



Parental Rights Under Section 504

You have the right to be informed by the school district of your rights under Section 504. This is a notice of your rights and your child's rights under Section 504, including the rights you have if you disagree with the school district's decision.

WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, commonly called "Section 504," is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activity.

YOUR CHILD'S EDUCATION

Your child has the right to:

- Receive a free and appropriate public education.
- Participate in and benefit from the district's educational programs without discrimination.
- Be provided an equal opportunity to participate in the district's nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related aids and services to allow your child an equal opportunity to participate in school activities.
- Receive educational and related aids and services without cost, except for those fees imposed on the parents of children without disabilities.
- Receive special education services if needed.

YOUR CHILD'S EDUCATIONAL RECORDS

You have the right to:

- Review your child's educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.
- Ask the district to change your child's education records if you believe that they are wrong, misleading, or are otherwise in violation of your child's privacy rights. If the district refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
- A response to your reasonable requests for explanations and interpretations of your child's education records.

THE SECTION 504 PROCESS

Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504. You have the right to:

- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.
- Have evaluation and placement decisions made by a group of persons, often called a "504 team", including persons who know your child, the meaning of the evaluation information, and the placement options available.
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your child.

If your child is eligible under Section 504, your child has a right to periodic re-evaluations, including re-evaluations before any significant change is made in your child's placement.

IF YOU DISAGREE WITH THE DISTRICT'S DETERMINATION

If you disagree with the district's determination regarding your child's identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you.

Hearing requests and other concerns can be made to your district's Section 504 Coordinator:

Jacqueline Bello, Director of Student Support Services
227 US Rt. 206 Flanders, NJ 07836
973.691.4008 ext. 8615 jacqueline.bello@motsd.org

You have the right to file a complaint of discrimination with the U.S. Department of Education's Office for Civil Rights (OCR), or to file a complaint in federal court. Generally, an OCR complaint may be filed within 180 calendar days of the act that you believe was discriminatory. The regional office is located at 26 Federal Plaza, Suite 3312, New York, NY 10278, (800) 368-1019, email: ocrmail@hhs.gov

SECTION 504 GRIEVANCE PROCEDURES

Definition

The term "grievance" means a complaint that there has been an improper application, interpretation or violation of the 504 policy or procedures affecting a student.

Procedure

A student or a parent/guardian on behalf of a student may file a grievance. Any grievance must be lodged using the [Section 504 Grievance Form](#) at the proper initiating level within thirty (30) school days of the happening of the event. If a paper-based Grievance Form is needed, please contact Ms. Bello at jacqueline.bello@motsd.org or 973.691.4008 ext. 8615.

Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the grievant to proceed to the next step. Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed acceptance of the decision rendered at that step. Time limits may be extended by the mutual consent of the parties.

- **Level One** - Building 504 Officer. The grievance shall be filed with the Building 504 officer in the school building in which the student attends school. The Building 504 officer may convene the school RTI/504 Team in an attempt to resolve the complaint(s) outlined in the grievance. The Building 504 officer shall render a decision/response in writing within ten (10) working days to the grievant. If the grievant is not satisfied with the resolution, he/she may appeal the decision within ten (10) days to the District 504 Officer.
- **Level Two** - District 504 Officer. The grievant may appeal the Level One decision to the District 504 Officer within ten (10) working days. The appeal to the District 504 Officer must be in writing reciting the matter submitted to the Building 504 Officer as specified in Level One and his/her dissatisfaction with the decisions previously rendered. The District 504 Officer shall attempt to resolve the matter as quickly as possible but within a period not to exceed ten (10) workdays. The District 504 Officer shall communicate his/her decision in writing to the grievant and the Building 504 officer.
- **Level Three** - Board of Education and/or Student Services Committee. If the grievance is not resolved to the grievant's satisfaction, he/she no later than five (5) workdays after the receipt of the District 504 Officer's, may request a review by the Board of Education. The request shall be submitted in writing through the Superintendent, who shall attach all related papers and forward the request to the Board of Education. The Board, or a committee thereof, shall review the grievance and may at the option of the Board, hold a hearing with the grievant and shall render a decision in writing within thirty-five (35) calendar days of receipt of the grievance by the Board.
- **Level Four** - Filing a Complaint with the Office of Civil Rights. If the grievance is not resolved to the grievant's satisfaction, he/she may file a complaint with the [Office of Civil Rights](#).

At any point, the grievant may file a complaint directly in federal court.

Meetings

No Section 504 related meetings, conducted under this procedure shall be public except as provided by law. The only parties in attendance shall be the parties in interest, witnesses, and the designated or selected representatives.