

Berlin Borough School District
Berlin Community School
215 South Franklin Avenue
Berlin, New Jersey 08009

Section 504 Procedural Safeguards Notice

The Berlin Borough School District 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:

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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."

REFERRAL AND EVALUATION PROCESS. Any student who needs or is believed to need special accommodations, related services or programs under Section 504 of Rehabilitation Act of 1973, may be referred to the Section 504 Committee for evaluation. All school districts are mandated to have a Section 504 Committee. The Section 504 Committee shall be composed of persons knowledgeable about the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The student's parent or person in parental relationship shall be notified of the Section 504 Committee meeting at least 5 calendar days prior to the meeting and shall be invited to participate in the meeting. The Section 504 Committee shall consider all relevant information on the student to determine whether he or she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, school personnel, results from standardized tests, etc. The Section 504 Committee has the responsibility to refer a student to the Committee on Special Education if it is felt that the student may have an educational disability, which may be more appropriately addressed by the Committee on Special Education.

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.

ACCOMODATION PLAN AND PLACEMENT The Section 504 Committee shall determine whether the student is disabled under Section 504, and, if so, develop a written educational plan describing what accommodations, services or programs will be provided to meet the student's needs. The student's parent or person in parental relationship shall be notified in writing of the Section 504 Committee's determination and recommendations.

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."

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.

REVIEW OF THE STUDENT’S EVALUATION AND PLAN. The Section 504 Committee shall meet periodically to review the student’s evaluation and plan. In addition, prior to any significant change in the plan, a review or reassessment of the student’s needs shall be conducted.

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.

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.

PROCEDURAL SAFEGUARDS. The parent or person in parental relationship shall be notified in writing of any district decision concerning the identification, evaluation, and placement of a student. The parent or person in parental relationship shall have the right to examine the student’s records. Parents or persons in parental relationship who disagree with the identification, evaluation or placement of a student with disabilities shall have the right to request an impartial due-process hearing. The request for a hearing shall be made in writing, within thirty days of receipt of the Section 504 Committee’s determination. The request shall state the reasons the hearing is being requested and be sent to the chairperson of the Section 504 Committee. The parent or person in parental relationship shall have an opportunity to participate and be represented by counsel at the due process hearing. If an impartial due-process hearing is to be held under the Individuals with Disabilities Education Act (IDEA) concerning issues relevant to the Section 504 proceeding, a hearing officer qualified to conduct IDEA proceedings may consider Section 504 issues at the impartial hearing. The issues under IDEA and Section 504 shall be separately addressed in the hearing decision. The parent or person in parental relationship shall be notified in writing of the hearing officer’s decision. The school district or parent or person in parental relationship may seek review of the decision of the Section 504 hearing officer by the Commissioner of Education, or the State Review Officer, as appropriate, and by a federal court of 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.