Notice of Rights for Disabled Students and their Parents under Section 504 of the Rehabilitation Act

The purpose of this notice is to inform parents and students of the rights granted them under Section 504. The federal regulations that implement Section 504 found at Title 34, Part 104 of the Code of Federal Regulations (CFR) entitle parents of eligible children and the student themselves to the following rights:

1. You have the right to be informed about your rights under Section 504. The School District must provide you with written notice of your rights under Section 504. (This document represents written notice of rights as required under Section 504.) If you need further explanation or clarification of any of the rights described in this notice, contact appropriate staff persons at the District's Section 504 Office and they will assist you in understanding your rights.

2. Under Section 504, your child has the right to an appropriate education designed to meet his or her educational needs adequately as the needs of nondisabled students are met.

3. Your child has the right to free educational services, with exception of certain costs normally also paid by the parents of nondisabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student who becomes eligible for Section 504 services.

4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the district demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services.

5. Your child has the right to services, facilities, and activities comparable to those provided to nondisabled students.

6. The school district must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under Section 504 and also before every significant change in placement.

7. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of Section 504 regarding test validity, proper method of administration and appropriate test selection. The district will consider information from a variety of sources in making its determinations, including aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, and high stakes test scores.

8. Placement decisions regarding your child must be made by a group of persons (504 committee) knowledgeable about your child, the meaning of evaluation data, possible placement options, and the requirement that to the maximum extent possible disabled children should be educated with nondisabled children.

9. If your child is eligible for services under Section 504, he or she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years.

10. You have the right to be notified by the district prior to any action regarding the identification, evaluation, or placement of your child.

11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under Section 504).

12. You have the right to an impartial due process hearing if you wish to contest any action of the district with regard to your child's identification, evaluation, or placement under Section 504. You have the right to participate personally in the hearing or to be represented by an attorney if you wish to hire one.

13. If you wish to contest an action taken by the Section 504 committee by means of an impartial due process hearing, you must submit a Notice of Appeal or Request for Hearing to Kimberly Ferlauto, Director of School Counseling Services/Health Services, Pemberton Township Schools, One Egbert Street, Pemberton, NJ 08068, (609) 893-8141 ext. 1034. A date will be set for the hearing and an impartial hearing officer will be appointed. You will be notified in writing of the hearing date, time, and place.

14. If you disagree with the decision of the hearing officer, you have the right to seek a review of that decision before a court of competent jurisdiction (normally the closest federal district court).

15. With respect to other issues surrounding your child's education that do not specifically involve identification, evaluation, or placement, you have a right to present a grievance or complaint to the District's Section 504 Coordinator (or designee), who will then investigate the situation, taking into account the nature of the complaint and all the necessary factors, in an effort to arrive at a fair and speedy resolution.

16. You also have the right to file a complaint with the Office for Civil Rights of the Department of Education. You may also contact Kimberly Ferlauto, Director of School Counseling Services/Health Services, Pemberton Township Schools, PO Box 228, Pemberton, NJ 08068.

17. The address that covers this school district's Affirmative Action Officer is Affirmative Action Office, Pemberton Township Schools, PO Box 228, Pemberton, NJ 08068.

Parent(s) Signature:_____ Date: _____

_____ Date: _____

School Representative: _____ Date: _____