

The Franklin Township
Public School District
Section 504 Manual
Americans With
Disabilities Act

Updated August 2013

Section 504 of the Rehabilitation Act of 1973 General Information

Section 504 is the section of the Rehabilitation Act of 1973, which applies to persons with disabilities. It is a federal civil rights law that protects the civil and constitutional rights of persons with disabilities. Section 504 prohibits organizations that receive federal funds (public schools are covered under this) from discriminating against people solely because they have a disability. Section 504 is enforced by the US Department of Education, Office for Civil Rights (OCR). 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 (caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working)
2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

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 the full range of special accommodations and services necessary for students with special needs to benefit from public education programs and activities.

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. As such, building administrators and superintendents of schools are responsible for its implementation. 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.

There are numerous levels of services/accommodations/interventions available within the school district to assist a struggling student. A regular education intervention plan (I&RS) 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 (Special Education), an IEP will be developed and proposed for the student to meet his/her needs. 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 is thought to be in need of educational services in order to receive an appropriate education (as defined in 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 medical disability or handicap believed to be present, and the type of services the student may need to access school services. 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) are usually adequate to develop a 504 Plan.

A group of persons, who have knowledge of 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, whether specialized services/accommodations are needed; and if so, 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.

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.

Due process rights of handicapped students and their parents under Section 504 will be enforced. In order to fulfill its obligation under Section 504, the Franklin Township School District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability 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 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 as outlined in the Franklin Township District Grievance Policies (details included on this website).

As related, The Family Educational Rights and Privacy Act (FERPA) 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.

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. A student is referred for consideration to the 504 committee by an adult who is knowledgeable about the student's situation. Following a request for 504 accommodations, the person responsible for the Section 504 team will gather the necessary information and send a letter of invite for a 504 eligibility meeting and a copy of Parent/Student Rights in Identification, Evaluation, Accommodation and Placement to the parent/guardian. Parental consent is required to proceed with a 504 evaluation.

Notification, but not consent of the parent/legal guardian is required for Section 504 eligibility, plan and/or re-evaluation.

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 school 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 ones who are knowledgeable about the child, the suspected disabling condition, the evaluative procedures, the meaning of the evaluative data, and possible appropriate accommodation/related service 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 environment
- . statements and information from physicians and other professionals.

5. The parent/legal guardian must be invited to participate in the Section 504 meeting where the determination of eligibility 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:

- . Determine whether a physical or mental impairment has been identified and diagnosed by a licensed medical physician.
- . Determine whether the impairment or condition substantially limits one or more major life activities
- . Discuss impact of the impairment of child's performance and ability to access general education programs

7. The 504 team will include the following as appropriate:

ADMINISTRATOR who has knowledge of the student, programs, building and curriculum requirements

COUNSELOR who has knowledge of related school and local programs

TEACHER(S) who can report on the child's performance within the school setting

PSYCHOLOGIST, LDTC or SOCIAL WORKER will join only if indicated.

NURSE, who has knowledge of the medical condition

PARENT(S), although not officially a member by law, are invited

8. The 504 Team reviews documentation, completes district 504 Eligibility Form (answering all questions), considers the extent of the limitation, and determines whether the student meets criteria for eligibility for accommodations/related services under Section 504.

9. When found eligible under Section 504, the Team will then develop a written 504 Plan outlining the necessary reasonable school and classroom accommodations; which assures for the student to have opportunities commensurate with peers.

11. The team will appoint a case manager for overseeing the implementation of the 504 plan, establish timelines for review/re-evaluation, and advise parents of the decision.

12. Periodic reevaluation is required by Section 504 regulations. Reevaluations, of the Section 504 Plan are recommended once a year or upon significant change in school placement or program.

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 medical or mental impairments. 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 medical 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 activities and school-related activities

Have your child educated in facilities and receive services comparable to those provided non-disabled 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 transportation provided to and from an alternative educational placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district

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

. File a local grievance with the building principal, person in the district that is responsible for assuring compliance, superintendent.

. File a complaint with the United States Department of Education, Regional Office for Civil Rights (OCR)



FACT SHEET

U.S. Department of Health and Human Services. Office for Civil Rights. Washington, D.C. 20201. (202) 619-0403

YOUR RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT

What Is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS). These organizations and employers include many hospitals, nursing homes, mental health centers and human service programs. Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

Who Is Protected from Discrimination?

Section 504 protects *qualified individuals with disabilities*. Under this law, *individuals with disabilities* are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also covered. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

In addition to meeting the above definition, for purposes of receiving services, education or training, *qualified individuals with disabilities* are persons who meet normal and essential eligibility requirements.

For purposes of employment, *qualified individuals with disabilities* are persons who, with reasonable accommodation, can perform the essential functions of the job for which they have applied or have been hired to perform. (Complaints alleging employment discrimination on the basis of disability against a single individual will be referred to the U. S. Equal Employment Opportunity Commission for processing.) **Reasonable accommodation** means an employer is required to take reasonable steps to accommodate your disability unless it would cause the employer undue hardship.

Prohibited Discriminatory Acts in Health Care and Human Services Settings

Section 504 prohibitions against discrimination apply to service availability, accessibility, delivery, employment, and the administrative activities and responsibilities of organizations receiving Federal financial assistance. A recipient of Federal financial assistance may not, on the basis of disability:

- Deny qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits.
- Deny access to programs, services, benefits or opportunities to participate as a result of physical barriers.
- Deny employment opportunities, including hiring, promotion, training, and fringe benefits, for which they are otherwise entitled or qualified....

These and other prohibitions against discrimination based on disability can be found in the DHHS Section 504 regulation at 45 CFR Part 84.

For information on how to file a complaint of discrimination, or to obtain information of a civil rights nature, please contact us. OCR employees will make every effort to provide prompt service.

Hotlines: 1-800-368-1019 (Voice) 1-800-537-7697 (TDD)

E-Mail: ocrmail@hhs.gov Website: <http://www.hhs.gov/ocr>