Mahwah Township Public Schools
Section 504 Handbook
2026-2027

www.mahwah.k12.nj.us

Table of Contents

Mahwah Township Public Schools....1
Introduction....2
Definitions....3
Evaluation Process....4
The 504 Process....5
504 Process – Flow Chart....7
Annual Review/As-Needed Review Process....8
Three Year Re-Evaluation Process....9
Grievance Procedures....10
Mahwah Township Public School 504 Coordinators....11
Notice of Procedural Rights and Safeguards....13
Appendix A – Realtime 504 Module: From Start to Finish....15
- 504 Development – Home Screen....15
- 504 Referral Form....16
- 504 Survey Requests....17
- 504 Attendee Invitation....18
- 504 Letter....19
- 504 Eligibility Meeting Results....20
- 504 Plan Segments....21
- 504 Development Meeting Results....23
- Finalize 504 Plan....24

Appendix B – Section 504 Brochure....25

Mahwah Township Public Schools
60 Ridge Road
Mahwah, NJ 07430

www.mahwah.k12.nj.us

Superintendent ····· Michael DeTuro, Ed.D.

504 Compliance Officer

Assistant Superintendent ····· Dennis M. Fare, Ed.D.

District Schools

Betsy Ross Elementary School ····· (201) 762-2250
20 Malcolm Rd.
Mahwah, NJ 07430

George Washington Elementary School ····· (201) 762-2240
39 Fardale Ave.
Mahwah, NJ 07430

Lenape Meadows Elementary School ····· (201) 762-2261
160 Ridge Rd.
Mahwah, NJ 07430

Joyce Kilmer Elementary School ····· (201) 762-2270
80 Ridge Rd.
Mahwah, NJ 07430

Ramapo Ridge Middle School ····· (201) 762-2380
150 Ridge Rd.
Mahwah, NJ 07430

Mahwah High School ····· (201) 762-2300
50 Ridge Rd.
Mahwah, NJ 07430

Introduction

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal anti-discrimination law that protects the rights of students with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.

Section 504 requires the Mahwah Township Public School District to provide a free and appropriate education (FAPE) to each qualified student with a disability who is in the district's jurisdiction, regardless of the nature or severity of the person's disability. Under Section 504, providing FAPE means that students with physical or mental impairments that substantially limit their major life activities in a way that impacts their functioning in the school setting shall be provided with an individualized and systematic plan of accommodations.

A student is disabled pursuant to Section 504 if the student:

- Has a physical or mental impairment which substantially limits one or more major life activities;
- Has a record of such an impairment;
- Or is regarded as having such impairment.

In accordance with its obligation to provide FAPE, the District shall provide accommodations to a student with disabilities that are designed to allow the student full access to curricular and extra-curricular activities in a manner that is consistent with his/her/they non-disabled peers. The Board directs that all reasonable efforts be made to identify unserved students with disabilities.

It is important to note that Section 504 is not a part of "special education", rather it is a responsibility of the comprehensive general public education system.

Copies of all letters, modifications, recommendations, and relevant educational and/or medical documents will be maintained in the Section 504 cumulative documentation for each student.

Definitions

- **Major life activities** include, but are not limited to, functions such as self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, concentrating, interacting with others, learning, and working. A function that is performed routinely by an individual is considered a major life activity. The disabling condition need only substantially limit one major life activity in order for a student to be eligible.

- **Substantially limits** is defined as being unable to perform a major life activity that the average person in the general population can perform, or is significantly restricted in the condition, manner, or duration under which an individual can perform a particular major life function as compared to the condition, manner, or duration that the average person in the general population can perform.

    - When determining whether the substantial limitation requirement is met, the nature and severity of the impairment, the duration of the impairment, and any long-term impact of the impairment needs to be considered. However, being considered for Section 504 accommodations does not mean that the student is eligible. Simply having a condition or disability does not automatically qualify a student for a Section 504 Plan. The condition must present a barrier to the student's ability to access the same educational opportunities as a non-disabled student.

    - The standard used to determine whether a physical or mental impairment results in a substantial limitation is "average performance in the general population". Therefore, the standard is not the optimal performance level for a person, but the average performance of individuals found in the general population.

- **Accommodations** may include changes in the timing, formatting, setting, scheduling, response and/or presentation of an educational experience, response and/or presentation to security drills and evacuations. All accommodations allow an eligible student to have equal access to the general educational program.

- **District 504 Coordinator/Compliance Officer:** The District 504 Coordinator is the person who ensures that the district is in compliance with legal requirements specified under Section 504. The District Section 504 Coordinator has the authority to investigate and recommend to the Superintendent of Schools a resolution of written grievances.

- **Building 504 Coordinator:** The Building 504 Coordinator is the building Principal or his/her/they designee who is responsible for managing the Section 504 Committee in his/her/they building. The Building Coordinator ensures that all meetings are scheduled, forms are requested and completed, is chairperson of the 504 meeting and creates the Evaluation and Eligibility Form and 504 Accommodation Plan.

- **Section 504 Building Committee:** The Building Section 504 Committee is responsible for determining eligibility and, if appropriate, accommodations, related assistance, or services for eligible students.

- The team must be composed of a group of persons who are:
    - Knowledgeable about the student;
    - Understand the meaning of the evaluation data; and
    - Are familiar with the options with respect to accommodations, services, and placement.

The 504 Committee may include the 504 Building Coordinator, a general education teacher, a special education teacher, the parent/guardian, the student (as deemed appropriate), the school nurse, the school counselor, and any other person with relevant knowledge of the student and the disability at issue.

Evaluation Process

In compliance with federal law, the Board directs that students with disabilities pursuant to Section 504 be identified, referred to and evaluated by a 504 Committee, and that determination of eligibility for accommodation of his/her/they regular program be made. The Board also directs that once a student is identified as needing an evaluation, such evaluation shall occur in a timely manner. If, during the course of the Intervention and Referral Service (I&RS) process, a student is identified as having or possibly having a disability pursuant to Section 504, the I&RS team should refer the student for a Section

504 evaluation and shall not suspend or delay provision of interventions or other services pursuant to the I&RS process. The 504 Committee shall draw upon a variety of sources including, but not limited to: testing results, teacher recommendations, grades, progress reports, physical, medical or psychological condition, physician's recommendations, nurse, or school counselor input, and adaptive behavior. The Building 504 Coordinator shall ensure that information obtained from all sources is documented and carefully considered.

The 504 Process

This 504 district process is to be integrated with fidelity to honor the needs of our students:

- The parent/guardian, teacher, I&RS team, nurse, school counselor, or other school staff member can initiate a 504 referral. The person making the referral should complete the **504 Referral Form, complete it through Realtime** (found on the 504 Development Screen), which will then be submitted it to the 504 Building Coordinator.

- Referral is the first step of the process. A referral does not mean that a student will be determined eligible for a 504 Accommodation Plan. Please note that a physician's diagnosis and prescription for a 504 is only a part of the consideration for eligibility. The Mahwah Public Schools' physician may require consent to confirm all requests for medical accommodations with the student's private healthcare provider. Eligibility determination rests with school personnel, however.

- Within seven (7) school days of the receipt of a referral, the Building 504 Coordinator will send a **504 Attendee Invitation** and **Notice of Procedural Rights and Safeguards Form/Brochure** to parents/guardians.
    - While parental/guardian notice is required before a child is evaluated for an Accommodation Plan, consent is not required under Section 504.CFRs 104.36.

- The Building 504 Coordinator will send **Section 504 Survey Requests** to appropriate building staff members and collect completed forms prior to the scheduled 504 Eligibility Meeting. The Building 504 Coordinator is responsible for the maintenance of all Section 504 forms.

- These survey results/responses are automatically "combined" into the Section 504 Plan, and should be reviewed and revised by the 504 Coordinator, as needed.

- The Building 504 Committee will convene a 504 Eligibility Meeting as quickly as possible. This should occur within twenty (20) school days after a referral has been made. If additional information is needed to determine eligibility, a request will be made to the parent/guardian to consent to further assessment, evaluation or communication with an outside agency or provider. The committee will review all data, and the Section 504 Determination of Eligibility will be formally documented on the **Section 504 Eligibility Results Form** within ten (10) school days of the eligibility meeting.

- The Building 504 Committee will make the following determinations of eligibility:
  - **Not 504 Eligible**
  - **504 Eligible + Plan**
  - **504 Eligible + No Plan (Impairment Episodic or in Remission)**
  - **504 Eligible + No Plan (Mitigating Measures)**

- Typically, in this same meeting (Eligibility + Development of Plan Meeting), the Building 504 Committee will recommend accommodations, and the Building Coordinator will document the proposed accommodations through the **504 Plan Document** which will subsequently be provided to the parent/guardian for his/her/they consent to implement the Section 504 Plan. This document will be housed electronically through Realtime, the district's student management system.

- Parents/Guardians have the right to consider the proposed 504 Accommodation Plan. Written consent is required to implement the 504 Accommodation Plan.

- The Building 504 Coordinator will upload the 504 Accommodation Plan to Realtime within five (5) school days of receiving the parent/guardian's written consent.

504 Process – Flow Chart

Referral made by parent/guardian, teacher, I&RS team, school nurse, school counselor, or other staff member, using the 504 Referral Form.

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Within seven (7) school days of the receipt of the referral, the Building 504 Coordinator will request all documentation related to this request. A **504 Attendee Invitation** and **Notice of Procedural Rights and Safeguards Document** to parents/guardians once a meeting date and location are established.

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The parent shall return the [electronically] signed **Notice of Consideration for Section 504 and Invitation to Meeting Form** to the Building 504 Coordinator as soon as possible.

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The Building 504 Coordinator will then send **Section 504 Survey Requests** to appropriate building staff members and collect completed forms prior to the scheduled 504 Eligibility Meeting.

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The Building 504 Committee will convene a 504 Eligibility Meeting within twenty (20) school days after a referral has been made.

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The Committee will review all data, and the Determination of Eligibility will be formally documented on the **Section 504 Evaluation Eligibility Form**, within ten (10) school days of the eligibility meeting.

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The Building 504 Committee will recommend accommodations, and the Building Coordinator will document the proposed accommodations on the **Student 504 Plan Form**, which will be provided to the parent/guardian, along with a Parent/Guardian 504 Implementation Consent Form.

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Once [electronically] signed and received from parent/guardian, the 504 Accommodation Plan will be uploaded to Realtime within five (5) school days of receiving the written consent.

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The student's 504 plan is to be reviewed annually and on an as-needed basis, based on the student's current educational experience.

All students eligible for a 504 plan are to be reviewed for eligibility every three (3) years, and particularly in transition years from building to building, throughout the student's experience in the district.

Annual Review/As-Needed Review Process

- No less than twenty (20) school days before the 504 Accommodation Plan ending date, the Building 504 Coordinator will email the parent/guardian the **Parental Notice of Annual Update and 504 Attendee Invitation** through Realtime. The Parent/Guardian will be requested to reply to the Building 504 Coordinator with their intent to: attend the meeting, not attend the meeting, or to prefer a phone or video conference with the Section 504 Committee. If the parent/guardian does not respond, an annual update meeting will be held at the date/time designated on the invitation. The meeting should be held within twenty (20) days of the notice, but not later than the existing 504 Accommodation Plan's ending date. Please note: While parental/guardian notice is required, consent is not required under Section 504.CFRs 104.36.
- The Building 504 Coordinator will send the **Section 504 Survey Requests** to appropriate building staff members and collect completed forms prior to the scheduled 504 Annual Update Meeting. The Building 504 Committee will convene, and the Building 504 Coordinator will complete the **Section 504 Development Plan F0rm** if changes in accommodations are necessary. This form will be used for annual review, as well as any meeting held to discuss the student's 504, including use by the Building 504 Committee as an initial means to address any parent/guardian concerns about any aspect of the student's 504 Accommodation Plan.
- Unless there is a need for a specific staff member to attend the meeting, including if the parent/guardian requests the attendance of a specific staff member (e.g., the school nurse for a student with diabetes), the annual update Building 504 Committee meeting may be attended by only the Building 504 Coordinator, at least one of the student's teachers, and the parent/guardian.
- The 504 Committee Review Form will be used to document the review/revision of the 504 Accommodation Plan. If the student continues to require Section 504 Accommodations, the Building 504 Coordinator will create an updated Student **504 Plan Document** which will be provided to parent/guardian along with an opportunity the parent/guardian to consent to implement the updated 504 Accommodation Plan.

- Parents/Guardians have the right to consider the proposed updated 504 Accommodation Plan. Written consent is required to implement the updated 504 Accommodation Plan.
- The Building 504 Coordinator will upload the updated 504 Accommodation Plan to Realtime within five (5) school days of receiving the parent/guardian's written consent.

Three Year Re-Evaluation Process

Although the 504 plan should be re-visited every year, a formal re-evaluation meeting will be held every three years, or as necessary, to re-determine eligibility/ineligibility for a 504 Accommodation Plan. Procedure followed as noted above. The meeting will determine:

- **Continued 504 Eligibility**
- **Discontinuation of 504**

Please Note:

Any student returning to school with a temporary medical disability (e.g., broken leg or concussion), that may need a 504 Accommodation Plan, must provide medical documentation to the Building 504 Coordinator and school nurse prior to returning to school. A minimum of three (3) days may be needed to convene a 504 Eligibility Meeting. A consent for the district's physician to confer with the student's diagnosing physician may be required.

Students moving from Joyce Kilmer School to Ramapo Ridge Middle School, from 5th grade to 6th grade, and from Ramapo Ridge Middle School to Mahwah High School, from 8th grade to 9th grade, will require a Section 504 Annual Update within the first two months of school to ensure appropriate accommodations for the current academic level.

For students transferring into the District with a 504 Plan, parents/guardians must submit a copy of the student's current 504 Accommodation Plan and 504 Referral Form to the Building 504 Coordinator. A Section 504 Eligibility Meeting will be held within 20 days. Procedures will be followed, as described above. If the student has an acute medical condition (including, but not limited to: Diabetes, Seizure Disorder), the parent/guardian must also contact the School Nurse.

Grievance Procedures

- Any parent/guardian who disagrees with any Section 504 Committee recommendation or decision may file a complaint with the Section 504 District Coordinator/Compliance Officer. Contact information is at the end of this document.
- In the event that a parent/guardian has a complaint about the provision of service under the student's 504 Accommodation Plan, the parent/guardian is encouraged to discuss his/her/they concerns at the building level with the Building 504 Coordinator and Principal. If there is not a satisfactory resolution, the parent/guardian may file a complaint with the Section 504 District Coordinator/Compliance Officer.
- The Section 504 District Coordinator/Compliance Officer will convene the Building 504 Committee as an initial means to address concerns about any aspect of a student's 504 Accommodation Plan. The 504 Committee will investigate the complaint in an effort to reach a prompt and equitable resolution.
- The District 504 Coordinator/Compliance Officer will issue a written determination within 20 calendar days of receipt of the complaint, unless circumstances warrant that additional time is needed.
- In the event that a parent/guardian disagrees with any Section 504 Committee recommendations or decisions, or has a complaint about the provision of services under the student's 504 Accommodation Plan, or disagrees with the findings of the Section 504 District Coordinator/Compliance Officer, the parent/guardian may file a request for an impartial hearing through the State of New Jersey Department of Education. The address to file a complaint is:

  New Jersey Department of Education Office of Special Education
  100 Riverview Plaza
  P.O. Box 500
  Trenton, NJ 08625-0500

- In the event the parent/guardian disagrees with the decision of the State Impartial Hearing Officer, the parent/guardian may appeal that decision to a court of competent jurisdiction.
- In the event that a parent/guardian disagrees with any Section 504 Committee recommendations or decisions, or has a complaint about the provision of services under the student's 504 Accommodation Plan, or

disagrees with the findings of the Section 504 District Coordinator/Compliance Officer, the parent/guardian may file a complaint with the Office of Civil Rights. The address of the Regional Office that covers New Jersey is:

Office for Civil Rights, New York Office
U.S. Department of Education
33 Old Slip, 26th Floor
New York, NY 10005-2500
E-mail: OCR.NewYork@ed.gov

Mahwah Township Public School 504 Coordinators

SCHOOL	COORDINATORS	TELEPHONE/E-MAIL
District 504 Coordinator/ Compliance Officer	Dennis M. Fare, Ed.D.	201-762-2405 dfare@mahwah.k12.nj.us
Betsy Ross School	Michael Henzel	201-762-2252 mhenzel@mahwah.k12.nj.us
George Washington School	Michael Hagopian	201-762-2242 mhagopian@mahwah.k12.nj.us
Lenape Meadows School	Paul Wyka	201-762-2262 pwyka@mahwah.k12.nj.us
Lenape Meadows School	Natasha Carrera	201-762-2266 ncarrera@mahwah.k12.nj.us
Joyce Kilmer School	Billy Bowie	201-762-2272 bbowie@mahwah.k12.nj.us
Joyce Kilmer School	Craig Alfano	201-762-2333 calfano@mahwah.k12.nj.us

SCHOOL	COORDINATORS	TELEPHONE/E-MAIL
District	James O'Hara	201-762-2310 johara@mahwah.k12.nj.us
Ramapo Ridge	Brian Cory	201-762-2383 bcory@mahwah.k12.nj.us
Ramapo Ridge	Suzanne Whalen	201-762-2382 swhalen@mahwah.k12.nj.us
Ramapo Ridge	Marykate Coakley	201-762-2394 mcoakley@mahwah.k12.nj.us
Ramapo Ridge	Courtney Deloughery	201-762-2388 cdeloughery@mahwah.k12.nj.us
Ramapo Ridge	Cassidy Sarka	201-762-2387 csarka@mahwah.k12.nj.us
Mahwah High School	Megan Beatty	201-762-2316 mbeatty@mahwah.k12.nj.us
Mahwah High School	Brian Gregson	201-762-2315 bgregson@mahwah.k12.nj.us
Mahwah High School	Rayhan Jalil	201-762-2314 rjalil@mahwah.k12.nj.us
Mahwah High School	Stacy Mandel	201-762-2317 smandel@mahwah.k12.nj.us

Notice of Procedural Rights and Safeguards
(Section 504 of the Rehabilitation Act)

The Mahwah Township Public School District does not discriminate on the basis of disability with regard to admission, access to services, treatment, or employment of its programs or activities. Dennis M. Fare, Ed.D., Assistant Superintendent of Schools, is the District's Section 504 Compliance Officer. You may contact his office via e-mail at: dfare@mahwah.k12.nj.us.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) prohibits discrimination in the areas of employment, education, and accessibility (facilities). Section 504 prohibits discrimination against otherwise qualified individuals with disabilities on the basis of handicap in any program or activity receiving federal financial assistance. The ADA prohibits discrimination against qualified individuals, on the basis of handicap, with respect to employment, or the benefits, services, or activities of a public entity. Under both acts, the definition on "individual with a disability" is one who:

- Has a mental or physical impairment which substantially limits one or more major life activities, such as, seeing, hearing, speaking, breathing, learning, working, walking, caring for oneself, performing manual tasks; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

The following is a description of the rights granted by federal law to a student(s) with handicaps. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

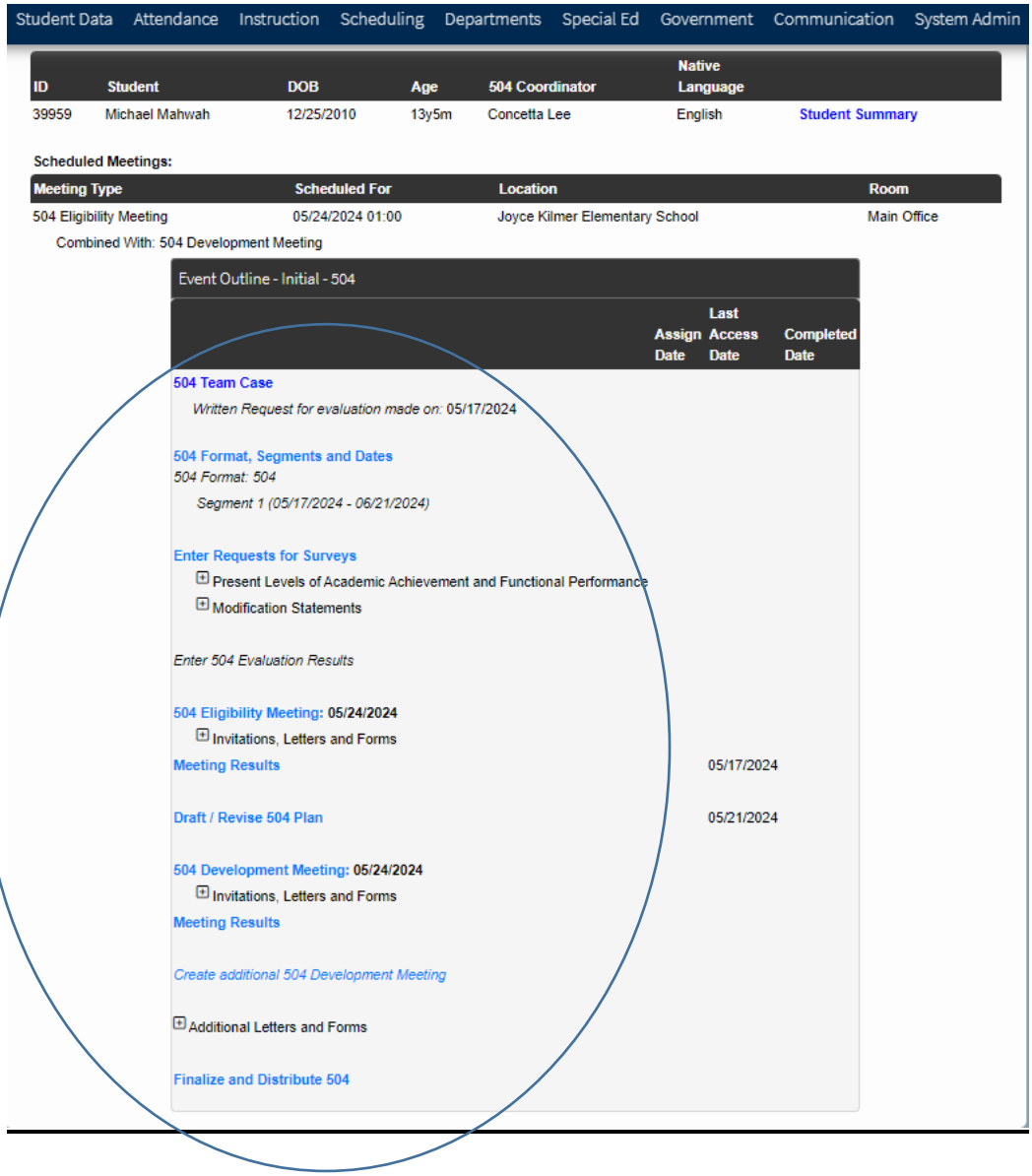
1) Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her/they handicapping condition;
2) Have the school district advise you of your rights under federal law;
3) Receive notice with respect to identification, evaluation, or placement of your child;
4) Have your child receive a free 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-related activities:

5) Have your child educated in facilities and receive services comparable to those provided to non-handicapped students;
6) Have evaluation, education and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
7) Have your child given equal opportunity to participate in non-academic and extra-curricular activities offered by the district;
8) Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
9) Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
10) A response from the school district to reasonable requests for explanations and interpretations to your child's records;
11) Request amendment of your child's education 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 for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
12) If you are not in agreement with the 504 Committee's findings, you may file an appeal with the Assistant Superintendent of Schools, Mahwah Township Public Schools Administrative Building, 60 Ridge Road, Mahwah, NJ 07430. The filing of an appeal must be in writing, stating the issue(s), your position regarding the issues, and proposed solution to resolve the issue(s);
13) If the internal appeal process fails to resolve the issues, you have the right to request mediation or due process hearing related to decisions or actions regarding your child's identification, evaluation/educational program, or placement. To do so, contact the New Jersey Department of Education at (609) 376-3500.

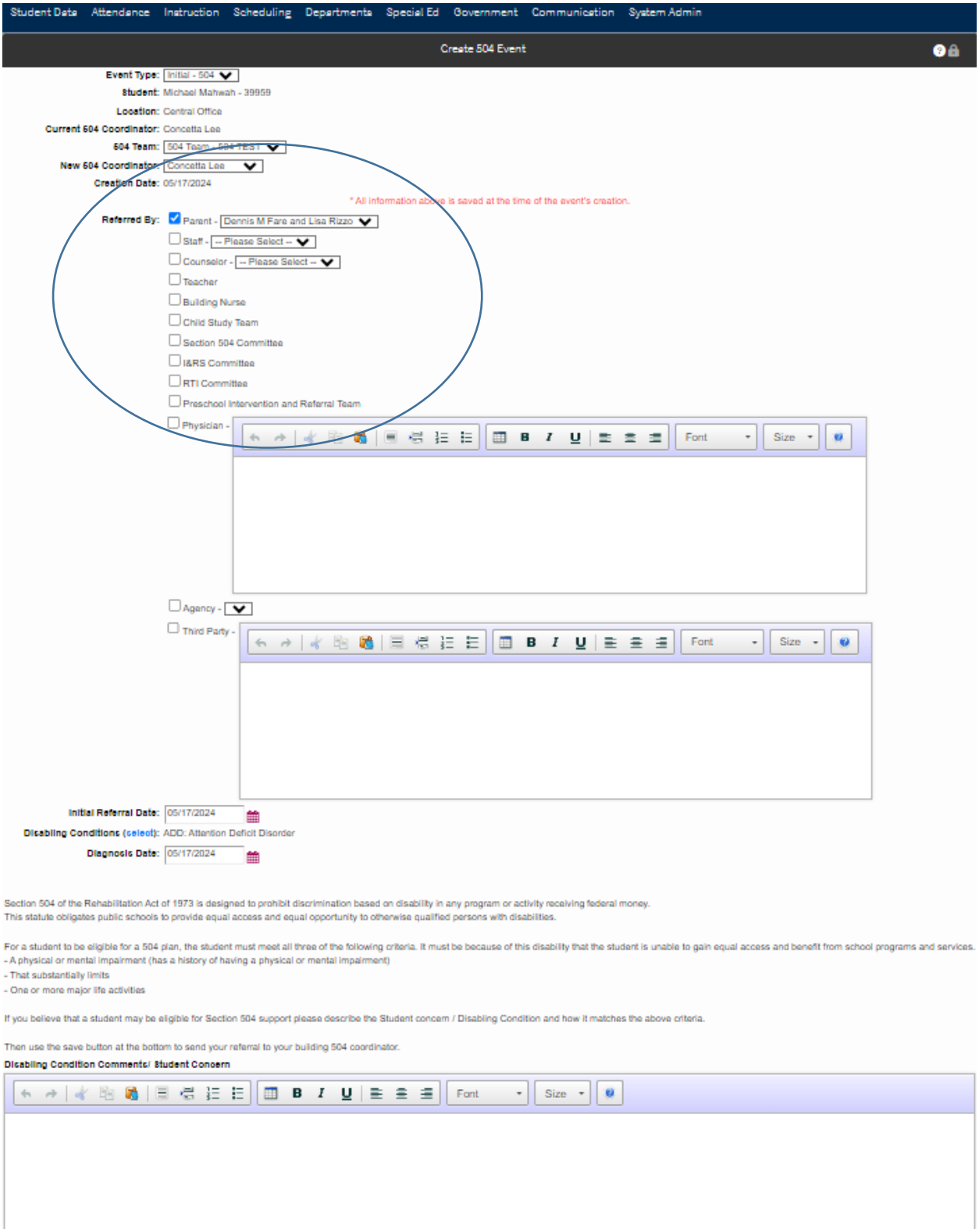
Appendix A – Realtime 504 Module: From Start to Finish

504 Development – Home Screen



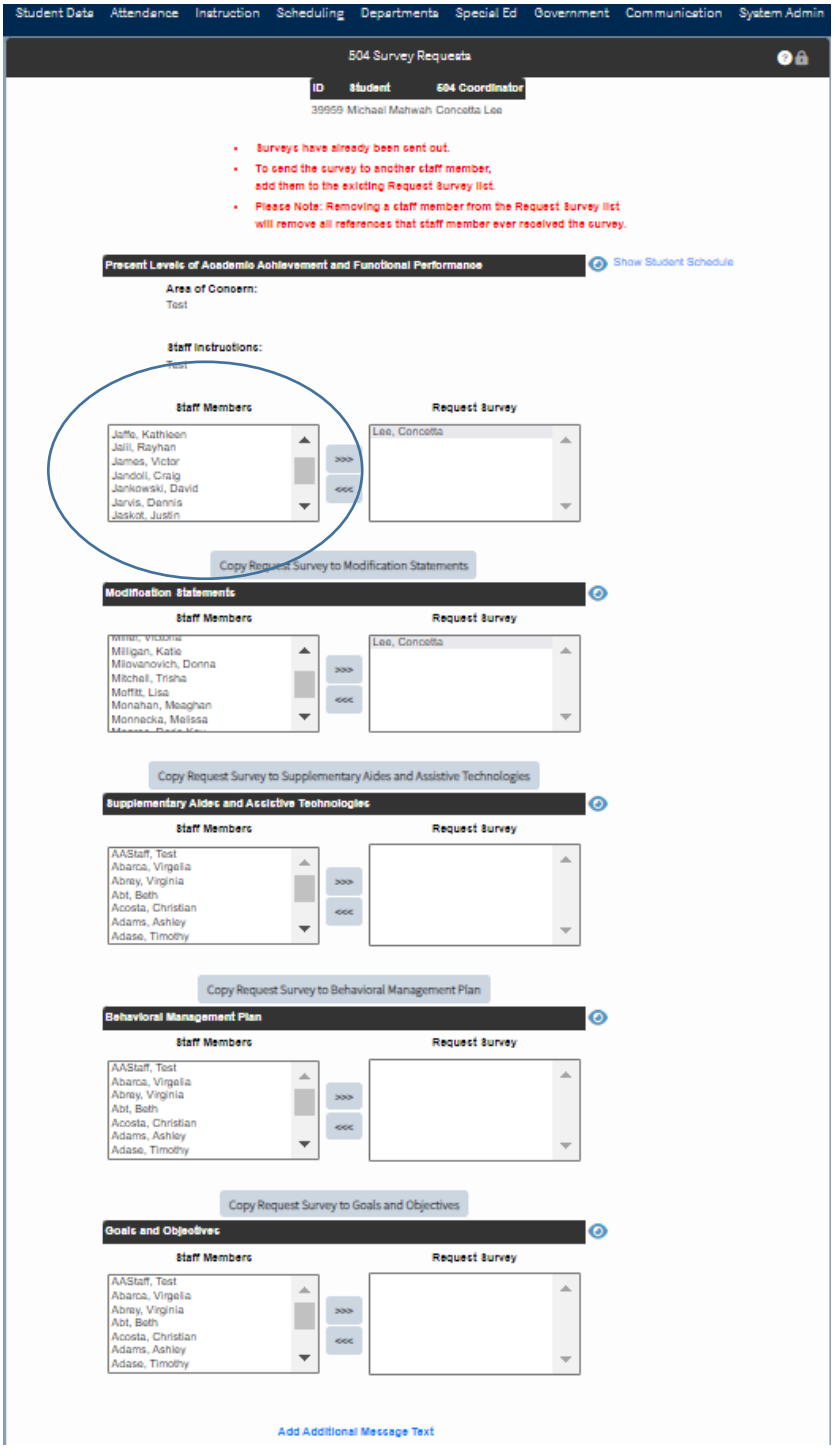
- At this home screen, you will be able to view all items related to the 504 process, from beginning to end.

504 Referral Form



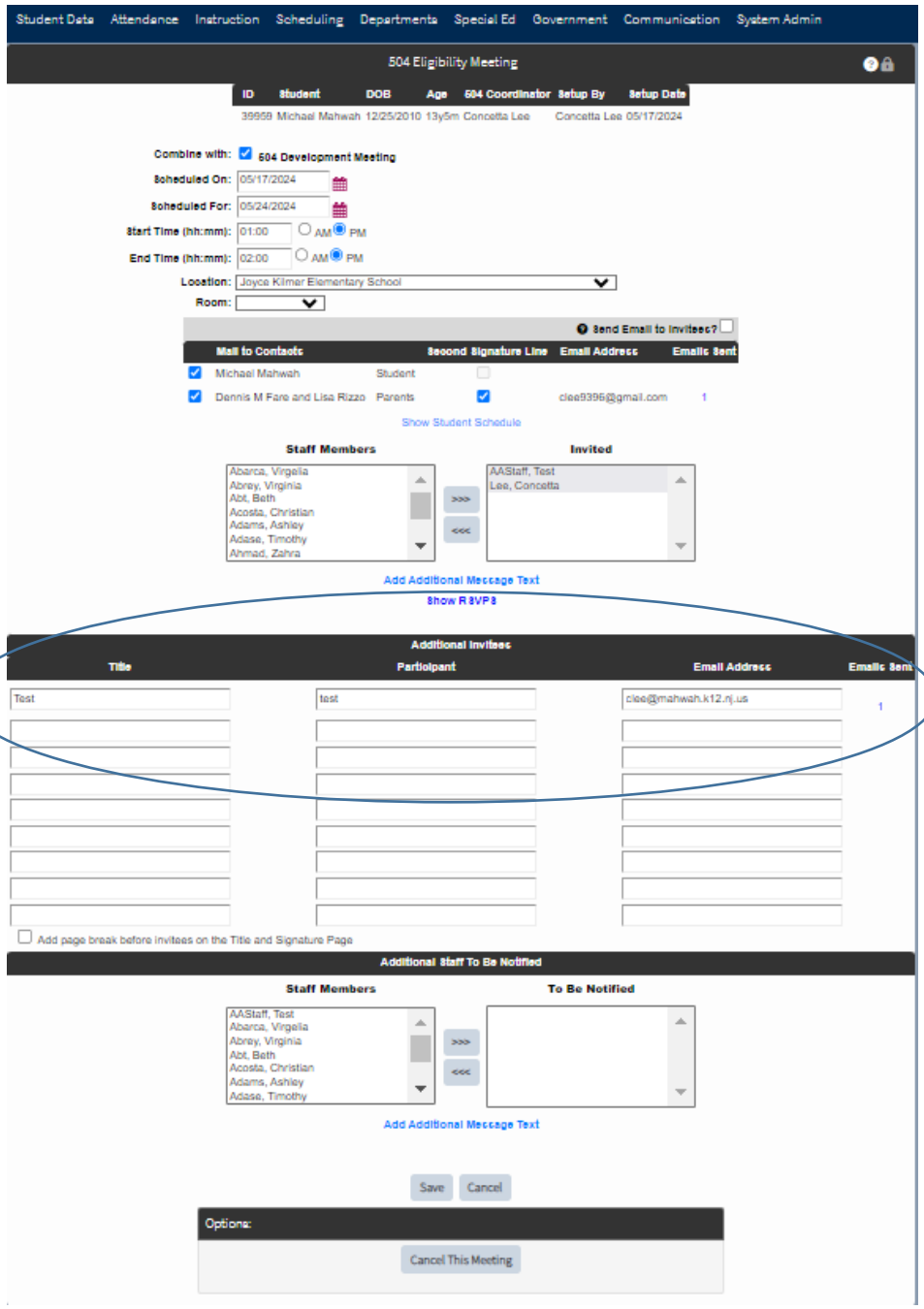
- To begin generating the 504 plan, you will need to create the 504 event through the referral form.

504 Survey Requests



- You will then request surveys from related staff members.
- The 504 Coordinator will review these responses, edit those responses as needed, which will populate into the 504 plan document.

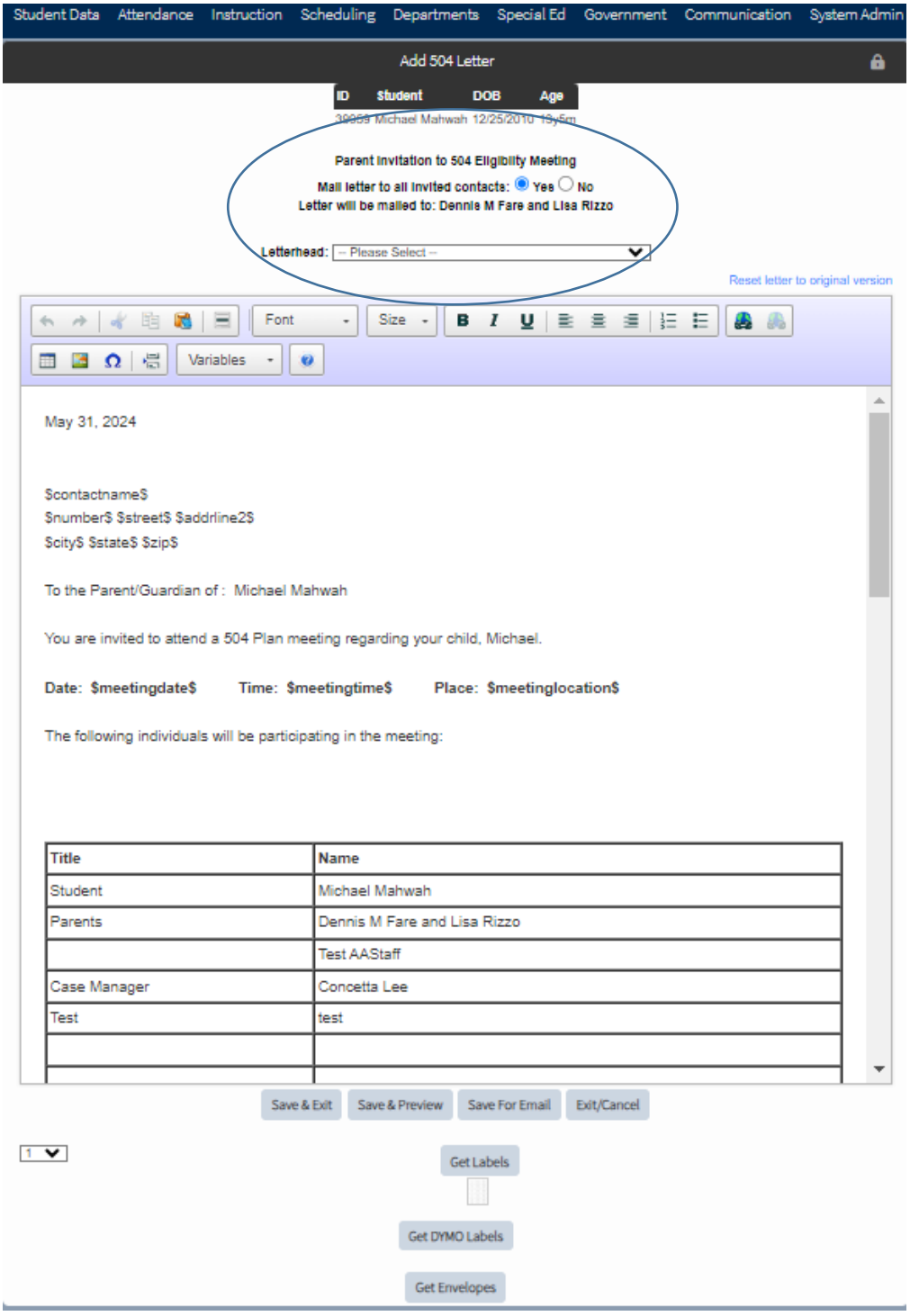
504 Attendee Invitation



- The eligibility meeting will take place at the onset of your meeting, which will then transition into the 504 development meeting.

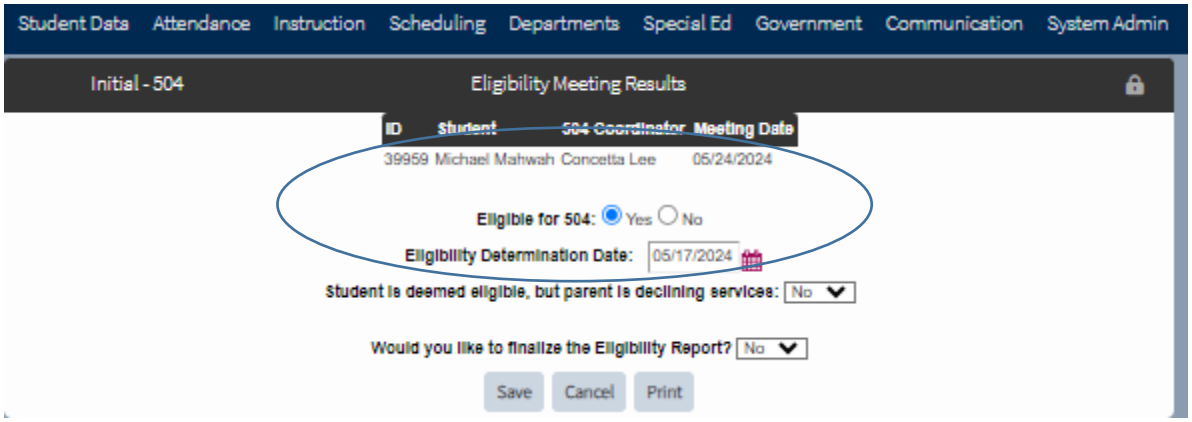
- The completion of this participant list will trigger an e-mail to those participants, requesting their attendance, which also provides information about our 504 process in district.

504 Letter



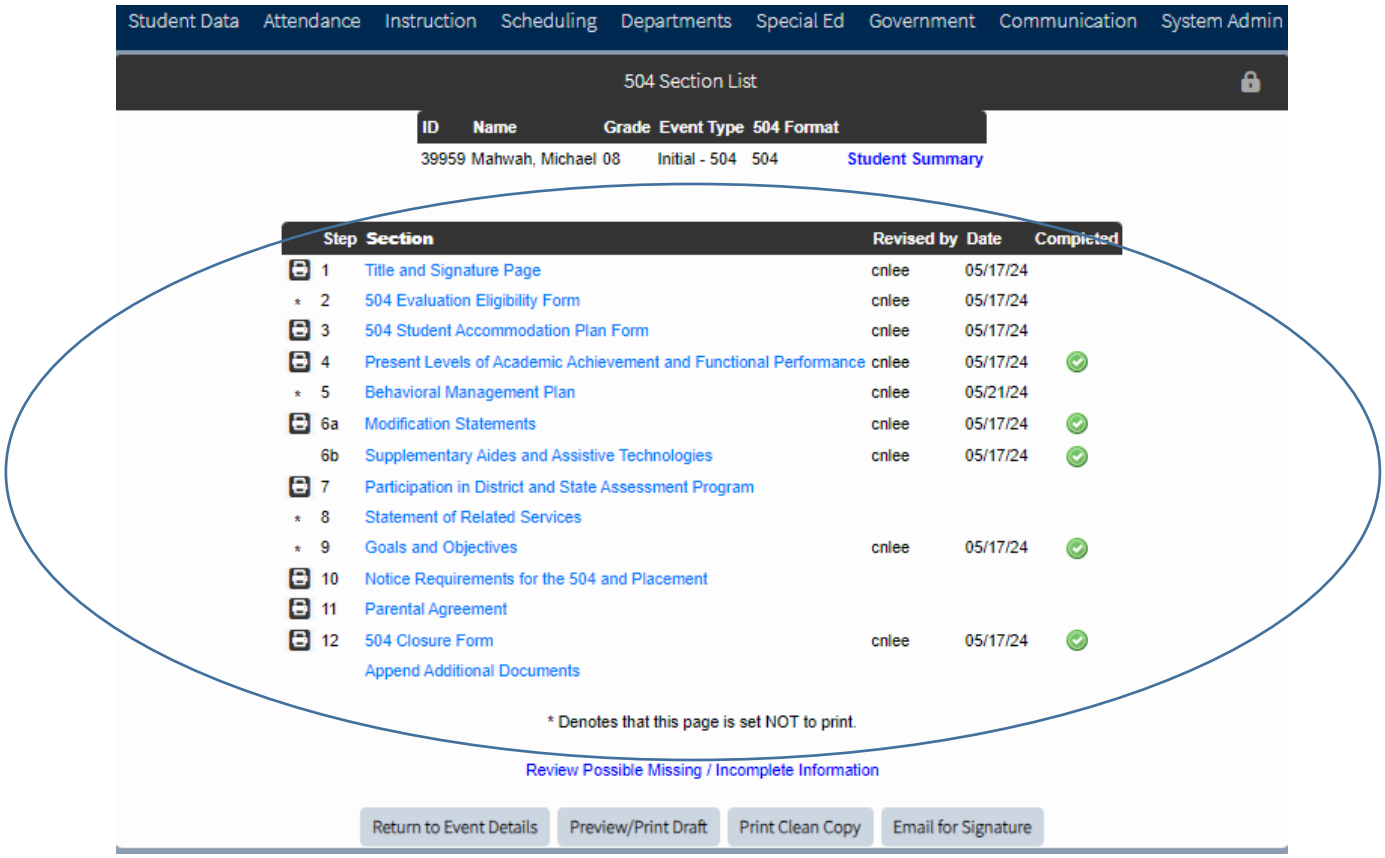
- The 504 letter provides you with access to the district communication that is shared with all requested participants to the 504 process.

504 Eligibility Meeting Results



- At the onset of this meeting, after reviewing any medical documentation or survey responses from staff members, you will determine if the student is eligibility for a 504 plan or not.
    - Check "Yes" if eligible.
    - Check "No" if not eligible.

504 Plan Segments
(Used to Draft or Revise a Student's 504 Plan)



- "504 Section List" provides the 504 Coordinator who is generating the 504 plan with all pages of the 504 plan. Simply click on each link to complete that page.

- For Page 9, "Goals and Objectives," as a district standard, the expectation is that our students who have a 504 plan must also have his or her goal(s) delineated – detailed based on the particular student. This will add value to the process in that, if the student has achieved the established goal, then we can have some informed dialogue about amending or exiting the student successfully from the 504 process entirely.

504 Process – Form Completion

Step 1
Title Page

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Step 2
Evaluation Eligibility Form

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Step 3
Accommodation Plan
(Notes should be taken during the meeting and recorded on this form.)

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Step 4
Present Levels of Achievement

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Step 5
Modification Statements

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Step 6
Supplementary Aides/Assistive Technology

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Step 7
State Assessment Program

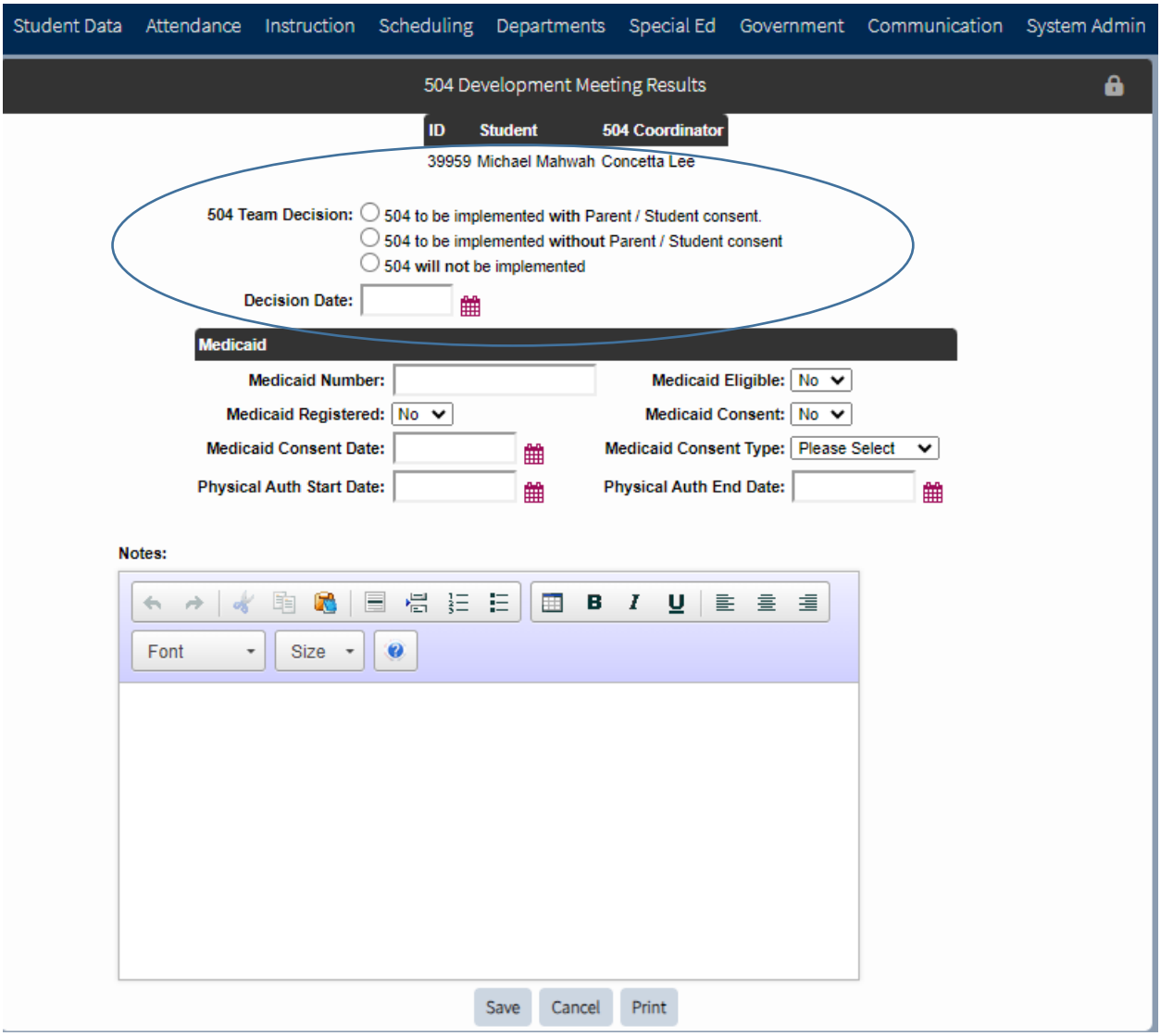
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Step 8
Notice Requirements for 504 + Placement

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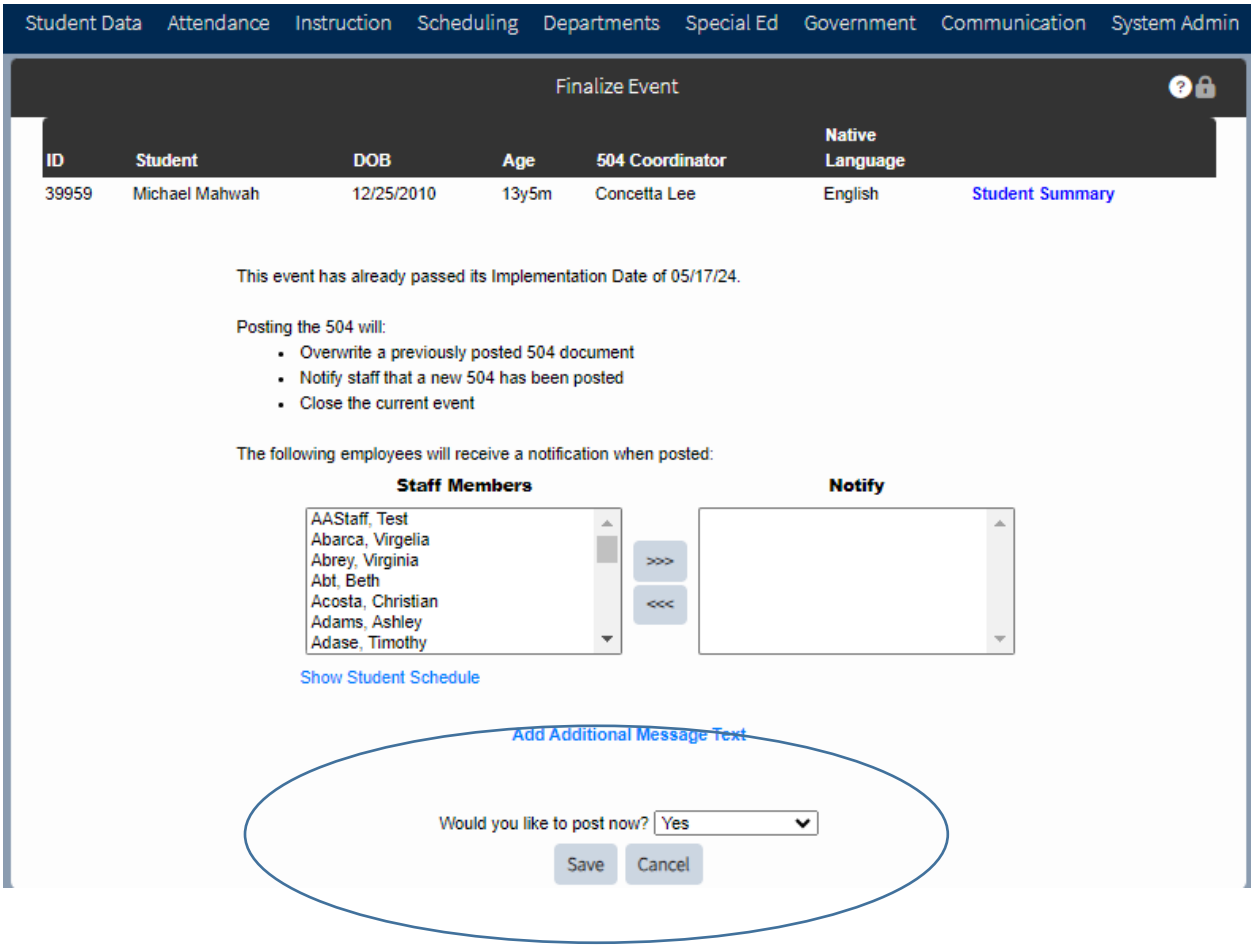
Step 9
504 Closure Form, if applicable

504 Development Meeting Results



- If at the meeting a decision is reached regarding the 504, it would be recorded on this screen. While this is an optional form, we are still determining, as we live through the 2024-2025 school year and this process, if this will be a required form as part of the process.

Finalize 504 Plan



- Selecting "Yes" from the drop-down list will post the 504 plan onto the student's Realtime page.

What is a Section 504 Plan?

A Section 504 Plan is a legally binding document. It is designed to assist an eligible student by setting out the services the student will need in order to participate in the regular or general education program.

Can the Section 504 Committee ensure accommodations to ACT/SAT/AP Exams?

No. If a student's Section 504 Plan lists testing accommodations as part of the general education instructional program, parents/guardians can request that a school release information to the testing program that governs the ACT/SAT/AP or other such exam. The testing organization will make an independent determination of whether modifications to college entrance/credit exams will be allowed. If there is a requirement for assessment data, it is the responsibility of parents/guardians to obtain that data. Mahwah Public Schools holds no responsibility to provide assessments in order for students to apply for accommodations on tests administered by other entities.

Can a student be exited from Section 504?

Yes, with notice to the student's parents/guardians of the change in eligibility status and the procedural safeguards. As with the initial eligibility determination, this is a collaborative effort between school staff and parents/guardians.

Appendix B – Section 504 Brochure

What are procedural safeguards?

In Mahwah Public Schools, parents/guardians and students age 18 or older have the right to:

- Notice of proposed actions related to eligibility and/or a plan or program;
- Examine all relevant records of their child, challenge that information and consent to the release of information;
- Appeal a decision to the Section 504 Compliance Committee;
- Request an impartial hearing over disagreements and be represented by counsel in the hearing;
- Appeal the impartial hearing officer's decision to court;
- File a complaint with the Office for Civil Rights; and
- A manifestation determination subsequent to any disciplinary action that results in a change of placement.

What if I have a concern about a 504 Plan? Who is the school 504 Plan representative?

Your first contact with the school should be to the principal. This person is knowledgeable about Section 504 requirements. Considering the nature of the concerns, the principal should be able to either resolve the concerns or direct you to someone who can address them. If you are not satisfied, you may contact the 504 Compliance Officer, Dennis M. Fare, at (201) 762-2405.

What if my concern or complaint remains unresolved?

In the event that the school or district is unable to resolve your concern, you can locate someone in the local office of Civil Rights (OCR) at (212) 264-3313.

Mahwah Public Schools

Section 504



Questions, Answers, and Rights

Mahwah Township Public Schools

60 Ridge Road

Mahwah, NJ 07430

Dennis M. Fare, Ed.D.

504 Compliance Officer

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What is Section 504?

Section 504 of the Rehabilitation Act of 1973, and the subsequent American with Disabilities Amendments Act of 2008, is intended to prevent intentional or unintentional discrimination against persons with disabilities.

In essence, Section 504 was enacted to "level the playing field" – to eliminate impediments to full participation by persons with disabilities.

This legislation protects the civil rights of people with disabilities, e.g., physical or mental impairments that substantially limit one or more major life activities. It prohibits organizations that receive federal funds from discriminating against otherwise qualified individuals on the sole basis of a disability.

Section 504 of the Rehabilitation Act of 1973 is enforced under guidelines provided by the U.S. Department of Education, Office for Civil Rights (OCR).

How does Section 504 define "disability?"

Under Section 504, a person is considered a person with a disability if they meet one or more of the following criteria:

• Have a physical or mental impairment, which substantially limits one or more major life activities,
• Have a record of such an impairment, or
• Are regarded as having such impairment.
The term "disability" includes a broad range of disabilities and impairments; as such, there is no exhaustive list.

What is a physical impairment?

• Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems; or
•Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, attention deficit disorder, and specific learning disability.

What are "major life activities?"

Caring for oneself, Performing manual tasks, Seeing, Hearing, Eating, Sleeping, Walking, Standing, Lifting, Bending, Speaking, Breathing, Learning, Reading, Concentrating, Thinking, Communicating, and Working.

What is a "substantial limitation?"

Neither Section 504 nor its regulations define the term "substantial limitation." OCR has ruled that the phrase is to be defined by the school district consistent with the intent and language of the ADA AA. The ADA AA clarifies that the definition of "substantial limitation," and all aspects of the definition of "disability," shall be construed in favor of broad coverage; that "substantial limitation" should be interpreted loosely.

Does Section 504 require assessment?

Yes. However, "assessment" does not necessarily mean a "test" or "formal testing." Under Section 504, it refers to gathering data and/or information from a variety of sources so that the Section 504 Committee can make the required determinations.

Depending on the type of suspected disability, common sources of assessment data are grades, attendance records, health information, standardized test scores, teacher comments, observations, parental and student input, previous eligibility components, medical reports, disciplinary referrals, etc.

All information provided by parents/guardians should be considered along with a variety of other sources of data. The information provided will be reviewed by the appropriately qualified school staff who will assist the committee in determining what additional information, if any, is needed. Determinations of eligibility, accommodations, and services are made by the 504 Committee.

When does a student qualify under Section 504?

The decision regarding whether or not to identify a student under Section 504 is made on a case-by-case basis.

The Section 504 Committee reviews each student's individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity. The committee considers the nature and severity of the impairment, its duration or expected duration, and the long-term impact of the impairment on the student's opportunity to access and benefit from programs and activities offered by the district. If the student is eligible and receiving special education and related services, the student is eligible under Section 504; however, the student's IEP satisfies the district's Section 504 obligations.

What is the Section 504 Committee?

Each school has a committee which is knowledgeable about the requirements of Section 504 and which operates under the direction of the principal, or designee. When the committee makes decisions particular to an individual student, persons who are knowledgeable about the student, who have expertise in the area of suspected disability, and who have expertise in interpreting data, are included as members. The membership may consist of the principal or designee, the child's general education teacher, specialists, or other personnel deemed appropriate by the principal. The committee's purpose is to process referrals, review assessment information, determine eligibility, and develop plans for the students under Section 504.

Accommodations must address the functional limitations of the student as well as the alternative methods of performing tasks or activities which would permit students of varying abilities to participate without jeopardizing outcomes.