

## **Antioch Charter Academy I & II Section 504 Policy**

### **Identification and Education under Section 504**

Antioch Charter Academy I & II believe that all children, including children with disabilities, should have an opportunity to learn in a safe and nurturing environment. Our schools offer high quality educational programs and services for all our students in accordance with the assessed needs of each student. Our schools collaborate with parents, the student, teachers, and other agencies, as may be indicated, in order to appropriately serve the educational needs of each student.

ACA I & II shall provide qualified students with disabilities with a free appropriate public education (FAPE), as defined under Section 504 of the federal Rehabilitation Act of 1973 (34 CFR § 104). Qualified students shall receive related accommodations and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met.

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of ACA I & II's basic education program, including, but not limited to, specialized courses, extracurricular activities, and/or other nonacademic activities.

In providing services to students with disabilities under Section 504, ACA I & II shall ensure compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the Uniform Complaint Procedure (UCP) found in the family handbook and on our school website. Questions regarding the UCP may be directed to the Uniform Complaint Officer.

Section 504 plans are managed by the Section 504 Accommodation Plan Coordinator at each school site. The Section 504 Accommodation Plan Coordinator, as well as all school staff members, are responsible for implementing the requirements of Section 504 of the federal Rehabilitation Act of 1973 (34 CFR § 104.7).

## **Definitions**

For the purpose of implementing Section 504, the following terms and phrases shall have only the meanings specified below:

- “Free appropriate public education (FAPE)” means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of students without disabilities are met, at no cost to the student or his/her parent/guardian, except when a fee is specifically authorized by law for all students. (34 CFR 104.33)
- “Student with a disability” means a student who has a physical or mental impairment which substantially limits one or more major life activities, or has a record of such impairment, or is being regarded as having such an impairment. (28 CFR § 35.108)
- “Physical impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organ, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, circulatory, hemic and lymphatic, skin, and endocrine. (28 CFR § 35.108)
- “Mental impairment” means any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. (28 CFR § 35.108)
- “Substantially limits major life activities” means limiting a person's ability to perform functions, as compared to most people in the general population, such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working. Major life activities also include, but are not limited to, major bodily functions such as functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genito-urinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, as well as the operation of an individual organ within a body system. An impairment need not prevent or severely restrict a major life activity to be considered substantially limiting. The determination of whether an individual has a disability should not demand extensive analysis and may not be foreclosed solely on the basis of bottom line measures such as grades. The determination of whether an impairment substantially limits a student's major life activities shall be made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but not limited to, medications, medical supplies or equipment, prosthetic devices, assistive devices, reasonable modifications or auxiliary aids or services, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy. (42 USC § 12102; 28 CFR § 35.108)

## **Referral, Identification, and Evaluation**

Any action or decision to be taken by ACA I & II involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student study team, or community agency may refer a student to the Section 504 Accommodation Plan team for identification as a student with a disability under Section 504.
2. Upon receipt of any such referral, the Section 504 Accommodation Plan team shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs. A meeting including the parent and the Section 504 Accommodation Plan team will be held to determine appropriate actions. The Section 504 Accommodation Plan team, in conjunction with the parent, will be responsible for the creation and implementation of accommodations on the student's the Section 504 Accommodation Plan.

## **Section 504 Accommodation Plan and Placement**

Services and placement decisions for students shall be determined as follows:

1. A multidisciplinary Section 504 Accommodation Plan team shall be convened to review the evaluation data in order to make placement decisions. The Section 504 Accommodation Plan team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR § 104.35) In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including medical documentation, academic assessments, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR § 104.35)
2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall develop a written 504 Accommodation Plan which shall specify the types of support services, accommodations, and/or supplementary aids necessary to ensure that the student receives FAPE. The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records. ACA I & II will exercise reasonable flexibility in scheduling meetings in order to enable the parents/guardians to attend the meeting. The parents/guardians shall be given the opportunity to review and request revisions to the 504 Accommodation Plan and shall be promptly provided a copy of the final document.
3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a

person with a disability under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

4. The student shall be placed in the regular educational environment, unless it can be demonstrated that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR § 104.34)
5. ACA I & II shall complete the identification, evaluation, and placement process within a reasonable time frame and shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.
6. A copy of the student's Section 504 Accommodation Plan shall be kept in his/her student file, as well as in the student's cumulative record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

### **Review and Reevaluation**

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 Accommodation Plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of students without disabilities are met. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR § 104.35)

### **Procedural Safeguards**

Below is the language contained in ACA I & II's Section 504 Accommodation Plan procedural safeguards for parents.

This is a notice of your rights under Section 504 of the Rehabilitation Act ("Section 504") with respect to actions regarding the identification, evaluation or educational placement for students who, because of disability, need or are believed to need special instruction or related services under Section 504. ACA I & II are obligated to inform you of decisions about your child and of your rights if you disagree with any of those decisions.

*Under Section 504, you have the right to:*

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of her/his disabling condition.
2. Have ACA I & II advise you of your rights under federal law.

3. Receive notice with respect to Section 504 identification, evaluation, educational program and/or placement of your child.
4. Have your child receive a free, appropriate public education. Federal Regulations define free appropriate public education as the provision of regular or special education and related aids and services that are designed to meet the needs of individuals with disabilities as adequately as the needs of individuals without disabilities are met. (34 CFR § 104.33(b)(1)). FAPE also includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to reasonable accommodations, modifications, and related aids and services necessary for your child to benefit from his or her educational program.
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
6. Have an evaluation, educational recommendation, and placement decision developed by a team of persons who are knowledgeable of the student, the assessment data, and any placement options.
7. To have your child re-evaluated periodically, to the extent necessary, including before any significant changes are made to your child's educational program or placement.
8. Have your child be given an equal opportunity to participate in non-academic and extracurricular school activities offered by ACA I & II.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost, unless the fee would effectively deny you access to the records.
11. Obtain a response from ACA I & II to reasonable requests for explanations and interpretations of your child's records.
12. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If ACA I & II refuses this request for amendment, it shall notify you within a reasonable time and advise you of your right to an impartial hearing.
13. Grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part.
14. Request an impartial hearing regarding the Section 504 identification, evaluation or placement of your child.
15. Ask questions about how to request a hearing from the person responsible for the ACA I & II's compliance with Section 504.
16. File a Complaint through the Office of Civil Rights
  - *Online*: You may file a complaint with OCR using OCR's electronic complaint form at the following website: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>
  - *By Mail or Fax*: You may mail or send fax information to the following address or phone number: Office for Civil Rights, San Francisco Office, U.S. Department of Education, 50 United Nations Plaza, San Francisco, CA 94102. Telephone: (415) 486-5555; Fax: (415) 486-5570.
  - *Email*: You may email OCR's Discrimination Complaint Form or your own signed letter to [ocr@ed.gov](mailto:ocr@ed.gov).

If you write your own letter, please include:

- The complainant's name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours;
- Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);
- The name and location (city and state) of the institution that committed the alleged discriminatory act(s); and
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination.