



SECTION 504-ADA AMERICANS WITH DISABILITIES ACT



PROCEDURAL MANUAL

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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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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 and 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 (2nd 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 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:
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New Jersey Division of Civil Rights – <http://www.nj.gov/oag/dcr/index.html>