



## **SECTION 504-ADA AMERICANS WITH DISABILITIES ACT**



## **PROCEDURAL MANUAL**

**CUMBERLAND COUNTY TECHNICAL EDUCATION CENTER**  
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## **Message From the District Section 504 Compliance Officer:**

GENERIC Public Schools adheres to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) as amended. These major federal legislative acts are designed to protect the civil rights of individuals with disabilities. Their intent is to prevent any form of discrimination based on disabilities. Section 504 Accommodation Plans do not guarantee success for students with disabilities; it guarantees an equal opportunity for success.

The purpose of this handbook is to provide parents and school staff with an overview of Section 504 and the ADA, and specific practical guidelines for schools to use when working with children who are eligible for protections and services under Section 504 and the ADA.

District 504 Compliance Officer  
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- For Section 504 and/or ADA issues related to employment within the GENERIC Public Schools, please contact

## OVERVIEW OF SECTION 504

### Definition of Disability under Section 504

Under Section 504, a person is considered to have a disability if that person (29U.S.C.Sec.706(8)):

- (1) has a physical or mental impairment which substantially limits one or more of the person's major life activities or bodily functions
- (2) has a record of such impairment, or
- (3) is regarded as having such an impairment.

The Act defines a physical or mental impairment as:

- a. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin and endocrine; or
- b. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

Major life activities include, but are not limited to: Caring for one's self, performing manual tasks, walking, breathing, seeing, hearing, speaking, learning, working, reading, concentrating, thinking, sleeping, eating, lifting, bending and communicating.

Bodily functions include, but are not limited to: the immune system, normal cell growth, digestive, bowel, and bladder functions, respiratory function, circulatory function, endocrine function, reproductive function, brain and neurological function.

Episodic conditions or those that are in remission would be considered a disability if the condition would substantially limit a major life activity or bodily function if not in remission. Temporary or transitory impairments are not covered unless the impairment is substantial when considering factors such as the anticipated duration (i.e. generally should last in excess of six (6) months) and extent to which there is a limitation on a major life activity.

Some disabling conditions identified in court decisions include: impulse control disorder, school phobia, intermittent explosive disorder, anxiety disorder, AIDS, HIV, Hepatitis B, chronic fatigue syndrome, oppositional defiant disorder, post-traumatic stress disorder and obsessive compulsive disorder.

## **Under Section 504**

“Section 504 does not require a public school to provide students with disabilities with potential-maximizing education, only reasonable accommodations that give those students the same access to the benefit of a public education as all other students.” J.D. by J.D. v. Pawlet School District, 33 IDELR 24 (2<sup>nd</sup> Cir. 2000). A Section 504 Plan does not guarantee success but instead guarantees an equal opportunity for success.

### **Information and Rights Regarding Section 504 of the Rehabilitation Act of 1973**

Section 504 is an Act which prohibits discrimination against persons with a disabling condition in any program receiving Federal financial assistance. The Act defines a person with a disability as anyone who:

1. has a mental or physical impairment, which substantially limits one or more major life activities (e.g.- caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.)
2. has a record of such impairment; or
3. is regarded as having such an impairment

In order to fulfill its obligation under Section 504, the GENERIC Public School District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system.

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to provide an appropriate accommodation plan.

## **Notice of Parent and Student Rights Under Section 504 Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 is a non-discrimination statute barring discrimination on the basis of one's disability. Section 504 states: *No otherwise qualified individual with a disability shall solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving Federal financial assistance.* Under Section 504, a person is considered disabled if he/she suffers from a physical or mental impairment that substantially limits one or more major life activities, including but not limited to learning, walking, breathing, eating, sleeping, working and seeing.

The purpose of this notice is to inform parents and students of their entitlement to the following rights under Section 504:

1. You must be informed by the school district of your rights under Section 504 (This handbook will serve to advise you of these rights).
2. Your child has the right to a free appropriate public education (FAPE) designed to meet his/her individual educational needs as adequately as the needs of the non-disabled students are met.
3. Your child has the right to be educated with students who are not disabled, to the maximum extent possible.
4. Your child has a right to facilities, services and activities that are comparable to those provided for non-disabled students.
5. You have the right to receive notice and offer consent with respect to decisions regarding formal identification, evaluation and placement of your child.
6. Evaluations and Eligibility decisions must be made by a group of persons (i.e.- I&RS/Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, and the accommodations options.
7. If eligible under Section 504, your child has a right to periodic formal or informal re-evaluations, generally every three years.
8. You have the right to receive written notice prior to any action by the district in regard to the identification or evaluation of your child for a 504 Plan.
9. You have the right to examine relevant records and documents regarding your child.

10. You have a right to file a grievance if you believe that your child is being discriminated against on the basis of a disability. You may file a grievance of complaint with the district's Section 504 Compliance Officer, after you have been unsuccessful in attempting to resolve the complaint with the building principal.

The Section 504 Compliance Officer for the Cumberland County Board of Vocational Education is:  
William Briggs 856-451-9000 ext. 3307 wbriggs@cctecnj.org

New Jersey Division of Civil Rights – <http://www.nj.gov/oag/dcr/index.html>

## PROCEDURE

- 1) **Referral**-Any student who needs or is believed to need special accommodations, related services or programs under Section 504 of the Rehabilitation Act of 1973, may be referred to the school's 504 Evaluation Committee for determination of eligibility under Section 504. Parents, guardians or school personnel who know the child may present the written referral to the 504 Evaluation Committee for determination of eligibility.
- 2) **Parent/Guardian Initial Contact**-The parent/guardian will be contacted by the 504 Committee Chairperson with an initial explanation of 504 procedures and rights within **30** calendar days of receipt of a referral. The parent/guardian will be sent/given a copy of the 504 **Parent Booklet** which includes a section that outlines their parental rights, along with a **Parental Consent for a 504 Evaluation** form and **Receipt of Rights Information** form.
- 3) **Evaluation**-The 504 Committee, upon receipt of a signed **Parental Consent for Section 504 Evaluation** form, will conduct an evaluation as quickly as possible. The evaluation process should be completed within no more than 60 days and an Eligibility Determination Meeting should be scheduled at that point with the parent/guardian being sent a copy of the **Parent Notice of Section 504 Meeting** form. The formal documentation, either the **Determination of Non-Eligibility** or the **Section 504 Eligibility Determination** form along with a written Section 504 Accommodation Plan **must be completed within 90 calendar days of the receipt of the signed Parent Consent for Section 504 Evaluation.** In making their determination, the Section 504 Committee will review all data, which may include but are not limited to the following:
  - A review of all cumulative records
  - Test scores
  - Attendance records
  - Health information
  - Discipline records
  - Observations
  - Teacher(s) interview
  - Review of portfolio
  - Parent/Guardian's information
  - Outside consultants
  - Other information deemed necessary to complete evaluation

### **Handicap/Disability under Section 504/ADA**

**Substantial** impairment in a major life activity-physical or mental:

- Ex. Learning
- Ex. Working
- Ex. Hearing
- Ex. Speaking
- Ex. Seeing
- Breathing
- Caring for oneself
- Performing manual tasks

- 4) The I&RS/504 Evaluation Committee may recommend a referral to the Child Study Team for evaluation to determine eligibility under the Individuals with Disabilities Education Act (IDEA).
- 5) The I&RS/504 Evaluation Committee will make the following determinations:
  - Eligible for 504 services, with accommodation plan
  - Eligible but no services needed
  - Classroom modifications and/or recommendations can be made without eligibility or accommodation plan
  - Child Study Team review for IDEA eligibility
  - Not eligible
- 6) **Notice**-A notice will be sent to the parent/guardian informing them of the 504 Evaluation Committee's decision.
- 7) Within 15 calendar days of the notice, the I&RS/504 Evaluation Committee will:
  - Develop an accommodation plan **-or-**
  - Provide recommendations for classroom modifications **-or-**
  - Provide general recommendations related to student personnel, social academic development **-or-**
  - All of the above, when appropriate
  - Assign case manager
- 8) Copies of all letters, modifications, recommendations, accommodation plans and relevant educational documents will be maintained in the Section 504 cumulative folder.
- 9) The I&RS/504 Evaluation Committee will inform the appropriate staff of their responsibilities as delineated in the accommodation plan or letter of recommendations.
- 10) The chairperson shall contact the 504 Evaluation Committee to schedule a reevaluation prior to any significant change in placement including termination of eligibility.
- 11) The 504 Accommodation Plan will be reviewed annually or sooner if stated in the plan.
- 12) Within three years of the most recent accommodation plan, a reevaluation will be conducted by the I&RS/504 Evaluation Committee to determine if the accommodation plan should be continued, reviewed, or discontinued.

**13)** Transfers- when a student transfers into a school and is qualified as disabled under Section 504, the I&RS/504 Committee in the receiving school shall review the existing 504 Plan to determine the plan's appropriateness to the current educational setting. The committee may decide to transfer the plan that was received, write a new plan that is more appropriate to the current educational setting or reevaluate the student in order to consider if the student continues to be eligible for a 504 Accommodation Plan.

Parent/Guardian should be invited to attend the eligibility and programming meetings.

# Appendix A- Forms

Name
Referral Form
Parental Consent for 504 Evaluation
Teacher Report to the I&RS/504 Committee
Attendance at 504 Meeting
Eligibility Form
Parent/Guardian Receipt of Rights
Eligibility Sign Off
Student Accommodation Plan

# Appendix B

**504 Meeting Checklist**

**504 Meeting Planner: Who to Invite**

## **504 Meeting Checklist**

### **Before the meeting:**

- Contact parents new to the 504 process to explain the purpose of the meeting and identify any questions and concerns.
- Schedule meeting with participants, including parents.
- Send meeting notice reminding parents of date, time and location of meeting. (optional)
- Gather pertinent information to be shared at the meeting: updates from teachers, assessment reports, medical/health information, etc.
- Develop meeting agenda.
- Arrange for any necessary interpreters or accommodations for meeting participants.
- Complete portions of the Section 504 Eligibility Determination Report that can be completed before the meeting.
- Bring all current forms to the meeting.

### **During the meeting:**

- Introduce the participants and their roles.
- Clarify purpose of the meeting.
- Review agenda.
- Identify note-taker for meeting (if using one).
- Facilitate student's input or participation.
- Lead group through agenda – do time-checks as needed.
- Complete Section 504 Eligibility Determination Report (if new to 504).
- Complete Section 504 Plan (if needed), or revise as needed.
- Provide copies of Report and Plan to parents or tell them when they will get a copy.
- Provide Statement of Parent Rights to parent (keep signed copy for Cumulative File).
- Thank everyone for participation and cooperation.

### **After the meeting:**

- If using meeting notes, review and put final copy in Cumulative File, along with a copy of the eligibility and 504 plan.
- If parents did not receive documents at meeting, provide copies.
- Send documents to central office if required.
- Be sure all teachers know and understand their responsibilities under the 504 plan.
- Calendar check-ins to monitor implementation of plan. Keep a log of contacts related to implementation of plan.
- Calendar annual review date, and at least one month earlier to begin “before meeting” review process.

## **504 Meeting Planner: Who to Invite?**

### **When should the parent be invited?**

- A parent, guardian, or person in parental relationship to the student should always be invited.

### **When should the school counselor be included?**

- When the counselor is the 504 coordinator, 504 case manager or has personal or professional knowledge that would help the team make appropriate decisions for the student.

### **When should a general education teacher be included?**

- When the student is participating in general education.

### **When should the school nurse be included?**

- When there are medical or health issues involved.
- When the parent is asking for health related accommodations at school.
- When the team will be reviewing reports from a medical doctor or other health practitioner.

### **When should the school psychologist be included?**

- When the school psychologist was involved in a recent evaluation of the student.
- When the school psychologist's expertise is necessary for the team to make appropriate decisions for the student.

### **When should the building administrator be included?**

- When the building administrator is the 504 coordinator for the school.
- When the parent is asking for unusual accommodations that raise concerns or fiscal considerations.
- When safety issues are involved.
- When special transportation is likely to be needed.

### **When should a motor team (OT or PT) representative be included?**

- When the student has a motor impairment and will likely need accommodations or supports for the motor impairment.
- When the OT or PT recently evaluated the student and identified motor needs.
- When the parent has requested motor team services or adaptations.

### **When should the district 504 compliance officer or other district-level administrator be included?**

- When it appears that the student will need supports that will require allocation of district resources.
- When the team believes that using a district facilitator will help resolve or prevent conflict.  
When a team wants training, coaching

Cumberland County Technical Education Center  
3400 College Drive  
Vineland, NJ 08360

Section 504 Referral Form

**Student:** **School: Cumberland County Technical Education Center**

**Birthdate:** **Grade:**

**Teacher:** **Referred by:**

**Reason for referral:**

**Accommodations and interventions attempted:**

**Has the student ever been referred, evaluated, and/or received services from special education?**

Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, explain:

**Referral action:**

Cumberland County Technical Education Center  
3400 College Drive  
Vineland, NJ 08360

Section 504 Parent Input Form

**Student:**

**School: Cumberland County Technical  
Education Center**

**Birthdate:**

**Grade:**

**Father's Name:**

**Mother's Name:**

**Please answer any questions that you think might be helpful to the Section 504 Team:**

What are some of your child's strengths?

What does your child do when not in school?

Please describe your child's behavior at home?

Have there been any important changes within the family during the last 3 years?

Do you feel your child is experiencing problems in school?

When were you first aware of this problem?

What do you think is causing the problem?

What time does your child go to bed at night?

Does your child usually eat breakfast?

What methods of discipline are used with your child at home?

What is your child's reaction to discipline?

Has your child mentioned any problems with school? If so, how does he/she feel about the problem?

**Health History**

Please describe any serious illnesses, accidents, or hospitalizations.

Does your child appear to have any physical health problems, including allergies?

Is your child receiving service(s) from another agency?

Is your child currently taking medications? If so, please list.

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Signature of Section 504 Coordinator

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Date

**Cumberland County Technical Education Center  
3400 College Drive  
Vineland, NJ 08360**

Section 504 Teacher Input Form

**Student:**

**Grade:**

**Date:**

What are the student's learning strengths and areas of further improvement?

How do the student's learning needs affect the achievement of grade-level content standards?

What accommodations will reduce the effects of the student's impairment and provide access to instruction and assessment?

What accommodations are regularly used by the student during instruction and assessments?

What are the results for assignments and assessments when accommodations were used and not used?

What is the student's perception of how well an accommodation 'worked'?

Are there effective combinations of accommodations?

What difficulties did the student experience when using accommodations?

Should the student continue to use an accommodation, are changes needed, or should the use of the accommodation be discontinued?

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Teacher  
(Print Name)

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Signature

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Date

Cumberland County Technical Education Center  
3400 College Drive  
Vineland, NJ 08360

Section 504 Worksheet to Assist with Student Eligibility Determination

Step 1: Data Collection

Collect, review, and consider the following set of data:

- Information provided by the parents (i.e. reports, recommendation, evaluation)
- Grades
- Academic testing
- Teacher recommendations
- Behavior records
- Attendance records
- Medical reports, records, recommendations
- Other testing or evaluation

Step 2: Consideration of Major Life Activities

Identify the major life activity that may be impaired:

*(The 504 Team should carefully consider if it is appropriate to refer any student for full individual evaluation under special education if the major life activity is Learning, Reading, Concentrating, Thinking, Speaking, or Communicating. If the Team suspects that the student may need specially designed instruction due to impairment of any of these major life activities, consider suspending the meeting until a decision is made about special education eligibility. Go to Step 5.)*

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Caring for Self         | <input type="checkbox"/> Hearing            | <input type="checkbox"/> Working        |
| <input type="checkbox"/> Performing Manual Tasks | <input type="checkbox"/> Speaking*          | <input type="checkbox"/> Reading*       |
| <input type="checkbox"/> Walking                 | <input type="checkbox"/> Breathing          | <input type="checkbox"/> Concentrating* |
| <input type="checkbox"/> Seeing                  | <input type="checkbox"/> Learning*          | <input type="checkbox"/> Thinking*      |
| <input type="checkbox"/> Communicating*          | <input type="checkbox"/> Eating             | <input type="checkbox"/> Sleeping       |
| <input type="checkbox"/> Standing                | <input type="checkbox"/> Lifting            | <input type="checkbox"/> Bending        |
| <input type="checkbox"/> Other: _____            | <input type="checkbox"/> None/ Not Eligible |   |

Step 3: Consideration of Impairment

Is there adequate data to establish that the student has a Physical or Mental Impairment? What are the sources?

*(If there is no data, or insufficient data to support the existence of a physical or mental impairment, the school cannot identify the student as an individual with a disability under Section 504.)*

Based on the data considered, how long is the impairment expected to affect the student?

Based upon a review of the data cited above, does the student have a Physical or Mental Impairment affecting the Major Life Activity to some degree?

- Yes     No

If YES, what is the nature of the Impairment of the Major Life Activity?

#### Step 4: Limitation on Student's Performance of the Major Life Activity

Impairments impact major life activities to varying degrees. If the Team determines that the impairment **SUBSTANTIALLY LIMITS** the student's performance of the **MAJOR LIFE ACTIVITY**, then the student should be identified as an individual with a disability under Section 504. If the Team determines that the impairment limits the student to a lesser degree, then the student should not be identified as an individual with a disability under Section 504. However, the Team may proceed to consider non-disability related accommodations or services that would be helpful to the student, if appropriate.

In assessing the impact of the impairment on the student's performance of the major life activity, the Team will disregard the positive effects of mitigating measures that lessen the impact of the impairment. For example, the Team will disregard medications, medical equipment and supplies, hearing aids, auxiliary aids and services, reasonable accommodations, learned adaptations, and behavioral modifications. The effect of ordinary eyeglasses and/or contact lenses will be considered.

Moreover, with regard to impairments that are episodic or in remission, the Team will consider the impact of the impairment when it is active.

Taking all of that into account:

Does the student's **PHYSICAL** or **MENTAL IMPAIRMENT** substantially limit the student's performance of the **MAJOR LIFE ACTIVITY** in comparison with how most students in the general population and of the same chronological age perform the major life activity?

Yes     No

#### Step 5: Identification

- The Team believes that the student may have a physical or mental impairment that substantially limits learning, or another major life activity, in such a way that the student may require the provision of specially designed instruction. Therefore, the student has been referred for a full individual evaluation to determine eligibility for special education services under the Individuals with Disabilities Education Act. If it is determined that the student is eligible under IDEA, the school will provide a free appropriate public education pursuant to an individual education program for the student. If the student is not eligible for services under IDEA, the 504 Team will reconvene and resume consideration of the student.

OR

- The Team has determined that the student cannot be identified as an individual with a disability under Section 504/ADA at this time because there is insufficient data to

establish the existence of a physical or mental impairment.

OR

- The Team has determined that the student cannot be identified as an individual with a disability under Section 504/ADA because the student's physical or mental impairment does not substantially limit the student in a major life activity.

OR

- The Team has determined that the student has a physical or mental impairment that substantially limits the student's performance of a major life activity. The impairment is:

- Active
- Episodic
- In remission

If, and only if, this section is checked, proceed to Step 6.

#### Step 6: Consideration of Accommodations and Services

The Section 504 Team has IDENTIFIED the student as an individual with a disability under Section 504/ADA. As a result, the Team will develop an appropriate individual plan of accommodation and/or services.

- The student's disability is episodic or in remission and thus does not require accommodations or services on a daily or regular basis, but requires a plan in the event that the disability becomes active. The Team will review the student's plan at an annual meeting of the 504 Team and at any other time at parent's request.
- The student's disability is active and requires accommodations or services in the school setting. The Team will review the student's plan at an annual meeting of the 504 Team and at any other time at parent's request.