

504/ADA REFERRAL FORM

Burlington County Institution of Technology Section 504

Date: _____

Re: REFERRAL ACKNOWLEDGMENT & REQUEST FOR CONSENT FOR EVALUATION

Section 504 Eligibility/Accommodation referral for:

Student: _____ Birth Date: _____

Referral by: ☐ Parent ☐ Teacher ☐ Other:

Dear Parent/Guardian

In response to a referral to the §504 Evaluation Committee for determination of eligibility and accommodations under section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Amendments Act of 2008 (ADA) for your child, I am providing you with *Information Regarding Section 504 of the Rehabilitation Act of 1973* which includes parental rights. Under this act, the district has the responsibility to evaluate any child who, because of a disability, needs or is believed to need accommodations or services.

A student may be considered to have a disability under Section 504 if he or she has a physical or mental impairment (usually lasting or expected to last for at least six months) according to the Diagnostic and Statistical Manual V or other respected source, has a record of such, or is regarded as having an impairment that substantially limits one or more major life activities which impedes your child's ability to participate in or benefit from school and school-related activities.

With input from you and relevant staff members, the §504 Committee will determine if your child is eligible for §504 protections as well as accommodations due to (a) a documented impairment, (b) related substantial limitations of a major life activity, and (b) a need for accommodations to ensure access to general education and/or extracurricular opportunities like an average student.

The §504 Evaluation Committee will review existing data from school records and evaluations or medical reports as well as reported observations by you and staff members, to determine whether or not your child has a disability and if so, if he or she is eligible for services under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Amendments Act of 2008 (ADA). However, your consent to this evaluation (review of available information) is required before we proceed.

A consent form is attached for you to complete and return to us after you review all enclosed information. Please know that your consent needs to be in writing, and you have the right to revoke consent at any time by writing a letter to me. If you revoke consent, the revocation is not retroactive. It will not negate any action that occurred after consent was given and before consent was revoked.

Following your written consent, the evaluation (review of existing data) will be conducted by a committee of staff members who are knowledgeable about your child, the meaning of evaluation data, and program options. This review of data will then be discussed at an eligibility meeting, and you will be invited to attend that meeting.

To assist the §504 Evaluation Committee in determining eligibility, please provide the committee with any information and medical/professional documentation that you feel may be beneficial in making this determination as soon as possible. Sending me a completed referral form to document and share your input will be beneficial to your child. This form is attached. Please send it to me with the completed consent form.

If the committee determines that a member of the §504 Evaluation Committee should contact your child's doctor or other service provider for further clarification, a report or diagnosis, your written permission to do so will be requested. If further assessment is warranted, the nature and scope of the evaluation will be discussed at the Eligibility meeting, and any individual assessment will not proceed without your written and informed consent. If it is determined that your child is not eligible for §504 accommodations, you will receive written notification of this, along with the basis for such a determination. If the committee determines that your child is eligible as a child with a disability under §504, you will receive documentation of the §504 eligibility determination, and the upcoming meeting may also include planning of appropriate accommodations and services that will be documented in a §504 Accommodation Plan.

Please contact me if you have any questions about this process and the consent.

Sincerely,

Laura Reigelsperger

Director of Pupil Personnel Services

c: Principal

Attachments:

Information Regarding Section 504 of the Rehabilitation Act of 1973 which includes parental rights
Referral form (for parental input)
504/ADA Parent Consent for Evaluation form

INFORMATION REGARDING SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 Defined:

Section 504 of the federal Rehabilitation Act of 1973 is a civil rights statute that prohibits discrimination against persons with a disability. The Americans with Disability Act Amendments of 2008 provide further guidance for determining eligibility and, if appropriate, providing a plan for accommodations.

A person with a disability is anyone who:

1. has a physical or mental impairment which substantially limits one or more of a person's major life activities. This does not include children solely disadvantaged by cultural, economic or environmental factors. The Americans with Disabilities Act Amendments of 2008 (ADAAA) includes impairments that are episodic or in remission if they would substantially limit a major life activity when in an active phase as a disability. It also specifies that determination of eligibility cannot take into consideration the ameliorative effects of mitigating measures, other than eyeglasses or contact lenses, from things like medication, prosthetics, low-vision devices, hearing aids/cochlear implants, equipment, mobility devices, assistive technology, or learned behavioral or adaptive neurological modifications, which are actions or procedures that may be used by a student with a disability to manage the effects of an impairment or lessen the impact of the impairment.
2. has a record or history of such impairment. *(entitled to discrimination protection but not FAPE)*
3. is regarded as having such an impairment. *(entitled to discrimination protection but not FAPE)*
- 4.

District Responsibilities:

In order to fulfill its obligations under §504, the BCIT 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 and evaluate and, if the student is determined to be eligible under §504, to afford access to appropriate educational services.

Parental Rights and Responsibilities:

If a parent/guardian disagrees with the determination made by the professional staff of the school district, s/he has a right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to the privacy of student education records. This Act gives the parent/guardian (or student over the age of 18) the right to:

- 1) inspect and review his/her child's educational records;
- 2) make copies of these records;
- 3) receive a list of all individuals having access to those records;
- 4) ask for an explanation of any item in the records;
- 5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and
- 6) a hearing on the issue if the school refuses to make the amendment.

**The person in the district who is responsible for assuring
that the district complies with Section 504 is:**

Laura Reigelsperger, Director of Pupil Personnel Services & §504 Compliance Officer
BCIT Administration Building, 2 Academy Drive, Westampton, NJ 08060609-267-4226 Ext. 2226

Rights of Parents/Guardians under Section 504 and the ADA

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disabling condition(s);
2. Have the school district advise you of parental rights under Federal law;
3. Receive notice regarding identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided for students without disabilities;
6. Have your child receive special education and related services if s/he is found to be eligible under the Individuals with Disabilities Education Improvement Act of 2004 (PL 108-446) or accommodations or services under Section 504 of the Rehabilitation Act;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know your child, the meaning of evaluation data, and placement options;
8. Have transportation provided to and from an alternative placement setting, directed by the district, at no greater cost to you than would be incurred if your child were placed in a program operated by the district;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
11. Obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's education records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. File a local grievance, in writing, to the district §504 Compliance Officer of BCIT Administration Building, 2 Academy Drive, Westampton, NJ 08060.
15. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and your child may take part in the hearing and have an attorney represent you. Disputes may be made to the New Jersey Office of Special Education Programs, NJ Department of Education, PO Box 500, Trenton, NJ 08625-0500 and/or to US Department of Education, Office for Civil Rights - NY Office, 32 Old Slip, 26th Floor, New York, NY 10005-2500.

The person in the district who is responsible for assuring that the district complies with Section 504 is the §504 Compliance Officer - Laura Reigelsperger, Director of Pupil Personnel Service (609-267-4226 Ext. 2226).

Student's Name _____

Signing below indicates my consent to proceed with the reevaluation (review of available information) by the 504 Evaluation Committee.

____ I am enclosing medical or other documentation to assist the 504 Evaluation Committee in determining continued eligibility.

Parent/Guardian Name: _____

Parent/Guardian Signature: _____

Date: _____

Signing below indicates I have received Notice of Procedural Safeguards Ada/504

____ I have received a copy of the Notice of Procedural Safeguards ADA/504.

Parent/Guardian Name: _____

Parent/Guardian Signature: _____

Date: _____

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2. has a record or history of such impairment. *(entitled to discrimination protection but not FAPE)*
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District responsibilities:

In order to fulfill its obligations under 504, the BCIT 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 and evaluate and, if the student is determined to be eligible under 504, to afford access to appropriate educational services.

Parental Rights and Responsibilities:

If a parent/guardian disagrees with the determination made by the professional staff of the school district, s/he has a right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to the privacy of student education records. This Act gives the parent/guardian (or student over the age of 18) the right to: 1) inspect and review his/her child's educational records; 2) make copies of these records; 3) receive a list of all individuals having access to those records; 4) ask for an explanation of any item in the records; 5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and 6) a hearing on the issue if the school refuses to make the amendment.

The person in the district who is responsible for assuring that the district complies with Section 504 is:

Laura Reigelsperger, Director of Pupil Personnel Services & 504 Compliance Officer
BCIT Administration Building
2 Academy Drive, Westampton, NJ 08060
609-267-4226, ext. 2226

Burlington County Institute of Technology
695 Woodlane Road
Westampton, NJ 08060

Section 504 Procedural Safeguards Notice

The Burlington County Institute of Technology does not discriminate on the basis of race, color, religion, sex, age, national origin, or disability in admission, access, treatment, or employment in its programs, services, and activities. Applicants, students, parents/guardians, employees, referral agencies, and all organizations holding agreements with the District are hereby notified of this policy. Any person with concerns regarding the District's compliance with the regulations implementing Title VI, Title IX, Section 504 or the Americans with Disabilities Act is directed to contact:

Name: Laura Reigelsperger
Position: District 504 Coordinator
Phone Number: 609-267-4226 ext. 2226
E-mail: lreigelsperger@burlcoschools.org

This document summarizes the procedural protections and rights you have as the parent of student who may qualify for accommodations or services under Section 504 and the ADA.

INTRODUCTION. Section 504 of the 1973 Rehabilitation Act, along with the Americans with Disabilities Act, requires that the school district may not discriminate against students with disabilities. Accordingly, the district has adopted policies and procedures to ensure that discrimination does not take place. In the rest of this document, we will refer to these laws as "Section 504."

IDEA ELIGIBILITY. Many students who meet the definition of an "individual with a disability" under Section 504/ADA also qualify for services under the Individuals with Disabilities Education Act (IDEA). This document does not address these students or their parents. Such students are served pursuant to the requirements of the IDEA. The rest of this document addresses only the rights of parents of students who satisfy the definition of an individual with a disability under Section 504 but do not qualify under IDEA.

AN APPROPRIATE EDUCATION. If it is determined that your child meets the definition of an "individual with a disability" under Section 504, then your child will be entitled to a free and appropriate public education. This means that your child's education will be designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. A "free" public education means that no fees will be imposed on you except for the same fees that are imposed on parents of nondisabled students. However, insurance companies and other third parties that are obligated to provide or pay for services to your child are still obligated to do so.

NOTICE. You have the right to be notified by the district prior to any action that would identify your child as having a disability, evaluate your child for services under Section 504, or place your child in a program based on a disability.

EVALUATION. Prior to conducting an evaluation of your child for purposes of services under Section 504, the district will seek your informed written consent. An evaluation will not be conducted unless you give consent. However, school officials may review existing records, test scores, grades, teacher reports, and recommendations and other such information without your consent to the same extent they would do so for nondisabled students.

If an evaluation is conducted, the school will make sure that

- All testing and other evaluation procedures are validated for the specific purpose for which they are used;
- They are administered by trained personnel in conformity with the instructions provided by the producer;
- They include tests and other evaluation materials designed to assess specific areas of educational need and not merely those designed to elicit a general IQ score; and
- Tests are selected and administered to best ensure that they accurately measure what the test seeks to measure, rather than any sensory, speaking, or manual impairments the student may have (except when the test is designed to measure sensory, speaking, or manual skills).

An evaluation that satisfies these requirements will be conducted prior to your child's initial placement and conducted or reviewed prior to any subsequent significant change in placement.

If your child is identified as an individual with a disability under Section 504 the school will periodically reevaluate your child as appropriate.

PLACEMENT. If your child is identified as an individual with a disability under Section 504, placement decisions about your child will be made by the school's 504 Team, who, are knowledgeable about your child, the meaning of the evaluation data, and the placement options. You will be invited to participate in any meeting of the 504 Team if your child's placement and/or services are to be discussed. The 504 Team will also ensure that your child is placed in the "least restrictive environment."

LEAST RESTRICTIVE ENVIRONMENT. If your child is identified as an individual with a disability under Section 504, your child will be placed and served in the "least restrictive environment." This means that your child will be served with nondisabled students in the regular education environment to the maximum extent appropriate. Prior to removing your child from the regular education environment due to his/her disability, the school will consider the use of supplementary aids and services. Your child will be removed from the regular education environment only if he/she cannot be served satisfactorily in that environment, even when supplementary aids and services are provided.

If it becomes necessary to serve your child in an alternate setting due to disability, the school will take into account the proximity of the alternate setting to your home.

EXAMINATION OF RECORDS. You have the right to see and examine any educational records that pertain to your child or are relevant in serving your child.

HEARINGS. If you disagree with a decision of the 504 Team regarding the identification, evaluation, or educational placement of your child you have the right to an impartial hearing. You have the right to participate in such a hearing and to be represented by a person of your choice, including an attorney.

If you wish to request a hearing, you must make a written request for a hearing within 30 calendar days from the time you receive the written notice of the decision of the 504 Team. Your request for a hearing must be filed with the district's Section 504 Coordinator.

Upon receipt of a timely request for a hearing, the district will notify you of the date, time, and location of the hearing. If you disagree with the decision of the hearing officer, you have the right to a review of that decision by a court a competent jurisdiction.

OTHER COMPLAINTS. You also have the right to file a complaint with the district's Section 504 Coordinator pertaining to harassment, retaliation or discrimination against your child in ways that do not involve your child's identification, evaluation, or educational placement.

OFFICE FOR CIVIL RIGHTS. You also have the right to file a complaint with the United State Office for Civil Rights.