

Section 504 Handbook



Montclair Public Schools

2018-2019

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Section 504 Handbook

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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 Montclair 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.

The 504 Evaluation Committee may recommend a referral to the Child Study Team for eligibility under the Individuals with Disabilities Education Act (IDEA). 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 folder.

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. Nursing care, counseling, occupational or physical therapy, and assistive technology are additional accommodations that may allow a student with disabilities to have equal access to the general educational program. Costs of these accommodations are borne by the Montclair Public School District.
- **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 aids or services for eligible students with disabilities. 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 nurse, the 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 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 Process is strongly encouraged to honor the needs of our students, but is not mandated by district policy or law.

- The parent/guardian, teacher, I&RS team, nurse, counselor, or other school staff member can initiate a 504 referral. The person making the referral should complete the **504 Referral Form** and submit 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 Montclair 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.
- Within seven school days of the receipt of a referral, the Building 504 Coordinator will send a **Notice of Consideration for 504 and Invitation to Meeting Form** and **Notice of Procedural Rights and Safeguards Form** to parents/guardians.
- The parent/guardian should return the signed **Notice of Consideration for Section 504 and Invitation to Meeting** form to the Building 504 Coordinator as soon as possible.
- 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 Information Gathering Form** to appropriate building staff members and collect completed forms prior to the scheduled 504 Eligibility Meeting. The Building 504 Coordinator is the gatekeeper of all Section 504 forms.
- The Building 504 Committee will convene a 504 Eligibility Meeting as quickly as possible. This should occur within 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 Initial Evaluation Eligibility Form** within 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)**

- The Building 504 Committee will recommend accommodations, and the Building Coordinator will document the proposed accommodations on the **504 Student Accommodation Plan Form** which will be provided to the parent/guardian along with a **Parent/Guardian 504 Implementation Consent Form** for his/her/they consent to implement the Accommodation Plan.
- 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 Genesis within five school days of receiving the parent/guardian's written consent.

Annual Review/As Needed Review Process

- No less than 20 school days before the 504 Accommodation Plan ending date, the Building 504 Coordinator will email or mail the parent/guardian the **Parental Notice of Annual Update and Invitation to Meeting Form**. 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 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 20 days of the notice, but not later than the existing 504 Accommodation Plan 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 Annual Update Form** 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 **504 Committee Review Form**. 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 (example: 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 **504 Student Accommodation Plan** which will be provided to parent/guardian along with a **Parent/Guardian 504 Implementation Consent Form** for his/her they 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 Genesis within five school days of receiving the parent/guardian's written consent.

Three Year Re-Evaluation

A 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**
- **IDEA Eligible according to CST- 504 discontinued unless eligible for speech/language services**

Please Note:

Any student returning to school with a temporary medical disability (example: 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 days may be needed to convene a 504 Eligibility Meeting. A consent for our school physician to confer with the student's diagnosing physician will be required.

Students moving from Nishuane to Hillside, from 5th grade to 6th grade, and 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 and 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

Montclair Public School 504 Coordinators

SCHOOL	COORDINATORS	TELEPHONE	E-MAIL
District 504 Coordinator/ Compliance Officer	Thomas Santagato	973-509-4022	tsantagato@montclair.k12.nj.us
Bradford	Marcy Goff	973-509-4155 ext. 4157	mgoff@montclair.k12.nj.us
Charles Bullock	Lauren Gutierrez	973-509-4255 ext. 5756	lgutierrez@montclair.k12.nj.us
Edgemont	Sade Henry	973-509-4162 ext. 4187	shenry@montclair.k12.nj.us
Hillside	Thomas Adamo	973-509-4277	tadamo@montclair.k12.nj.us
Nishuane	Amillah Pinnock	973-509-2222 ext. 2595	apinnock@montclair.k12.nj.us
Northeast	Danielle Schragen	973-509-4242 ext. 5743	dschragen@montclair.k12.nj.us
Watchung	Patrick Krenn	973-509-4259	pkrenn@montclair.k12.nj.us
Glenfield	Erika Pierce	973-509-4172	epierce@montclair.k12.nj.us
Buzz Aldrin	Major Jennings	973-509-4205	mbjennings@montclair.k12.nj.us
Renaissance	Whitney Gibbs	973-509-5741 ext. 6406	wgibbs@montclair.k12.nj.us
Scheduling Coordinator	Jerilyn Mullen	973-509-6410	jmullen@montclair.k12.nj.us
High School – Unit 1	Kimberly Westervelt	973-509-4001	kwestervelt@montclair.k12.nj.us
High School – Unit 2	Clifford Thompson	973-509-4002	cthompson@montclair.k12.nj.us
High School – Unit 3	SallyAnn Howell- Rembert	973-509-4003	srembert@montclair.k12.nj.us
High School – Unit 4	Eileen Gilbert	973-509-4004	egilbert@montclair.k12.nj.us

Notice of Procedural Rights and Safeguards

(Section 504 of the Rehabilitation Act)

The Montclair 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. Thomas Santagato, Director of Pupil Services, is the District's Section 504 Compliance Officer. You may contact his office at (973) 509-4022.

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 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 Director of Pupil Services, Montclair Public Schools Administrative Building, 22 Valley Road, Montclair, NJ 07042. 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.

Montclair Public Schools
Section 504 Referral Form
Please return completed form to 504 Building Coordinator

Name of student being referred (please print): _____

Date of Birth: _____ Grade: _____

Parent/Guardian Name (please print): _____

Telephone Number: _____ E-mail: _____

Name of person making the referral (please print): _____

Date of the referral: _____

Role of person making the referral:

___Parent/Guardian___ Teacher___ I&RS___ Counselor___ Administrator___ Nurse ___Other

Reason for referral:

Strategies/Interventions to date (please attach relevant information):

Comments:

Signature of person making referral: _____

Date: _____

Signature of Building 504 Coordinator: _____

Date referral received: _____

Approved March 2019