

**REGULATIONS:
RIGHTS OF PERSONS WITH DISABILITIES**

Date of Adoption: October 17, 1996

I. Identification

- A. Any student who needs or is believed to need special accommodations, related services, or programs under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990, may be referred to the Pupil Assistance (PAC) 504/ADA Committee.
- B. The building principal shall designate a building ADA/504 Compliance Officer (CO). The ADA/504 Compliance Officer and the principal shall determine the membership of the PAC 504/ADA Committee.
- C. The PAC/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. Membership on the committee may vary depending on the student needs to be addressed.
- D. A pupil may be referred by himself/herself, a parent/guardian, or a member of the school staff. Requests shall be made in writing to the building 504/ADA Compliance Officer (CO) who shall initiate the 504/ADA process.
- E. The building principal has the responsibility for assuring building compliance with district 504/ADA policies and regulations affecting both students and staff members.

II. Evaluation

- A. The student's parent(s)/guardian(s) shall be notified, in writing, by the building 504/ADA Compliance Officer, of the PAC/504 committee meeting at least 10 calendar days prior to the meeting and invited to participate in it. In cases of special circumstances, with the agreement of all relevant parties, the time frame may be shortened.
- B. The PAC/504 Committee shall consider all relevant information on the student to determine whether he/she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, school personnel, and results of assessments.
- C. The PAC/504 Committee shall determine whether the student is disabled under Section 504/ADA and, if so, develop appropriate and reasonable recommendations for a written educational plan describing what accommodation, services or programs will be provided to meet the student's needs.

- D. In making placement decisions, the PAC/504 Committee shall draw upon a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, and such other conditions and factors that may be pertinent.
- E. The district 504/ADA Coordinator shall establish procedures to ensure that information obtained from all such sources is documented and carefully considered.
- F. When the 504 plan has been completed, it shall be sent to the district 504/ADA Coordinator for review and approval.
- G. The building principal, or designee, in consultation with the district 504/ADA Coordinator, shall implement an appropriate educational plan within the limits of facility, staff, and support services.

III. Review of the Student's Evaluation

- A. The committee shall meet periodically to review the student's progress. In addition, prior to any significant change in placement, a re-assessment of the student's needs shall be conducted.

IV. Procedural Safeguards

- A. The parent or guardian shall be notified in writing of any district decision concerning the identification, evaluation, and placement of a student.
- B. The parent(s)/guardian(s) shall have the right to examine the student's records.
- C. Parents or guardians 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 committee's determination regarding 504/ADA eligibility. The request shall state the reasons the hearing is being requested and shall be sent to the district 504/ADA Coordinator, Office of Pupil Services, 667 Westfield Road, Scotch Plains, New Jersey 07076.

V. Meeting Requirements of Section 504/ADA

- A. The Superintendent or his/her designee shall be responsible for coordinating the Board's efforts to comply with the requirements of Section 504/ADA.
- B. Those efforts may include any of the following methods: posting of notices, publishing notices in newspapers and magazines, placement of notices in school publications, and/or distribution of memoranda or other written communications.

- C. A copy of the Parental Rights afforded by Section 504/ADA shall also be sent to parents/guardians as part of the notification that their child has been referred for evaluation pursuant to section I (A) above.

VI. Grievance Procedures

- A. The Scotch Plains-Fanwood Public Schools do not discriminate on the basis of disability with regard to admission, access to services, treatment, or employment in its programs or activities. Any alleged discriminatory practices within the scope of Section 504 or the Americans with Disabilities Act of 1990 should be addressed through the grievance procedure which follows:

Step 1

Student and/or parent(s) will first talk with teacher or guidance counselor to resolve any and all complaints. Student and/or parent will make an appointment with the teacher directly, through the guidance office, or through the principal's office (elementary).

If the problem is not resolve, the student and/or parent(s) may then request to meet with the principal or vice-principal. If the problem concerns a teacher, the teacher will have the option of participating in the conference. If the teacher does not attend the conference, he/she will be made aware of the status of the problem and action taken. If a situation occurs in which no particular teacher is involved, the principal will then meet directly with the parent(s).

Any employee who believes he/she has been discriminated against under Section 504 or the Americans with Disabilities Act (ADA) shall first discuss the complaint with his/her immediate supervisor who shall attempt to resolve the complaint.

Step 2

If the complaint has not been resolved at Step 1 and the person believes he/she has a valid basis for grievance under Section 504 or the Americans with Disabilities Act (ADA), he/she shall discuss the complaint with the District 504/ADA Coordinator.

The district 504/ADA Coordinator shall investigate and document the complaint (including dates of meetings, disposition and dates of disposition), and give a written reply to the complainant within 10 working days after meeting with the complainant.

Step 3

If the complaint is not satisfactorily resolved through Step 2, the complainant may request a hearing by submitting a written complaint. The written complaint must fully set out the circumstances giving rise to the alleged grievance and must be filed with the district 504/ADA Coordinator within 10 working days after disposition at Step 2.

The district 504/ADA Coordinator will appoint a hearing officer within 10 working days after receipt of the written complaint.

The hearing officer will conduct a hearing regarding the alleged grievance within 15 working days after the appointment. The hearing officer shall give the parent, student, or employee full and fair opportunity to present evidence relevant to the issues raised under the grievance. The parent, student, or employee may, at his/her own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present his/her written decision to the district 504/ADA Coordinator and complainant within 10 working days after the hearing.

Within 10 working days after receiving written decision of the hearing officer, the district 504/ADA Coordinator will meet with the complainant and present the hearing officer's decision.

Step 4

If the complaint is not satisfactorily resolved through Step 3, the complainant may file a written appeal to the Superintendent. To be considered, the written complaint must fully set out the circumstances giving rise to the alleged grievance and must be filed with the Superintendent within 10 school days after disposition at Step 3.

Step 5

The complaint will now proceed through the channels of Superintendent or his/her delegate who will then meet with concerned parties and, upon rendering a decision, will send copies of the action taken to all concerned.

Within 15 working days the Superintendent will review the written complaint, meet with the complainant, and render a written decision.

Step 6

Should the complainant be dissatisfied with the Superintendent's decision, they may appeal in writing within ten (10) *school* days to the Board of Education. The Board of Education, within thirty (30) *calendar* days, shall make its decision in writing.

Step 7

If the complaint is not satisfactorily resolved following Step 4, further appeal may be made to the United States Office of civil Rights, Region II, 26 Federal Plaza, New York, New York 10278-0082.

The district 504/ADA Coordinator is: Thomas Beese Jr.

Office of Pupil Services
667 Westfield Road
Scotch Plains, New Jersey 07076
(908) 889-0100

Scotch Plains-Fanwood Public Schools