

Nutley Public Schools



Section 504 Manual 2024- 2025

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Introduction

The mission of the Nutley Public Schools is to challenge, inspire, and empower students to become creative, confident, passionate, self-directed citizens who actively and purposefully contribute to our global society.

This manual will serve as a resource for CARE Teams and all stakeholders in working to ensure consistency of process and fidelity to code in meeting the needs of students deemed eligible to receive services under Section 504.

Policy Statement

It is the policy of the Board of Education that no qualified student with a disability will, solely on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the Board. The Board will also comply with the Individuals with Disabilities Education Act through the implementation of [Policy 2418](#) and [Regulation R2418](#).

Section 504--Rehabilitation Act of 1973 (PL 93-112)

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education. Section 504 provides: *"No otherwise qualified individual with a disability in in the United States. . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"*

Student Identification and Referral Procedures

Students who are in need, or are believed to be in need of accommodations under Section 504 may be referred to the CARE Team by a parent/guardian, adult, student, or any District staff member operating under a standard certification.

Determination of Eligibility

To be considered eligible for A 504 ACCOMMODATION PLAN and/or protection under Section 504, a student must be determined, as a result of a comprehensive review of available information, to have a physical or mental impairment that substantially limits one or more major life activities.

A physical or mental impairment is defined as (a) 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, 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 special learning disabilities).

Major life activities include, but are not limited to: functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Section 504 regulations do not define the word "substantially." The District 504 Team can determine if a physical or mental impairment constitutes a disability based on the information available at the time of eligibility determination.

Section 504 does not automatically protect children with medical and/or psychological diagnoses. If a student's diagnosis does not result in a substantial limitation in accessing the school or learning or an adverse effect on educational performance, he or she may be eligible for 504 protections, but not 504 accommodations.

Pregnancy is a temporary health/medical condition that may result in a substantial limitation pursuant to New Jersey law, temporary handicaps may result in a requirement to provide reasonable accommodations.

A student cannot claim protection under Section 504 if in violation of the District's policy on drugs and alcohol. However, a student who is not presently using drugs or alcohol and is in a recognized rehabilitation program is protected under Section 504.

If a student's learning and/or behavioral problems result primarily from social maladjustment (i.e., social and environmental factors), the student is not considered eligible under Section 504.

Determination of continued eligibility for accommodations in Nutley Public Schools under Section 504 may be reviewed annually.

If the District determines that the student is not eligible to receive accommodations under Section 504, written notice will be provided to the parent/guardian/adult student at the eligibility meeting.

Section 504 evaluations may include a review of student records and work samples; direct observation in the natural setting; interviews with the student, parent, and school personnel; and/or administration of assessment measures. For more information, see [Regulation R2418](#).

If sufficient supporting documentation is not provided, the CARE Team can conduct additional assessments/evaluations to obtain necessary information to begin an I&RS plan.

Accommodation Plan

If a student has been determined to have a disability as defined in Section 504 and the Team has determined that the student requires accommodations to access any District building, program or activity, the District will develop a Section 504 Accommodation Plan that will:

Draw upon information from a variety of data sources that may include aptitude and achievement tests, teacher recommendations, physical issues, medical issues and other independent evaluations;

Ensure that all evaluation data is documented and carefully considered;

Ensure that decisions are made by a group of persons knowledgeable about the student;

Be implemented in the least restrictive educational environment;

Directly relate to the student's identified needs.

Accommodations must reflect the documented disability or disabilities identified in the most recent Section 504 Eligibility Determination form.

Each accommodation must include sufficient detail to ensure compliance regarding frequency, duration, location and evaluation procedures.

Section 504 Parent/Student Rights in Identification, Evaluation, and Placement

Below is a description of the rights granted by federal law to students with physical or mental impairments. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have a right to the following:

- Right to have your child with disabilities take part in and receive benefits from public education programs without discrimination because of his/her disability.
- Right to have your child have equal opportunity to participate in school programs and extracurricular activities sponsored by the school.
- Right to receive all information in the parent's/guardian's native language or primary mode of language.
- Right to have your child receive a free appropriate public education, which includes the right of the child to be educated with students without disabilities to the maximum extent appropriate.
- Right to receive notice within a reasonable time before the district identifies, evaluates or changes your child's eligibility or placement option (accommodations and/or modifications).
- Right to inspect and review all of your child's educational records, including the right to obtain copies of educational records at reasonable costs unless the cost would deny you access to the records, and the right to amend the record if you believe the information contained in the record is inaccurate or misleading. If the school district refuses to amend the record, you have a right to request a hearing.
- Right to have eligibility or placement option (accommodations and/or modifications) decisions made based on information from a variety of sources and by persons who know the needs of the student, meaning of the evaluation data, and placement decisions.
- Right to have periodic reevaluation and evaluation before any significant change in placement
- Right to file a grievance, have an impartial hearing if you disagree with the school's district proposed action or file a complaint with the Office for Civil Rights or the federal court.
- You have the right to be an active participant
- You have the right to be represented by counsel in the impartial hearing process and you have the right to appeal a decision by an impartial hearing officer that is not an employee of Nutley Public Schools.

After Development of a Section 504 Accommodation Plan

Once the 504 Accommodation Plan has been written, staff and parents will sign it. The document will be stored in the student information system (currently Realtime) and will be available to teachers in this system. Teachers are responsible for reading and following the plan. The 504 plan may be reviewed to determine if the accommodations are effective.

GRIEVANCE PROCEDURES

If a parent has a question or concern regarding any aspect of the District's responsibility to **provide** services under Section 504, he or she should contact, *in writing*, the school building principal:

Nutley High School Principal
Mr. Denis Williams
dwilliams@nutleyschools.org
300 Franklin Ave
Nutley, NJ 07110

John H Walker Middle School Principal
Mr. Joseph Materia
jmateria@nutleyschools.org
325 Franklin Ave.
Nutley, NJ 07110

Lincoln School Principal
Mrs. Brooke Benavides
bbenavides@nutleyschools.org
301 Harrison St
Nutley, NJ 07110

Radcliffe School
Mr. Michael Kearney Principal
mkearney@nutleyschools.org
359 Bloomfield Ave
Nutley, NJ 07110

Spring Garden School Principal
Mrs. Laurie Laguardia
llaguardia@nutleyschools.org
59 South Spring Garden Ave
Nutley, NJ 07110

Washington School Principal
Mr. Douglas Jones
djones@nutleyschools.org
155 Washington Ave
Nutley, NJ 07110

Yantacaw School Principal
Mr. Frank Francia
ffrancia@nutleyschools.org
20 Yantacaw Place
Nutley, NJ 071

Parents/guardians may request the CARE Team reconvene to review and revise a current Section 504 Accommodation Plan

The building principal will respond to all written inquiries within 10 school days of receipt of the written request.

Parents/guardians who are not satisfied with the outcomes received by the building Administrator may contact the District 504 Coordinator, in writing, with specific details. Parents/guardians may

contact the District 504 Coordinator at tegan@nutleyschools.org The District 504 Coordinator will respond to all written inquiries within 10 school days of receipt of the written request.

Parents/guardians who are still not satisfied with the outcomes received by the District 504 Coordinator may contact the Superintendent, in writing, with specific details. Parents/guardians should email Mr. Kent Bania at kbania@nutleyschools.org The Superintendent will respond to all written inquiries within 10 school days of receipt of the written request.

Parents/guardians maintain the right to file a complaint at any time with the Office of Special Education Programs at the New Jersey Department of Education and/or the United States Department of Education, Regional Office for Civil Rights:

1. OSEP--NJDOE P.O. Box 500
Trenton, NJ 08625
2. USDOE--Office for Civil Rights 75 Park
Place--14th Floor
New York, NY 10007-214