SECTION 504 HANDBOOK

FOR PARENTS AND STAFF

BYRAM TOWNSHIP SCHOOL DISTRICT

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Introduction

This handbook is intended as a resource for students, parents and school district staff regarding the requirements of Section 504 as they relate to students. Questions or concerns about specific students should be addressed to the appropriate building 504 coordinator.

504 Coordinator Contacts:

Lakes Elementary School:	Katie Winkelman, School Counselor
Intermediate School:	Jill Wolak, School Counselor

What is Section 504?

Section 504 is part of the federal Rehabilitation Act of 1973, which was enacted by Congress to combat discrimination against individuals with disabilities in programs and activities administered by any entity that receives federal financial assistance, including public schools. Section 504 states in pertinent part:

> No otherwise qualified individual with a disability in the United States…shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance….

Section 504 requires recipients to provide to students with disabilities appropriate educational services (accommodations) designed to meet the individual needs of such students ***to the same extent*** as the needs of students without disabilities are met. 504 plans are designed to provide necessary **accommodations** that remove barriers to the general education curriculum.

A section 504 plan can help staff and **be utilized to**:

- Adjust HOW a student is taught or tested
- Embed practices and procedures in the areas of presentation, setting, timing/scheduling to provide equitable instructional/assessment access by reducing/eliminating effect of disability.

(Please note: The list above is not exhaustive)

The purpose of a 504 is ***NOT*** to:

- Change WHAT the student is taught or WHAT he is expected to know.
- Fundamentally alter or lower expectations or standards in instructional level, content, or performance criteria.
- Change grading and credit, as this should be the same as typical students.

Which Students Qualify for Coverage Under Section 504?

In public schools specifically, 504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

To be protected under 504, a student must be determined to:

(1) Have a physical or mental impairment that (2) substantially limits one or more major life activities; or
(3) Have a record of such an impairment; or
(4) Be regarded as having such an impairment.

What is a physical or mental impairment as outlined in 34 C.F.R. 104.3(j)(2)(i)?

Physical Impairment: 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/lymphatic; skin; and endocrine.

Mental Impairment: Any mental or psychological disorder, such as intellectual disabilities, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

What is a major life activity?

"Major life activities," as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include but are not limited to:

* Caring for one's self
* Performing manual tasks
* Walking
* Seeing
* Hearing
* Speaking
* Breathing
* Learning
* Working
* Eating
* Sleeping
* Standing
* Lifting
* Bending
* Reading
* Concentrating
* Thinking
* Communicating
* Operation of a bodily function

What is a substantial limitation?

When considering substantial limitation, one must think about the "general population."

Unable to perform a major life activity that most people in the general population can perform; or

Substantially Restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which most people in the general population can perform that same major life activity.

Eligibility Determination:

1. A determination of whether a student **has a qualifying disability** needs to be based on a review/evaluation of all pertinent information but need not necessarily include a formal medical diagnosis; however, routinely this is obtained and shared as part of the pertinent information by which to establish the qualifying disability.

   Once the medical condition/disability has been determined the next consideration is:

2. Whether that disability substantially **limits the child's ability to learn** in a general education classroom (which is one of the major life activities). Evaluative data from observations, record review, teacher input is reviewed in addition to the medical documentation to determine whether and what types of accommodations may be required to provide equal access to learning in the general education setting.

Case by Case Decision:

In conclusion, the determination of whether a particular impairment qualifies for Section 504 protections can be complex and must be made on a case-by-case basis in accordance with district policies and procedures. In all cases, however, there must be a physical or mental impairment that substantially limits a major life activity.

Difference Between a 504 and IEP:

In comparison, to be eligible under an IEP, a child has one or more of the 13 disabilities listed in IDEA; the disability must impact substantially on the child's educational performance and/or ability to learn and benefit from the general education curriculum, and the child must need specialized instruction in order to appropriately progress in school.

504 Referral Process

1. A parent, teacher, or staff member can initiate a referral (Form 1). The referral can also be initiated by a school team, such as the intervention and referral services team (I&RS).

Once a request is initiated, it is forwarded/sent to the building 504 Coordinator. Once the building 504 coordinator receives the request, they must do the following:

2. Send a "parental packet" home to the parent/guardian, which includes:
   * Overview of the Process
   * Parental Rights
   * Parental consent to initiate the 504 process
   * Parent Input Form (same as Form 1)

3. Obtain data/information/records:
   * Parent Input Form (contained in parental packet)
   * Send **Teacher Input Form** to all teachers
   * Gather any medical reports/records, including any nurse history/health information that may exist
   * School records
   * Report cards for the last 3 years
   * Standardized (i.e., NJSLA), iReady, and other assessment results
   * Outside testing/evaluation data if provided by the parent.
   * Medical diagnoses and recommendations, if any.

4. When all pertinent information is gathered, the 504 Coordinator will schedule a 504 meeting which may consist of the following individuals:
   * 504 Coordinator/School Counselor
   * Parent/Guardian(s)
   * At least one teaching staff member who has knowledge of the child
   * Nurse (as deemed appropriate)
   * School Administrator

5. The 504 team will review all information to determine if the student meets eligibility for a 504 Plan.

   If the student is found eligible= A plan is developed which will include reasonable and appropriate accommodations. The plan will be sent home by the 504 Coordinator.

   If the student is found ineligible= An "ineligibility" letter is emailed home.

6. Once a parent/guardian signature is obtained, the 504 Coordinator will ensure the 504 document is uploaded into Genesis and alert staff that they must electronically sign and acknowledge the plan (within 5 days).

Annual Renewal Process:

An annual renewal meeting should take place approximately once per calendar year. These meetings shall take place in June or September.

Towards the end of the school year, teachers who teach students in grades fourth (4th) through seventh (7th) will be notified by a 504 coordinator to complete the Past Grade Team Review Form. Staff will have two weeks to complete the form and submit to the 504 Coordinator.

Additional Information:

The Byram School District requires written parent consent for the child's placement into the 504 system, but does not require parent consent for the contents of the plan or for any subsequent changes in the student's 504 Plan.

Medical Documentation

A medical diagnosis should meet the following criteria:

1. Be a written letter from physician on official letterhead
2. State the *specific* diagnosis, with a clear rationale for how the disability limits a life activity (and what activity specifically)

Complaint Procedures

The district's 504 Grievance Procedures can be found online in our Board of Education policies/regulations manual. The manual provides a process for students or parents/guardians to raise concerns regarding the school's compliance with its obligations under state and federal discrimination and disability laws, including Section 504.