

AFFIRMATIVE ACTION: INSTRUCTIONAL PROGRAM

The school district pledges itself to avoid any discriminatory actions, and instead seeks to foster good human and educational relationships which will help to attain:

1. Equal rights and opportunities for students and employees in the school community;
2. Equal opportunity for all students to participate in the total program of the school;
3. Continual study and development of curricula toward improving human relationships and reducing cultural differences;
4. Frequent training opportunities for improving staff and administration ability and responsiveness to educational and social needs;
5. Opportunities in educational programs which are broadly available to pupils with access not based upon race, color, creed, religion, sex, ancestry, national origin or social or economic status.

It is the policy of the Pennsville Board of Education not to discriminate on the basis of handicap. The Pennsville Board of Education realizes that it is necessary for our programs, when viewed in their entirety, to be accessible to handicapped persons. It is the intent of the district to ensure that students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services.

The Board has, therefore, directed the Superintendent to take such steps as may be necessary to remove any obstacles to full participation by handicapped persons through either administrative or architectural means, thus promoting fullest possible participation by handicapped persons, allowing them to function with maximum independence.



AFFIRMATIVE ACTION - INSTRUCTIONAL PROGRAM (continued)

Legal Reverences:	<u>N.J.S.A.</u> 10:5-3	Discrimination Prohibited
	<u>N.J.S.A.</u> 18A:36-20	Discrimination Prohibited
	<u>N.J.A.C.</u> 6:4-1.1 through 1.10	Equality in Educational Programs
	<u>N.J.A.C.</u> 6:8-3.5(a)9	Equal Educational Opportunity
	<u>Section 504</u> -	US Rehabilitation Act of 1973

Cross References: 0610 Affirmative Action - Goals  
5145.4 Non-Discrimination

FIRST READING: JANUARY 2, 1996

SECOND READING/ADOPTION: FEBRUARY 20, 1996

SECTION 504 - COMPLIANCE PROCEDURES

The district-wide Section 504 Coordinator is the Director of Instruction who is responsible for providing technical assistance. In addition to the coordinator, every school building should have a Section 504 compliance officer. It is recommended that the school principal or designee be appointed to this post. The name of the building compliance officer should be submitted to the school district's Superintendent on an annual basis.

PUPIL ASSISTANCE COMMITTEE

Section 504 requires that eligibility decisions be made by "a group of persons, including those knowledgeable about the child, the meaning of the evaluation data and placement option," i.e. a multi-disciplinary team. The existing PAC structure can easily be used for referral, screening, evaluation, eligibility determinations, development of accommodation plans and monitoring of those plans. At the high school and middle school, the student's counselor should be a participant and be designated as the case manager.

Appropriate additional members should be involved depending on the nature of the referral. The following personnel should be added to the PAC under the circumstances indicated:

1. school nurse: physical/medical problems
2. school psychologist and social worker:  
social/emotional
3. learning consultant: academic problems
4. substance awareness coordinator: issues  
related to substance abuse (with exceptions  
and limitations as stated in Section 504).

CHILD FIND

Child find procedures utilized for compliance with IDEA will also be utilized for the identification of students with disabilities that may qualify under Section 504 of the Rehabilitation Act of 1973.



PUBLIC NOTIFICATION

The Board of Education will provide annual notification to the public of the district's intent not to discriminate.

REFERRAL AND IDENTIFICATION PROCEDURES

A Section 504 referral should be considered when the following conditions exist:

- \* when a student is referred for evaluation by the Child Study Team but it is determined by the team not to do an evaluation based on IDEA guidelines
- \* when a student is evaluated by the Child Study Team and is found not to qualify for special education services under IDEA
- \* when retention is being considered for any student
- \* when a student shows a pattern of not benefiting from the instruction being provided
- \* when a student returns to school after a serious illness or injury or long-term hospitalization
- \* when a student exhibits a chronic health condition
- \* when a student is identified as "at risk" or exhibits the potential for dropping out of school
- \* when a handicap of any kind is suspected
- \* when a student has been diagnosed or suspected of having ADD/ADHD
- \* when a student is participating in or has completed a supervised drug rehabilitation program and is no longer using drugs
- \* when suspension or expulsion is being considered for any student.

IT IS STRONGLY SUGGESTED THAT THESE STUDENTS BE CONSIDERED FOR REFERRAL ON A PROACTIVE BASIS.

A referral for consideration for Section 504 services can be initiated by one or more of the following: teacher, school administrator, school nurse, guidance counselor, child study team members (including counseling psychologist), physician, parent, or any other person who has a legitimate interest and knowledge of the student.

#### PARENTAL NOTICE

Section 504 requires that parents receive "notice" with respect to identification, evaluation and/or placement. Written notice will be sent to parents/guardians advising them of the actions listed below:

- \* when a referral is received
- \* when eligibility is considered/determined which would include the activities that are to be used in making said determination
- \* when an accommodation/intervention plan is developed
- \* before a significant change in the accommodation/intervention plan is made
- \* when an accommodation/intervention plan is reviewed or re-evaluated.

#### EVALUATION

Written parental notice is required when consideration of eligibility for Section 504 is being considered. This notice should specify the assessment activities proposed and should also include a request for release of information from other sources when appropriate (physicians, mental health agencies, etc.).

A comprehensive educational evaluation is not required for all referred students, especially those referred for medical reasons. However, if either party questions academic achievement, then a full educational evaluation is indicated. An appropriate assessment may include, but not be limited to: teacher reports, observation of the student, review of classroom work, review of cumulative records, review of Child Study Team reports, review of medical documents, documentation of test scores.

ELIGIBILITY

When all necessary information as assessment date a gathered, the principal or designee will convene the PAC to:

- \* determine eligibility for Section 504 protection
- \* document eligibility
- \* determine reasonable accommodations/interventions
- \* develop an accommodation/intervention plan.

Written notice of the conference, the conference report, and, if the student is found eligible, the accommodation/intervention plan are sent to the parent.

For eligibility, the statute requires that the student exhibit a "significant limitation in a major life activity". For educational purposes, the major life activity involved is LEARNING. Learning must be interpreted to include physical, social/emotional, behavioral, and mental health impediments to school achievement.

TIMELINES

Once a referral is initiated, the district must act on the referral "within a reasonable amount of time." As a rule of thumb, two weeks should be considered as reasonable.

PLACEMENT AND MONITORING

Each student who has been determined to be eligible for protection under Section 504 and has an accommodation/intervention plan should have a case manager who is responsible for monitoring the implementation of the plan. It is recommended that the counselor be designated at the high school and the middle school, due to the involvement of multiple teachers. The principal is ultimately responsible for implementation. The accommodation/intervention plan is a legal document for services, therefore binding the school to its provisions.

REVIEW AND RE-EVALUATION

Each accommodation/intervention plan should be reviewed periodically by the PAC and modified if necessary. A review at the beginning and again at the end of the school year is suggested for ongoing plans. Reevaluation should take place within three years.

APPEAL PROCESS

Appeals of the recommendations of the PAC regarding Section 504 services will be resolved via mediation when possible. The initial level of local mediation will be provided by the district's Superintendent of Schools. Should a hearing be required to resolve the dispute, the appeal will be heard by a board-appointed hearing officer.