

Section 504

**A Guide for Parents of Students
with Disabilities**

**Becton Regional High School
Michele Klamerus
504 Coordinator**

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What is Section 504?

Section 504 refers to a part of the Rehabilitation Act of 1973. The primary purpose of the Rehabilitation Act of 1973 is to ensure that persons with disabilities are not discriminated against.

Section 504 states,

“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, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”

This law requires that every public school in the United States identify, evaluate, and provide appropriate services to disabled individuals as defined by Section 504. In addition, procedural safeguards must be provided to the parents/guardians of identified students. The Office of Civil Rights and/or U.S. Department of Education is responsible for enforcing Section 504.

Section504

Who Is Eligible?

A student with a disability should be considered for eligibility under Section 504 if he/she:

- 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 an impairment

Major Life Activities

Major Life Activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sleeping, concentrating, reading, communicating, bending and major bodily functions (immune, digestive, respiratory, circulatory, endocrine, neurological, brain and reproductive systems, bowel and bladder functions, and normal cell growth).

Substantial Limitation

Substantial Limitation is the inability to perform a major life activity that the average person in the general population can perform without the use of mitigating measures, and includes impairments that are episodic or in remission.

A diagnosis of a disability does not automatically qualify a student for eligibility under Section 504. School teams and parents who feel a student may meet the criteria for Section 504 eligibility may request that the student be brought up for review at a team meeting.

How is a child identified and evaluated?

The student is referred to the 504 Team (members of the team vary based on need), who will review the information and determine eligibility under Section 504. A parent or staff member may refer a student to the 504 team.

Written documentation must be provided of the disability (e.g., medical, psychological, agency reports)

Eligibility is determined by:

- input referenced from written documentation from medical, psychological, or outside agency reports;

or

- evaluation in which appropriate information is gathered (such as from student records, observations, anecdotal reports, teacher reports, individual and group tests, aptitude and achievement tests, medical information, nursing assessment, occupational or physical therapist assessment, doctor's orders, emergency care plans, and adaptive behavior assessment);

and

- determination that the disability substantially limits a major life skill (breathing, walking, learning, etc.).

504 Eligibility

What is a 504 Plan?

Students who meet the eligibility guidelines for Section 504 will have a 504 Plan developed for use in the general education classroom. The plan specifies the nature of the impairment, the major life activity affected by the impairment, and the accommodations necessary to provide access based on the student's needs. The plan also includes individual staff members responsible for implementing the accommodations.

Accommodations should be specific to the individual with regard to his/her impairment and its effect on the major life activity. 504 Plans should not include accommodations typically provided to general education students.

The team will review the student's 504 Plan on a periodic basis to ensure its effectiveness. A parent may request at any time that a plan be reviewed and/or revised as needed.

If a parent or the school team suspects that the student is in need of special education and related services, the team will schedule an IEP (Individualized Education Program) meeting.

The 504 Plan

What are the disciplinary procedures for 504 disabled students?

Suspensions Totaling Ten Days or Fewer

In any disciplinary case deemed to warrant suspension for not more than 10 consecutive school days or when the total for the school year is less than 10 days, a student with disabilities may be suspended in accordance with the procedures in the Code of Student Conduct.

Suspensions Totaling More Than Ten Days

In suspension cases involving over 10 total days for the year, a 504 committee meeting must be held. The committee must determine whether the conduct that prompted the disciplinary action was a manifestation of the student's disability. If the behavior that resulted in the disciplinary action was not the result of the student's disabling condition, the request for a suspension or expulsion remains and follows the regular procedures. If the behavior that resulted in the disciplinary action was a result of the disabling condition as determined by the 504 committee, the suspension or expulsion is discontinued, and the record is removed from the child's files. The 504 Plan should be reviewed at this time to determine if the Plan is appropriate.

Discipline

What if I disagree with the school's decision?

If the parent/guardian disagrees with school decisions, he/she has the right to an appeal hearing. Appeal requests are made in writing to the:

*504 Coordinator
Becton Regional High School
120 Paterson Avenue
East Rutherford, NJ 07073
201-935-3007 ext. 139*

Summary of Legal Rights for Parents

You have the right to:

1. Have the school system advise you of your rights under Section 504;
2. Have your child with disabilities take part in, and receive benefits from, public education programs without discrimination because of the disability;
3. Receive all information in your native language or other primary mode of communication;
4. Have your child receive a free, appropriate public education (FAPE);
5. Have your child be given an equal opportunity to participate in school programs and extracurricular activities sponsored by the school;

6. Receive notice before the school identifies or evaluates your child or changes your child's educational placement;

7. Inspect and review all your child's educational records, including the right to obtain copies at a reasonable cost. You will not be charged for a copy of your child's record if the cost would prevent you from inspecting and reviewing the records;

8. Request an amendment to the record if you believe information contained in the record is inaccurate or misleading or violates your child's privacy or other rights. If the school system refuses to amend the record, you have the right to request a hearing and/or to place in the record a statement of why you disagree with the information it contains;

9. Have educational evaluation and placement decisions based on information from a variety of sources and by persons who know your child's educational needs, the meaning of the evaluation information, and the placement options available in the school system;

10. Have the 504 Plan revised periodically, if one is developed, and have the plan periodically re-evaluated before any significant change is made in your child's placement;

11. Be included in decisions or actions regarding your child's identification, evaluation, educational program or educational placement, and

12. Appeal any legal decision made by the 504 Committee to the:
504 Coordinator
Becton Regional High School
120 Paterson Avenue
East Rutherford, NJ 07073
201-935-3007 ext. 139

Who do I contact if I need more information?

If you have more questions, contact the 504 coordinator in your child's school. If you need further assistance, contact:

504 Coordinator
Becton Regional High School
120 Paterson Avenue
East Rutherford, NJ 07073
201-935-3007 ext. 139

Parent Rights

