



MONTCLAIR KIMBERLEY ACADEMY

SECTION 504 OF THE REHABILITATION ACT OF 1973 POLICY

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a civil rights statute that provides protection from discrimination for individuals with disabilities. In accordance with Section 504, the School will not exclude a student with a qualifying disability from any program or service offered by the School if the student can be provided an appropriate education with minor adjustments. An example of a minor adjustment may include extended time for test taking. The School designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973: Robin Dyer, Learning Specialist, rdyer@mka.org. (“Section 504 Coordinator”).

1. Qualifying Disability

A student has a qualifying disability under Section 504 if he or she: (i) has a physical or mental impairment which substantially limits one or more of such student’s major life activities, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment.

The phrase “physical or mental impairment” means: (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The phrase “has a record of such impairment” means that the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

The phrase “regarded as having an impairment” means that the individual: (1) has a physical or mental impairment that does not substantially limit major life activities but that is treated by the School as constituting such a limitation; (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (3) has none of the impairments within the definition of the phrase “physical or mental impairment,” but is treated by the School as having such an impairment.

2. Initial Report

Where a parent or teacher believes that a student may have a qualifying disability and may be in need of a Section 504 plan, the parent or teacher shall report such belief to the Section 504 Coordinator, who will document this report. The parent will then be asked to provide a written request for review of provided documentation to be conducted by the School and/or written consent to communicate with evaluating professionals.

3. Evaluation

When it is believed that a child may be eligible for an adjustment pursuant to Section 504, the School shall engage in a document review process to determine if the student has a disability as defined under the Act. The document review process is completed by the School Section 504 Team, hereafter referred to as the Accommodations Committee. This Committee consists of the Section 504 Coordinator and at least (2) other school employees determined by the School. The Accommodations Committee will (1) draw upon information from a variety of sources, including clinical reports, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) ensure that information obtained from all such sources is documented and carefully considered, and (3) ensure that the decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the adjustments available. Parents/Guardians may be required to produce validation of a child's physical or mental impairment such as medical evaluations or psychological evaluations.

If it is determined that the student has a qualifying disability, the student's parent/guardian will be notified within five (5) days of the determination. The student's parent/guardian will also have the right to inspect and review all school records that were reviewed by the school as a part of the determination, at the parent/guardian's request.

4. Section 504 Plan

Following a final determination that the student has a qualifying disability, the Section 504 Coordinator with the other members of the Accommodations Committee will hold a meeting to construct an applicable Section 504 Plan for the student. This Plan will set forth the adjustment(s) being made for the student. The parent/guardian of the student will receive notice ten (10) days prior to this meeting. Following finalization of the Section 504 Plan, the parent/guardian will receive notice of the 504 Plan. This plan will be reviewed by the Accommodations Committee annually to determine if continuation is necessary or if any modifications need to be made.

5. Request for a Meeting by Parent/Guardian

Section 504 meetings may be held at the request of a parent/guardian to discuss any concerns the parent/guardian may have regarding any aspect of their child's Section 504 Plan. The School will hold any such meeting within thirty (30) days of receiving a request for accommodation form, accompanied by required documentation.