

- d. If your son/daughter is suspended for ten (10) or more days for dangerous misbehavior, you have the right to an expedited hearing with the Board of Education where the members will determine whether your son/daughter's current placement is appropriate or will substantially hurt him/her or others.
- e. If the manifestation determination showed that your son/daughter's behavior was not a manifestation of his/her disability, the district has an obligation to continue to provide instruction in the least restrictive environment and has a right to use the same disciplinary procedures as used with general education students who do not have the protections of a 504 plan.

**504 Grievance Procedure**

A parent or guardian who believes that the district is violating Section 504 procedures may file a grievance with the district.

A parent or guardian who believes that they, or their child, have not received proper services or accommodations which are therefore a violation of Section 504, should file the complaint with the District 504 Coordinator.

The complaint should be in writing and explain why the complainant believes there is a violation of the law. Upon receiving the complaint, the District 504 Coordinator will schedule an informal hearing within fifteen (15) working days.

At the informal meeting, the purpose is to clarify each party's concerns and understandings of the specific alleged violation. At the informal meeting the parties will attempt to resolve the complaint. A description of the alleged violation will be reduced to writing.



If it is determined that a satisfactory conclusion cannot be reached, a meeting will be scheduled with the Superintendent.

If after meeting with the Superintendent, the complainant believes that the violation remains unsolved, the complainant may request a meeting with the Board of Education.

The Board of Education will arrange such a meeting within thirty (30) calendar days of such a request and hold such a meeting within the rules, regulations of the board, and in accordance with prevailing law.

**WHAT TYPES OF ACCOMMODATIONS WILL MY CHILD RECEIVE IF DETERMINED ELIGIBLE UNDER SECTION 504?**

Each child's needs are determined individually. Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to the non-disabled. There is no guarantee of A's or B's or even that the student will not fail. Students are still expected to produce. The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.

West Orange Public Schools  
179 Eagle Rock Avenue  
West Orange, NJ 07052



**SECTION 504**



**PARENT AND STUDENT RIGHTS**

179 Eagle Rock Avenue  
West Orange, NJ 07052

Michelle Martino, District 504 Coordinator  
973-669-5400 ext. 20519

# UNDER, THE REHABILITATION ACT OF 1973



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 activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Eligibility: Students who are eligible under special education laws have specific rights that are not available to students who are eligible solely under Section 504. “Parents Rights In Special Education” (P.R.I.S.E.) is a handbook prepared by the New Jersey Department of Education that specifies rights assured by the Individuals With Disabilities Education Act (IDEA) and is available through the school district’s Special Education Department. The purpose of this document is to specify the rights assured by Section 504 to those disabled students who do not qualify under the IDEA for special education programs and service.

The regulations for Section 504 provide parents and/or students with the following rights:

1. You must be informed by the school district of your rights under Section 504. (The purpose of this document form is to advise you of those rights).
2. 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.
3. Your child has the right to free educational services except for those fees that are

imposed on general education students or their parents. Insurers and similar third parties are not relieved from any otherwise valid obligation to provide or pay for services provided to a disabled student.

4. Your child has a right to placement in the least restrictive environment.
5. Your child has a right to facilities, services, and activities that are comparable to those provided to general education students.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical examination, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations and anecdotal reports.
7. Placement decisions must be made by a group (i.e., The 504 Committee), that includes persons knowledgeable about your child. They will discuss the meaning of evaluation data, the placement options, and the legal requirements for the least restrictive environment.
8. If eligible under Section 504, your child has a right to a re-evaluation, generally every three years.
9. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child.
10. You have the right to examine relevant records.
11. You have the right to participate in an impartial hearing with respect to the district’s actions regarding your child’s identification, evaluation or educational placement. If you wish to challenge the actions of the school’s 504 Committee, with regard to your child’s identification, evaluation, or educational placement, you have the right to request a due process hearing pursuant to the

procedures set forth in Title 6A of the New Jersey Administrative Code.

12. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office which covers New Jersey is: US Dept of Education  
Office for Civil Rights  
32 Old Slip, 26<sup>th</sup> Floor  
New York, New York 10005  
646-428-3800  
OCR.NewYork@ed.gov
13. Your son/daughter has the same rights to protections for disciplinary issues as a student eligible under IDEA. The rights are:
  - a. Suspension/Expulsion actions must be preceded by notice to you of your rights and those of your son/daughter, no later than the date on which the decision to take this disciplinary action was made.
  - b. You have the right to a manifestation determination conducted by the members of the 504 Committee within ten (10) days from the date on which the disciplinary action was taken if your son/daughter is suspended for ten (10) consecutive days or cumulative in a school year.
  - c. If the manifestation determination showed that your son/daughter’s behavior was a manifestation of his/her disability, the 504 Committee must develop a plan for a functional behavioral assessment for the development of a behavioral intervention plan. No discipline is imposed if the behavior was determined to be a manifestation of the student’s disability.