the school setting.

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
(646) 428-3800
(646) 428-3843 fax

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

Parent Guide to Section 504 of the Rehabilitation Act of 1973



WEST NEW YORK SCHOOL DISTRICT
Board of Education
6028 Broadway
West New York, New Jersey 07093