

Hainesport Township School District

Ms. Lauren M. Salls
District 504 Officer
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Section 504 and the Education of Children with Disabilities

What is Section 504?

Section 504 prohibits discrimination against people with disabilities as defined under the Section, including both students and staff. This applies to any entity who receives federal financial assistance. The regulations require identification, evaluation, provision of reasonable accommodations, and procedural safeguards to students enrolled in Hainesport Township School District.

The original intent of the law was to protect individuals with disabilities in the area of employment, as well as members of minorities. The Office of Civil Rights (OCR), charged with the enforcement of Section 504, has become proactive in the area of education. The focus is to insure that the educational system provides the full range of reasonable accommodations necessary for students to participate in and benefit from public education programs and activities.

How is a disability defined under Section 504?

The definition of disability is a person who has a mental or physical impairment that substantially limits one or more major life activities. Examples include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. It also defines a person with a disability as anyone who has a record of such impairment or is regarded as having such impairment.

How is the determination for eligibility made?

An evaluation is conducted to gather information on how the disability is substantially impacting on a major life function. This can be accomplished in a variety of ways, but it must come from various sources including, but not limited to the school nurse, classroom teacher(s), school counselors, and outside persons with relevant information.

Evaluation procedures may include review of records, assessment information, interviews with persons knowledgeable about the child's functioning, observations, and individualized assessments. The 504 Team, a group of people knowledgeable about the student, collaboratively develop the 504 Plan, if appropriate.

The purpose of the group is to examine the information regarding the person and determine if reasonable accommodations are necessary, and subsequently what those accommodations will be if the person is considered eligible.

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The term substantial is not defined within the law. Therefore, the 504 Team considers the impact of the impairment on the major life function specific to the individual. The 504 Team is directed to determine if the student is afforded an equal opportunity to participate and/or benefit from education when compared to non-disabled, age appropriate peers. A frame of reference for this responsibility is to use the average student in the general population for the purposes of comparison.

Periodic re-evaluation is required by Section 504. Reevaluation of the 504 Plan is recommended once per school year or upon significant change in school placement or program.

Who do I contact if I suspect my child is eligible for accommodations under Section 504?

School & District 504 Officer
Ms. Lauren M. Salls
(609) 267-1316 extension 209
salls@hainesport.k12.nj.us

See below for rights under Section 504.

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What are my rights under Section 504?

The parent or guardian of a student, or a staff member, must be provided with notice of actions affecting the identification, evaluation, and accommodations of the student or themselves.

If you disagree with the decisions made within the process, the grievance procedure is as follows:

1. Level One: Building 504 Coordinator – this person may reconvene the 504 Team to review the information, considering the request from the grievant.
2. Level Two: District 504 Officer – the grievant must, in writing, provide the District 504 Officer with the specific information regarding the dissatisfaction of the decision previously rendered.
3. Level Three: Superintendent of Schools – this appeal must be in writing, reciting the matter submitted to the District 504 Officer regarding the dissatisfaction of the decisions previously rendered.
4. Level Four: Board of Education – you may request a review by the Board of Education if you are dissatisfied with the decisions previously rendered. This request must be made in writing via the Superintendent, who will forward all related information and the request to the Board of Education.
5. Level Five: Mediation – if the decision of the Board does not resolve the grievance to the satisfaction of the grievant, notice of intention to proceed to mediation shall be given to the Board through the Superintendent. The mediator will attempt to facilitate discussion/resolution between the parties. Both parties must agree to the resolution. If the matter remains unresolved, the grievant may move to a due process hearing before an Administrative Law Judge.

IT IS IMPORTANT TO NOTE THAT SECTION 504 IS NOT AN ASPECT OF SPECIAL EDUCATION. RATHER, IT IS THE RESPONSIBILITY OF THE COMPREHENSIVE GENERAL PUBLIC EDUCATION SYSTEM.