

Section 504 Procedural Safeguards Notice

The Ewing Public 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.

This document summarizes the procedural protections and rights you have as the parent of a 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.”

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.

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.

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.

PLACEMENT. 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.”

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.

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.

GRIEVANCE. A parent/guardian may file a complaint that there has been an improper application, interpretation or violation of the 504 policy or procedure affecting a student. A grievance should be filed at the appropriate initiating level:

Level One: Building 504- May reconvene the 504 Team to review the information, considering the request from the parent.

Level Two: District 504 Officer, Contact 504 Coordinator, Trisha Bogusz, at tbogusz@ewingboe.org or by phone, (609) 538-9800 ext 1402. A formal grievance needs to be submitted in writing and can be mailed to 220 Ewingville Rd, Ewing, NJ 08638

Level Three: Superintendent of Schools, Contact Superintendent, David Gentile at dgentile@ewingboe.org. This appeal must be in writing, reciting the matter submitted to the District 504 Coordinator regarding the dissatisfaction of the decision previously rendered.

Level Four: Board of Education- You may request a review by the Board of Education if you are dissatisfied with the decisions previously rendered. This request must be in writing via the superintendent, who will forward all related information and the request to the Board of Education.

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.

HEARINGS. If you disagree with a decision of the 504 Team regarding the identification, evaluation, or educational placement of your child you have the right to an impartial hearing. You have the right to participate in such a hearing and to be represented by a person of your choice, including an attorney.

If you wish to request a hearing, you must make a written request for a hearing within 30 calendar days from the time you receive the written notice of the decision of the 504 Team. Your request for a hearing must be filed with the district's Section 504 Coordinator.

Upon receipt of a timely request for a hearing, the district will notify you of the date, time, and location of the hearing. If you disagree with the decision of the hearing officer, you have the right to a review of that decision by a court in a competent jurisdiction.

OFFICE FOR CIVIL RIGHTS. You also have the right to file a complaint with the United State Office for Civil Rights.