

What is a Section 504 Plan?

A Section 504 Plan is a legally binding document. It is designed to assist an eligible student by setting out the services the student will need in order to participate in the regular or general education program.

Can the Section 504 Committee ensure accommodations to ACT/SAT/AP Exams?

No. If a student's Section 504 Plan lists testing accommodations as part of the general education instructional program, parents/guardians can request that a school release information to the testing program that governs the ACT/SAT/AP or other such exam. The testing organization will make an independent determination of whether modifications to college entrance/credit exams will be allowed. If there is a requirement for assessment data, it is the responsibility of parents/guardians to obtain that data. Mahwah Public Schools holds no responsibility to provide assessments in order for students to apply for accommodations on tests administered by other entities.

Can a student be exited from Section 504?

Yes, with notice to the student's parents/guardians of the change in eligibility status and the procedural safeguards. As with the initial eligibility determination, this is a collaborative effort between school staff and parents/guardians.

What are procedural safeguards?

In Mahwah Public Schools, parents/guardians and students age 18 or older have the right to:

- Notice of proposed actions related to eligibility and/or a plan or program;
- Examine all relevant records of their child, challenge that information and consent to the release of information;
- Appeal a decision to the Section 504 Compliance Committee;
- Request an impartial hearing over disagreements and be represented by counsel in the hearing;
- Appeal the impartial hearing officer's decision to court;
- File a complaint with the Office for Civil Rights; and
- A manifestation determination subsequent to any disciplinary action that results in a change of placement.

What if I have a concern about a 504 Plan? Who is the school 504 Plan representative?

Your first contact with the school should be to the principal. This person is knowledgeable about Section 504 requirements. Considering the nature of the concerns, the principal should be able to either resolve the concerns or direct you to someone who can address them. If you are not satisfied, you may contact the 504 Compliance Officer, Dennis M. Fare, at (201) 762-2405.

What if my concern or complaint remains unresolved?

In the event that the school or district is unable to resolve your concern, you can locate someone in the local office of Civil Rights (OCR) at (212) 264-3313.

Mahwah Public Schools

Section 504



Questions, Answers, and Rights

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What is Section 504?

Section 504 of the Rehabilitation Act of 1973, and the subsequent American with Disabilities Amendments Act of 2008, is intended to prevent intentional or unintentional discrimination against persons with disabilities.

In essence, Section 504 was enacted to “level the playing field” – to eliminate impediments to full participation by persons with disabilities.

This legislation protects the civil rights of people with disabilities, e.g., physical or mental impairments that substantially limit one or more major life activities. It prohibits organizations that receive federal funds from discriminating against otherwise qualified individuals on the sole basis of a disability.

Section 504 of the Rehabilitation Act of 1973 is enforced under guidelines provided by the U.S. Department of Education, Office for Civil Rights (OCR).

How does Section 504 define “disability?”

Under Section 504, a person is considered a person with a disability if they meet one or more of the following criteria:

- Have a physical or mental impairment, which substantially limits one or more major life activities,
- Have a record of such an impairment, or
- Are regarded as having such impairment.

The term “disability” includes a broad range of disabilities and impairments; as such, there is no exhaustive list.

What is a physical impairment?

- Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems; or
- Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, attention deficit disorder, and specific learning disability.

What are “major life activities?”

Caring for oneself, Performing manual tasks, Seeing, Hearing, Eating, Sleeping, Walking, Standing, Lifting, Bending, Speaking, Breathing, Learning, Reading, Concentrating, Thinking, Communicating, and Working.

What is a “substantial limitation?”

Neither Section 504 nor its regulations define the term “substantial limitation.” OCR has ruled that the phrase is to be defined by the school district consistent with the intent and language of the ADA AA. The ADA AA clarifies that the definition of “substantial limitation,” and all aspects of the definition of “disability,” shall be construed in favor of broad coverage; that “substantial limitation” should be interpreted loosely.

Does Section 504 require assessment?

Yes. However, “assessment” does not necessarily mean a “test” or “formal testing.” Under Section 504, it refers to gathering data and/or information from a variety of sources so that the Section 504 Committee can make the required determinations.

Depending on the type of suspected disability, common sources of assessment data are grades, attendance records, health information, standardized test scores, teacher comments, observations, parental and student input, previous eligibility components, medical reports, disciplinary referrals, etc.

All information provided by parents/guardians should be considered along with a variety of other sources of data. The information provided will be reviewed by the appropriately qualified school staff who will assist the committee in determining what additional information, if any, is needed. Determinations of eligibility, accommodations, and services are made by the 504 Committee.

When does a student qualify under Section 504?

The decision regarding whether or not to identify a student under Section 504 is made on a case-by-case basis.

The Section 504 Committee reviews each student’s individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity. The committee considers the nature and severity of the impairment, its duration or expected duration, and the long-term impact of the impairment on the student’s opportunity to access and benefit from programs and activities offered by the district. If the student is eligible and receiving special education and related services, the student is eligible under Section 504; however, the student’s IEP satisfies the district’s Section 504 obligations.

What is the Section 504 Committee?

Each school has a committee which is knowledgeable about the requirements of Section 504 and which operates under the direction of the principal, or designee. When the committee makes decisions particular to an individual student, persons who are knowledgeable about the student, who have expertise in the area of suspected disability, and who have expertise in interpreting data, are included as members. The membership may consist of the principal or designee, the child’s general education teacher, specialists, or other personnel deemed appropriate by the principal. The committee’s purpose is to process referrals, review assessment information, determine eligibility, and develop plans for the students under Section 504.

Accommodations must address the functional limitations of the student as well as the alternative methods of performing tasks or activities which would permit students of varying abilities to participate without jeopardizing outcomes.