

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 6170

SECTION 504/AMERICANS WITH DISABILITY ACT (ADA)

Section 504 of the Rehabilitation Act of 1973, commonly referred to as “Section 504”, is a non-discrimination statute enacted by the United States Congress. One purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students. No qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program or activity or vocational opportunities sponsored by the Roselle Park Public Schools.

A student with a disability under Section 504/ADA is a student who either a) has, b) has a record of having, or c) is regarded as having a physical or mental impairment, which *substantially limits* a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working and performing manual tasks. This also includes a temporary impairment, which substantially limits a major life activity. A student with a disability under Section 504/ADA may be designated as eligible for accommodations and/or modifications.

In order to be designated as eligible for accommodations/modifications under Section 504, a student must meet the following *two* criteria:

- a. Have a *disability*
- b. This disability must *substantially limit* a major life activity. A temporary impairment may, in certain instances, substantially limit a major life activity.

Section 504 Procedures

Evaluation and Implementation Procedures

A student may be referred for an evaluation to determine whether the student has a disability under Section 504 and the ADA by himself/herself, a parent [the term “parent” or “parents” as used in this document also refers to a student’s guardian(s)], or any member of the school staff. The following steps shall be followed when a student has been referred in order to determine the student’s eligibility for 504-related accommodations and/or modifications:

1. The request will be forwarded immediately to the Roselle Park School District 504 Coordinator. The name and contact information of the Roselle Park School District’s 504 Coordinator is available on the District’s website at http://www.rpsd.org/important_information/504_coordinator

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2. A 504 Coordinator will respond to the request in writing, in a timely manner, providing the parent with an overview of the process, a copy of Parent and Student Rights under Section 504, a Notice of Nondiscrimination, and the formal Section 504 Identification Request Form.
3. When the formal, signed request has been returned by the parent to the 504 Coordinator, he/she will then initiate the process to evaluate the merits of the request. Data will be collected from a variety of sources to ensure a fair and equitable evaluation to determine if there are characteristics and problems which substantially limit a major life function (MLF) such as learning. Sources may include, but are not limited to:
 - a. Parental input
 - b. Documentation provided by the parent from a qualified professional
 - c. Teacher input (checklist, samples of student work, anecdotal records and examples of accommodations which the teacher may already be using, etc.)
 - d. School counselor input (standardized test scores, progress reports, report cards, anecdotal records)
 - e. Classroom observation by CST member, as needed
 - f. School nurse input (vision, hearing, review of health records)
 - g. Other school staff input (attendance, discipline, etc.)
4. Upon collection of data, the Building Principal will convene the 504 Committee to review the information. This committee is composed of members from a variety of disciplines and includes a teacher, supervisor (if appropriate), guidance counselor(s) (if appropriate), Child Study Team member and an administrator. The committee may decide the following:
 - a. The student is eligible for Section 504-related accommodations and/or modifications based on the evaluation data;
 - b. Additional data is required before eligibility can be determined; or,
 - c. The student is not eligible
5. Once determination of eligibility is made, the committee will develop a list of recommended accommodations/modifications that may be included in the development of a student's Individualized Accommodation Plan (IAP), sometimes referred to as a "Section 504 Plan." This plan is a legal document that specifies the accommodations/modifications essential in providing the student with equal access to educational opportunities. Each classroom teacher or other appropriate staff member, as specified in the IAP, is legally responsible for implementing the IAP. If the committee determines that the student is *not* eligible, the parents will be notified of this fact along with their right to appeal the decision.
6. The parent/student will be notified in writing when a determination of eligibility is made, and if the student is eligible, the parent/student will be provided a copy of the IAP.

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7. If consensus cannot be reached in determining the accommodations/modifications to be included in the IAP, the case will be resubmitted to the 504 Committee for further evaluation. If agreement to the accommodation/modification still cannot be reached, the parents will be informed of their right to appeal by requesting a due process hearing.
8. If all parties agree on the provisions of the IAP, it will be signed by the 504 Coordinator, and the parents/student. Copies of the IAP will be provided to the parent/student as well as to each of the students' teachers. If it is determined that the specifics of the IAP need to be clarified with the teachers, the 504 Coordinator will schedule a meeting with the student's teachers to accomplish this within ten (10) working days of the approval of the IAP.
9. The IAP and the effectiveness of the accommodation(s)/modification(s) contained therein will be formally reviewed on an annual basis, or as otherwise needed. The 504 Coordinator will initiate the review. The 504 Coordinator along with the parents and student will review the data collected. If the accommodations/modifications need to be modified or redesigned, the case will be resubmitted to the 504 Committee for review. If no changes are necessary and the IAP will remain in place for the following school year, the only action required will be for the student, parent(s), and 504 Coordinator to sign approval on the IAP.
10. It is the intent of the 504 Committee to complete each case within 45 days of the receipt of the original referral. While there is no legal timeline that must be followed, the Committee believes that these cases should be handled in an expeditious manner. The Committee may extend the timeline as needed to ensure the evaluation/eligibility process is completed in a through manner.

Adopted: March 8, 2016