

## **504 NOTIFICATION of PARENT and STUDENT RIGHTS**

The Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks. In December 2008 additional activities were added which include: reading, thinking, concentrating, sleeping, bowel/bladder functions, eating and other major life activities.

ELIGIBILITY: Some students will be eligible for educational services under the Individuals with Disabilities Education Act (IDEA). Parents and/or students seeking services under the IDEA are referred to the district's special education department and its director. It is the purpose of this notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA.

The enabling regulations for Section 504 as set out in 34 Code of Federal Regulations (CFR) Part 104 provided parents and/or students with the following rights:

- You have a right to be informed by the school district of your rights under Section 504. (The purpose of this Notice is to advise you of those rights.) 34 CFR 104.32.
- Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33.
- Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
- Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
- Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34
- Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 CFR 104.35.

- Testing and other evaluation procedures must conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. 34 CFR 104.35.
- Placement decisions must be made by a group of persons (Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
- If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.
- You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36.
- You have the right to examine relevant records. 34 CFR 104.36.
- If you have questions or concerns regarding your child's identification, evaluation, or educational placement, you should call the District 504 Compliance Officer, Elaine Gallo.
- If you, nevertheless, wish to challenge the actions of the school Section 504 Committee, you have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36. You should file a written Notice of Appeal with the district's Section 504 Compliance Officer. (A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time and place for the hearing).
- If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
- Parent or student complaints alleging discrimination against a student in a district program or activity in violation of a Title IX and/or Section 504 provision shall be heard through the procedure.

You may also contact the District 504 Compliance Officer with concerns or questions:

Elaine Gallo, District 504 Compliance Officer  
South Plainfield High School  
200 Lake Street,  
South Plainfield, NJ 07080  
908 754-4620 ext. 464

You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office with jurisdiction is:

Office of Civil Rights  
U.S. Department of Health and Human Services  
Government Center  
J.F. Kennedy Federal Building, Room 1875  
Boston, MA 02203  
Phone: 800 368-1019  
Fax: 617 565-3809