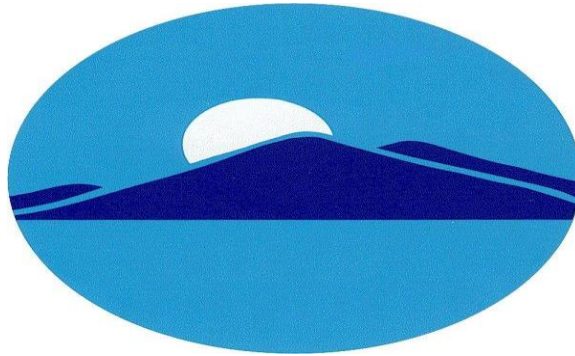


# WEST ORANGE PUBLIC SCHOOLS



## ***SECTION 504***

# **Manual**

JEFFREY RUTZKY, SUPERINTENDENT OF SCHOOLS  
CHERYL BUTLER, DISTRICT 504 COORDINATOR  
WEST ORANGE PUBLIC SCHOOLS  
[cbutler@woboe.org](mailto:cbutler@woboe.org)  
973 669 5301 EXT. 31611

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**Cheryl Butler**  
**Section 504 District Coordinator**  
**973-669-5301, ext. 31611**

<b>Gregory Elementary School</b> <b>301 Gregory Avenue</b> <b>973-669-5397</b>		
Name	Title/Position	Extension
Michelle Thompson	Principal/Building Coordinator	21510
Sarah McIntosh	504 Co- Coordinator	21601
<b>Hazel Elementary School</b> <b>45 Hazel Avenue</b> <b>973-669-5448</b>		
Name	Title/Position	Extension
Edwin Acevedo	Principal/Building Coordinator	22510
Leila Tirado-Smith	504 Co-Coordinator	22601
<b>Mt. Pleasant Elementary School</b> <b>9 Manger Road</b> <b>973-669-5480</b>		
Name	Title/Position	Extension
Mike Schiavo	Principal/Building Coordinator	23510
Lisa Struncis	504 Co-Coordinator	29603
<b>Pleasantdale Elementary School</b> <b>555 Pleasant Valley Way</b> <b>973-669-5452</b>		
Name	Title/Position	Extension
Joanne Pollara	\ Principal/Building Coordinator	24510
Florence Chirichiello	504 Co-Coordinator	24601
<b>Redwood Elementary School</b> <b>75 Redwood Avenue</b> <b>973-669-5393</b>		
Name	Title/Position	Extension
Barbara Kivlon	Principal/Building Coordinator	25510
Rebecca Beutel	504 Co-Coordinator	25601
<b>St. Cloud Elementary School</b> <b>71 Sheridan Avenue</b> <b>973-669-5393</b>		
Name	Title/Position	Extension
Eric Price	Principal/Building Coordinator	26510
Tara Donatiello	504 Co-Coordinator	26601
<b>Washington Elementary School</b> <b>289 Main Street</b> <b>973-669-5385</b>		
Name	Title/Position	Extension
Marie DeMaio	Principal/Building Coordinator	27510
Rene Wells	504 Co-Coordinator	27601

**Cheryl Butler**  
**Section 504 District Coordinator**  
**973-669-5301, ext. 31611**

<b>Edison Middle School</b> <b>75 William Street</b> <b>973-669-5360</b>		
Name	Title/Position	Extension
Xavier Fitzgerald	Principal/Building Coordinator	28510
School Counselor for student	504 Co-Coordinator	Jeffrey Lafoon – 28602 Pamela Stewart - 28603
<b>Liberty Middle School</b> <b>1 Kelly Drive</b> <b>973-243-2007</b>		
Name	Title/Position	Extension
Robert J. Klemt	Principal/Building Coordinator	29510
School Counselor for student	504 Co-Coordinator	Lauren Volpe – 29603 Stephanie Nesbitt - 29601
<b>Roosevelt Middle School</b> <b>36 Gilbert Place</b> <b>973-669-5373</b>		
Name	Title/Position	Extension
Lionel O. Hush, Jr.	Principal/Building Coordinator	30510
School Counselor for student	504 Co-Coordinator	Michelle Ellingham – 30602 Tessa Mateo - 30604
<b>West Orange High School</b> <b>51 Conforti Avenue</b> <b>973-669-5301</b>		
Name	Title/Position	Extension
Hayden N. Moore	Principal/Building Coordinator	31501
Karen Perry	504 Co-Coordinator	31562

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## STUDENT DISABILITIES PURSUANT TO SECTION 504

### I. Disability:

The Board recognizes that a student is disabled pursuant to 29 U.S.C. 794, or Section 504 of the Rehabilitation Act of 1973, if he or she:

- a. has a physical or mental impairment which substantially limits one or more of such person's major life activities,
- b. has a record of such an impairment, or
- c. is regarded as having such impairment.

Substantially limits is defined as unable to perform a major life activity that the average person in the general population can perform or significantly restricted to the condition manner, or duration under which an individual can perform a particular major life function as compared to the condition, manner, or duration which the average person in the general population can perform that same major life activity. Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The disabling condition need only substantially limit one major life activity in order for a student to be eligible. 34 C.F.R. 104.3 (j) (2) (ii)

All individuals eligible for services under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 et seq.) are protected under Section 504. Individuals who are not eligible for services under IDEA may nonetheless be eligible for services under Section 504.

### II. District Coordinator and Building Coordinator:

- a. The District Coordinator is the person who assures that the district is in compliance with legal requirements specified under Section 504. The District Coordinator has the authority to investigate and attempt to resolve all written grievances.
- b. The Building Coordinator is the building Principal or his/her designee who is responsible for managing the Section 504 Committee (the "504 Committee") in his/her building.

### III. Evaluation:

In compliance with federal law, the Board directs that students disabled pursuant to Section 504 be identified, referred to and evaluated by a 504 Committee, and that a determination of eligibility for accommodations of his/her regular program be made. Any person can refer a student for evaluation under Section 504. Parents, guardians and school staff should refer a student for evaluation if they know or suspect that, due to a physical or mental impairment, a student requires accommodations to participate in or benefit from the regular education program. The 504 Committee shall consist of a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. In making placement decisions, the 504 Committee shall draw upon a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The 504 Coordinator shall establish procedures to ensure that information obtained from all such sources is documented and carefully considered.

#### **IV. Procedure:**

- a.** The written consent from a student's parents/guardians shall be obtained before the 504 Committee evaluates a student who has been referred for a suspected disability pursuant to Section 504 (34 C.F.R. §104.36). The 504 Committee shall involve parents/guardians in all identification, evaluation and educational placement decisions. Parents/guardians shall have an opportunity to examine all relevant records. A Section 504 evaluation meeting shall provide an opportunity for participation by each student's parents/guardians and other individuals who have knowledge or special expertise regarding the student. These other individuals may be invited by the parent or District. In addition, the student and his/her parents/guardians may be represented by legal counsel at the meeting. The student's parents/guardians shall be notified in writing not less than 15 calendar days prior to the 504 Committee meeting. Reasonable efforts will be made to provide written notice in the parents/guardians native language. The 504 Committee shall consider all relevant information concerning the student to determine whether he/she is disabled under Section 504.
- b.** Information may include reports from physicians, observations from parents, teachers, school personnel, results of standardized tests, etc. The 504 Committee shall determine whether the student is disabled under Section 504, and, if so, develop a written accommodation plan describing what accommodations, modifications, services, health plans or programs will be provided to meet the student's needs. The determination and, if applicable, education plan of the 504 Committee shall be submitted to the parents/guardians in writing.
- c.** Accommodations are re-evaluated at least annually for re-approval or continuation in order to address the need for additional evaluation information, continued eligibility as a student with a disability under Section 504 and the contents of the plan and service providers. In addition, prior to any significant changes in placement, a reassessment of the student's needs shall be conducted and parents shall receive written notice of any proposed significant changes in placement. Parents or guardians who disagree with the identification, evaluation or placement of a student with disabilities shall have the right to request a due process hearing pursuant to the procedures set forth in Title 6A of the New Jersey Administrative Code. The Chief School Administrator or his/her designee shall be responsible for coordinating the Board's efforts to comply with the requirements of Section 504. Those efforts shall include, but not be limited to, notifying parents/guardians of every student enrolled in the district's schools of this policy at the beginning of each school year. Copies of this policy and a list of the procedural rights afforded by Section 504 shall also be sent to parents/guardians as part of the notification that their child has been referred for evaluation pursuant to section III (a) above.

#### **V. Benefits**

The Board of Education recognizes its responsibility to provide an education for qualified disabled persons that is commensurate with that provided for persons who are not disabled to the maximum extent appropriate to meet the needs of the disabled student. With regard to nonacademic and extracurricular services and activities, the Board recognizes its responsibility to arrange for the provision of those services and activities such that disabled persons participate with nondisabled persons to the maximum extent appropriate to the needs of the disabled person. Any facility which the Board operates for disabled persons shall be comparable to facilities, services and activities provided for nondisabled persons. The Board has established a grievance procedure to expeditiously process complaints concerning discrimination in the school district.

#### **VI. Regulations**

The Chief School Administrator shall issue regulations and procedures to implement this policy.

## **GRIEVANCE PROCEDURE FOR COMPLAINTS CONCERNING THE BOARD'S**

### **OBLIGATION TO DISABLED PERSONS**

The Board recognizes its responsibility to provide a grievance procedure for prompt and equitable resolution of complaints by students or employees or any other persons who allege that a Board action is in violation of Section 504, The Rehabilitation Act of 1973. The Superintendent shall designate an employee from within the district to be the Section 504 District Coordinator who shall be responsible for processing any such grievances.

The grievance procedure set forth herein may be used to resolve complaints under 42 U.S.C. 12101 et seq. (The Americans with Disabilities Act, as well as Section 504).

**A     Level 1: 504 Building Principal/ Building Coordinator**

Many problems can be solved by an informal meeting with the parties and the Principal and/or Co-504 Coordinator. An individual with a complaint is encouraged to first discuss it with the building principal and/or co-504 coordinator involved with the objective of resolving the matter promptly and informally.

**B     Level 2: Section District 504 Coordinator**

If the complaint or issue is not resolved at Level 1, the grievant may file a written grievance stating:

1. the nature of the grievance;
2. the remedy requested; and
3. be signed and dated by the grievant.

The Level 2 written grievance must be filed with the District 504 Coordinator within fifteen (15) days of the event of incident, or from the date the grievant could reasonably become aware of such occurrence.

The District 504 Coordinator has authority to investigate all written grievances. If possible, the District 504 Coordinator will resolve the grievance. If the parties cannot agree on resolution, the District 504 Coordinator will prepare a written report of the investigation which shall include the following:

1. A clear statement of the allegations of the grievance and remedy sought by the grievant;
2. A statement of the facts as contended by each of the parties;
3. A list of all witnesses interviewed and documents reviewed during the investigation;
4. A narrative describing attempts to resolve the grievance;
5. The District 504 Coordinator's conclusion as to whether the allegations in the grievance are meritorious.

If the District 504 Coordinator believes the grievance is valid, he/she will recommend appropriate action to the Superintendent.

The District 504 Coordinator will complete the investigation and file the report with the Superintendent within fifteen (15) days after receipt of the written grievance.

The District 504 Coordinator will send a copy of the report to the grievant.

If the Superintendent agrees with the recommendation of the District 504 Coordinator, the recommendations will be implemented.

A. Level 3: The Board of Education

If the Superintendent rejects the recommendations of the District 504 Coordinator and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within ten (10) days of receiving the report of the District 504 Coordinator to the Board of Education for consideration at the next regularly scheduled meeting or as soon thereafter as practicable. A decision shall be made and reported in writing to all parties within thirty (30) days of the hearing. The decision of the Board of Education will be final.

B. Other Options for Grievant

At any time during this process, a grievant may file a complaint with the U.S. Department of Education Office for Civil Rights.

US Dept of Education

Office for Civil Rights

32 Old Slip, 26<sup>th</sup> Floor

New York, New York 10005

646-428-3800

[OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

# WEST ORANGE PUBLIC SCHOOLS

## **PARENT AND STUDENT RIGHTS UNDER SECTION 504, THE REHABILITATION ACT OF 1973**

The Rehabilitation Act of 1973, commonly referred to as “Section 504”, is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Eligibility: Students who are eligible under special education laws have specific rights that are not available to students who are eligible solely under Section 504. “Parents Rights In Special Education” (P.R.I.S.E.) is a handbook prepared by the New Jersey Department of Education that specifies rights assured by the Individuals With Disabilities Education Act (IDEA) and is available through the school district’s Special Education Department. The purpose of this document is to specify the rights assured by Section 504 to those disabled students who do not qualify under the IDEA for special education programs and service.

The regulations for Section 504 provide parents and/or students with the following rights:

1. You must be informed by the school district of your rights under Section 504. (The purpose of this document form is to advise you of those rights).
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met.
3. Your child has the right to free educational services except for those fees that are imposed on general education students or their parents. Insurers and similar third parties are not relieved from any otherwise valid obligation to provide or pay for services provided to a disabled student.
4. Your child has a right to placement in the least restrictive environment.
5. Your child has a right to facilities, services, and activities that are comparable to those provided to general education students.

6. Your child has the right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical examination, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations and anecdotal reports.
7. Placement decisions must be made by a group (i.e., The 504 Committee), that includes persons knowledgeable about your child. They will discuss the meaning of evaluation data, the placement options, and the legal requirements for least restrictive environment.
8. If eligible under Section 504, your child has a right to a re-evaluation, generally every three years.
9. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
10. You have the right to examine relevant records.
11. You have the right to participate in an impartial hearing with respect to the district's actions regarding your child's identification, evaluation or educational placement. If you wish to challenge the actions of the school's 504 Committee with regard to your child's identification, evaluation, or educational placement, you have the right to request a due process hearing pursuant to the procedures set forth in Title 6A of the New Jersey Administrative Code.
12. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office which covers New Jersey is:  
US Dept of Education  
Office for Civil Rights  
32 Old Slip, 26<sup>th</sup> Floor  
New York, New York 10005  
646-428-3800  
[OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)
13. Your son/daughter has the same rights to protections for disciplinary issues as a student eligible under IDEA. The rights are:
  - a. Suspension/Expulsion actions must be preceded by notice to you of your rights and those of your son/daughter, no later than the date on which the decision to take this disciplinary action was made.
  - b. You have the right to a manifestation determination conducted by the members of the 504 Committee within ten (10) days from the date on which the disciplinary action was taken if your son/daughter is suspended for ten (10) consecutive days

or cumulative in a school year.

- c. If the manifestation determination showed that your son/daughter's behavior was a manifestation of his/her disability, the 504 Committee must develop a plan for a functional behavioral assessment for the development of a behavioral intervention plan. No discipline is imposed if the behavior was determined to be a manifestation of the student's disability.
- d. If your son/daughter is suspended for ten (10) or more days for dangerous misbehavior, you have the right to a hearing with the Board of Education where the members will determine whether your son/daughter's current placement is appropriate or will substantially hurt him/her or others.
- e. If the manifestation determination showed that your son/daughter's behavior was not a manifestation of his/her disability, the district has an obligation to continue to provide instruction in the least restrictive environment and has a right to use the same disciplinary procedures as used with general education students who do not have the protections of a 504 plan.

#### **504 Grievance Procedure**

A parent or guardian who believes that the district is violating Section 504 procedures may file a grievance with the district.

A parent or guardian who believes that they, or their child, have not received proper services or accommodations which are therefore a violation of Section 504, should file the complaint with the District 504 Coordinator.

The complaint should be in writing and explain why the complainant believes there is a violation of the law. Upon receiving the complaint, the District 504 Coordinator will schedule an informal hearing within fifteen (15) working days.

At the informal meeting, the purpose is to clarify each party's concerns and understandings of the specific alleged violation. At the informal meeting the parties will attempt to resolve the complaint. A description of the alleged violation will be reduced to writing.

If it is determined that a satisfactory conclusion cannot be reached, a meeting will be scheduled with the Superintendent.

If after meeting with the Superintendent, the complainant believes that the violation remains unsolved, the complainant may request a meeting with the Board of Education.

The Board of Education will arrange such a meeting within thirty (30) calendar days of such a request and hold such a meeting within the rules, regulations of the board, and in accordance with prevailing law.

## **What types of accommodations will my child receive if determined eligible under Section 504?**

Each child's needs are determined individually. Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to the non-disabled. There is no guarantee of A's or B's or even that the student will not fail. Students are still expected to produce. The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.

### **Accommodations that may be used, but are not limited to, include:**

- Highlighted textbooks
- Extended time on tests or assignments
- Peer assistance with note taking
- Frequent feedback
- Extra set of textbooks for home use
- Computer aided instruction
- Enlarged print
- Positive reinforcements
- Behavior intervention plans
- Rearranging class schedules
- Visual aids
- Preferred seating assignments
- Taping lectures
- Oral tests
- Individual contracts
- Identification of benchmark dates for long-term assignments to check for progress.
- Copies of overheads prior to class
- Books on tapes
- Notification of more than 2 consecutive missed assignments
- Signing agenda book
- Provide course syllabus
- Using self-monitoring strategies
- Allow legitimate movement
- Implementing a classroom behavior management system

## **SECTION 504**

### ***Frequently Asked Questions***

#### **1. What is Section 504?**

Section 504 is that section of the Rehabilitation Act of 1973 which applies to persons with disabilities. Basically, it is a civil rights act which prohibits discrimination against individuals with physical or mental disabilities who attend public or private schools funded with public dollars. Section 504 is enforced by the U.S. Department of Education, Office for Civil Rights (OCR).

#### **2. How does a student become eligible to receive services and protection under Section 504?**

To become eligible for services and protection under Section 504, a student must be determined, as a result of an evaluation, to have a ***physical or mental impairment*** that ***substantially limits one or more major life activities***.

#### **3. What is a physical or mental impairment?**

A physical or mental impairment is described as:

- any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following basic systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; and lymphatic; skin and endocrine; or
- any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and special learning disabilities (34 Code of Federal Regulations, Part 104.3).

#### **4. What are “major life activities”?**

Section 504 defines major life activities as “functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.”

#### **5. When does impairment “substantially limit a student’s major life activity”?**

Section 504 regulations do not define the word “substantially.” The Office for Civil Rights (OCR) directs school districts to make the decision of whether a particular impairment “substantially limits” a major life activity for a student on an individual basis. A physical or mental impairment does not constitute a disability for purposes of Section 504 unless its severity or educational impact is such that it results in a substantial limitation of one or more major life activities.

## **I. EVALUATION**

### **1. When should the district evaluate a student for a disability under Section 504?**

Occasions suggested by the Council of Administrators for Special Education include but are not limited to:

- When a student shows a pattern of not benefiting from the instruction provided.
- When a student returns to school after a serious illness or injury.
- When the student exhibits a chronic health condition.

### **2. Do schools have to evaluate students who are referred under Section 504?**

Section 504 does not provide an absolute right to an evaluation on demand; if a school district rejects the parents' request based on its belief that the child is not eligible, it must inform the parents of their right to challenge the district's decision not to evaluate.

### **3. Do schools have to formally evaluate students to determine if he/she is eligible for services under Section 504?**

Yes. Schools do have to evaluate students before determining their eligibility for services and before deciding which services are appropriate. As a general rule, Section 504 evaluation procedures are substantially similar to those set out in the IDEA regulations for special education; however, school districts may have a different evaluation process for Section 504 than they have for IDEA.

Section 504 requires that "information from a variety of sources be considered and documented prior to placement (aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior, and observations from parents, teachers, and school personnel).

### **4. Who is responsible for conducting the multidisciplinary assessment and determining eligibility for programs and/or services under Section 504?**

Section 504 regulations require that decisions regarding eligibility, programs, related services, and accommodations be made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

Standing members of the Section 504 Committee should be but are not limited to the school administrator, the student's regular classroom teacher, the school nurse, the school counselor, and the parent. Depending on the nature of the disability, one or more child study team specialists may be included.

## **II. ELIGIBILITY DETERMINATION**

### **1. What qualifies a student for programs and services under Section 504?**

Eligibility for programs and/or services under Section 504 is based on an affirmative response with documentation to the following qualifying questions:

- Does the student have a physical or mental impairment?
- Does the impairment affect one or more of the major life activities?

- Does the impairment substantially limit a major life activity?
2. **Is attention deficit disorder (ADD) and attention deficit hyperactivity disorder (ADHD) a recognized disability under Section 504?**  
Yes. The Department of Education has acknowledged that ADD and ADHD are impairments that can be the basis of eligibility under either Section 504 or IDEA. The key to eligibility under 504 is whether the student's ADD or ADHD is sufficiently severe that it substantially limits a major life activity, e.g. learning.
  3. **Does a physician's diagnosis of ADD/ADHD automatically result in a student being eligible for Section 504?**  
No. A physician's diagnosis alone does not automatically result in eligibility for programs or services under Section 504. A physician's diagnosis should be considered as one piece of the evidence when evaluating the child.
  4. **Is a student with a physical or mental impairment that was referred to the child study team, but found ineligible for special education under IDEA, automatically covered under Section 504?**  
No, depending on the severity of his/her condition, a student with impairment who does not meet the standards for eligibility under the IDEA may or may not fit within the Section 504 definition.
  5. **Can a parent elect to have a student with a disability who is eligible under the IDEA identified as covered under Section 504 only?**  
No. Although a parent may wish to avoid having his/her child "labeled" as a special education recipient, the Office for Civil Rights (OCR) has stated in no uncertain terms that parents have no such flexibility. A rejection of the services offered under IDEA amounts to a rejection of services offered under Section 504. Conversely, it should be noted that a district has no flexibility to opt to provide services and accommodations under Section 504 when the student is IDEA eligible.
  6. **Is every student with a disability who is eligible under the IDEA also covered under Section 504?**  
Yes. Students who are eligible for special education programs and related services under the IDEA meet the definition of eligibility under Section 504. IDEA eligible students are entitled to additional protections and services offered under Section 504, e.g., the right to accessible facilities.

### **III. INDIVIDUAL ACCOMMODATION PLAN**

1. **Are IEPs required under Section 504?**  
No. An IEP is not required; however, best practice dictates that the district produce a written document entitled "Section 504/ADA Individual Accommodation Plan" to memorialize the agreed services and accommodations.

**2. What types of modifications to regular education programs typically are appropriate under Section 504?**

The following types of classroom instruction modifications are among those currently in use:

- Modifications to pacing, such as extending time permitted for completion of assignments;
- Modifications to the classroom environment, such as preferential seating;
- Modifications to presentation of subject matter, such as emphasizing visual materials;
- Adjustments to grading, such as modifying the weight given to examinations;
- Adjustments to homework assignments, such as reducing written assignments; and
- Modifications to testing techniques, such as extending the time in which the test must be completed on classroom, district and state testing programs.

**3. What types of accommodations may a child receive if determined eligible under Section 504?**

Each child's needs are determined individually. Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to the non-disabled. There is no guarantee of A's or B's or even that the student will not fail. Students are still expected to produce. The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.

**4. Accommodations that may be used, but are not limited to, include:**

- Highlighted textbooks
- Extended time on tests or assignments
- Peer assistance with note taking
- Frequent feedback
- Extra set of textbooks for home use
- Computer aided instruction
- Enlarged print
- Positive reinforcements
- Behavior intervention plans
- Rearranging class schedules
- Visual aids
- Preferred seating assignments
- Taping lectures
- Oral tests
- Individual contracts
- Identification of benchmark dates for long-term assignments to check for progress.
- Copies of overheads prior to class
- Books on tapes
- Notification of more than 2 consecutive missed assignments
- Signing agenda book
- Provide course syllabus

- Using self-monitoring strategies
- Allow legitimate movement

**5. Can students who are eligible for Section 504 receive related services, such as physical therapy?**

Yes. Schools must provide services to Section 504 eligible students. Whereas under the IDEA, a student must be eligible for special education programs and related services in order to receive physical therapy or occupational therapy.

**6. Can students who are eligible under Section 504, but not IDEA, be served in special education classrooms?**

As a matter of law, no; in practice, maybe. Section 504 does not explicitly condition entitlement to special education on IDEA eligibility. Regulatory and judicial guidance concerning the provision of special education under Section 504 is scant. There are no authoritative decisions reviewing whether a particular student was entitled to special education services under Section 504.

**7. Can a teacher refuse to provide a service that school district agrees to provide in a Section 504 Individual Accommodation Plan?**

No. Teachers who refuse to perform an accommodation may find themselves in the position of the defendant teacher in *Doe v. Withes*. A jury found the teacher liable for \$5,000 in compensatory damages and \$10,000 in punitive damages because he refused to provide oral testing for a student with a disability.

#### **IV. MISCELLANEOUS**

**1. Are all schools required to adhere to Section 504?**

Yes. All schools that receive any federal financial assistance must comply with Section 504 of the Rehabilitation Act of 1973.

**2. Do schools have to make all of their buildings accessible to students with disabilities?**

No. Schools are required to make all programs accessible for students with disabilities, not all buildings.

**3. Is there any extra federal funding for schools to use to provide appropriate services under Section 504?**

No. There are no federal funds associated with serving Section 504 students.

**4. What can parents do if they are dissatisfied with the way schools are serving students eligible for Section 504 protections?**

Parents may file a written grievance with the District 504 Coordinator, request an impartial due process hearing, or file a complaint with the U.S. Department of Education Office for Civil Rights.

# FORMS

# WEST ORANGE PUBLIC SCHOOLS

179 EAGLE ROCK AVENUE  
West Orange, NJ 07052

## Section 504 Plan

Date of Meeting: _____	Time of Meeting: _____
Location of Meeting: _____	Initial 504 Starting Date: _____
Reason for Meeting: <input type="checkbox"/> Eligibility Meeting	
<input type="checkbox"/> Periodic Review	
<input type="checkbox"/> Review before significant change in placement	

	Date sent	Sent by
• Notice of Section 504 meeting	_____	_____
• Parent/student rights under Section 504	_____	_____

### 1. General Information

Students Name \_\_\_\_\_ Birth Date \_\_\_\_\_ Today's Date \_\_\_\_\_  
Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Parent(s) Name(s) \_\_\_\_\_ Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
504 Coordinator \_\_\_\_\_ Phone \_\_\_\_\_

### 2. Referral

- Describe the nature of the concern. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Describe how the disability/handicap affects a major life activity. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Supporting documentation provided? No ☐ Yes ☐ \_\_\_\_\_

### 3. Review of Available Information (include test scores when appropriate)

- Summarize present levels of performance in areas evaluated. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Teacher reports/comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Health and development: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Further information needed? Yes ☐ No ☐

a) If yes, what information is needed? \_\_\_\_\_  
\_\_\_\_\_

b) Person responsible for obtaining information: \_\_\_\_\_

c) Date, time, and place to reconvene committee: \_\_\_\_\_

5. Review was conducted by: (list names)

_____	_____
_____	_____
_____	_____
_____	_____

#### 4. Determination of Eligibility or Non-Eligibility for 504 Plan

1. Is there a disability/handicap present that substantially limits one or more major life activities?

Yes ☐ No ☐ If yes, which major life activity is limited? (check one or more, as appropriate)

☐ caring for self

☐ walking

☐ seeing

☐ hearing

☐ speaking

☐ breathing

☐ learning

☐ working

☐ other (describe) \_\_\_\_\_  
\_\_\_\_\_

2. Description of impairment \_\_\_\_\_  
\_\_\_\_\_

3. Eligibility for a 504 plan ☐ Yes, this student meets the criteria for a 504 plan

☐ No, this student does not meet the criteria for a 504 plan

4. Participants – the persons whose signatures appear below participated in this eligibility meeting:

Name	Title	Date
_____	Principal	_____
_____	Counselor/504 Co-Coordinator	_____
_____	Nurse	_____
_____	SAC	_____
_____	Teacher	_____
_____	Teacher	_____
_____	Parent	_____
_____	Student	_____
_____	Other	_____

5. Accommodation Plan

Date, Time and Location of

1. Accommodation Plan Meeting: \_\_\_\_\_  
Date Time Location

2. Describe the specific accommodations planned for this student, including the person responsible for each.

Accommodations Needed	Responsible Party

3. Criteria to be used to evaluate the accommodation plan: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Placement

- ☐ regular classes
- ☐ regular classes AND accommodative services  
(may include but not limited to OT, PT, Speech)
- ☐ special education
- ☐ special education AND accommodative services  
(may include but not limited to OT, PT, Speech)

5. Participants – the persons whose signatures appear below developed this accommodation plan:

Name

## Title

Date \_\_\_\_\_

[illegible]

6. Date for accommodation plan review/assessment:

7. Parent:

- ☐ Received a written notice of rights under Section 504.
- ☐ Received notice of the Section 504 eligibility meeting.
- ☐ Received notice of the Section 504 accommodation plan meeting.
- ☐ Understand that, if I disagree with the content of this plan, I have the right to ask for a Section 504 review meeting or impartial hearing by filing a written request with the District 504 Coordinator

## ADDITIONAL NOTES

[illegible]

**West Orange Public Schools**  
**West Orange, New Jersey 07052**  
(973) 669-5301, Ext. 31611

**504 - CLOSURE FORM**

**Date of this meeting:** \_\_\_\_\_ **Effective Date of Closure:** \_\_\_\_\_

**To Parents/Guardians/Adult Student:**

**Student's Name:** \_\_\_\_\_ **D.O.B.** \_\_\_\_\_ **Age:** \_\_\_\_\_  
**School:** \_\_\_\_\_ **Grade:** \_\_\_\_\_ **M/F:** \_\_\_\_\_ **Ethnic Code:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**1. REASON FOR 504 REFERRAL:**

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**2. RATIONALE FOR CLOSURE: (you must indicate all data used to make this decision).**

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**3. RECOMMENDATIONS:**

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**PARTICIPANTS:**

Name	Title	Date
	Principal	
	Counselor/ 504 Co- Coordinator	
	Nurse	
	SAC	
	Teacher	
	Teacher	
	Parent	
	Student	
	Other	