

Section 504 School Policy Sample

Adopted by the LIFE Prep Board of Directors on _____

Purpose

The purpose of this policy is to set forth LIFE Prep’s commitment to provide disabled students with the opportunity to fully participate in, and benefit from, educational opportunities and to prohibit discrimination against them as required by Section 504 of the Rehabilitation Act of 1973.

General Statement of Policy

LIFE Prep is committed to providing disabled students with the opportunity to fully participate in, and benefit from, educational opportunities. In compliance with its obligations under section 504, LIFE Prep does not discriminate against disabled students in the provision of its educational programs and activities.

LIFE Prep will provide a free appropriate education in the least restrictive environment including reasonable accommodations and services to qualified 504 students who reside within or are invited to attend LIFE Prep. 504 Plans will be designed to meet the individualized educational needs of these students.

LIFE Prep will seek to assure that the educational services provided to students with disabilities are reasonably calculated to afford such students an equal opportunity to achieve educational benefit as is provided to non-disabled students.

POLICY

Section 504 prohibits discrimination based on an individual’s disability in any program receiving federal financial assistance. Section 504 of the Rehabilitation Act of 1973 provides that “no qualified person with a disability shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.”

LIFE Prep will not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. The school will comply with the provisions of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

A student is disabled under the definition of Section 504 if he or she:

1. Has a physical or mental impairment, which substantially limits one or more of such person’s major life activities (Examples of “major life activities” include, but are not limited to, functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, and thinking. “Major life activities” also includes the

operation of major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, or reproductive functions.)

2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

LIFE Prep will identify and evaluate students who, within the intent of Section 504, need academic adjustments or program changes to ensure that the student is provided a free appropriate public education. This includes the right to have an equal opportunity to participate in extracurricular and non-academic programs offered by the school.

In the School handbook and on the School website, LIFE Prep will provide notice to parents, employees, bargaining organizations, and community members that it does not discriminate on the basis of disability.

LIFE Prep will make facilities, programs, and activities accessible, usable, and open to persons with disabilities.

LIFE Prep will develop and publish grievance procedures that provide prompt resolution of complaints of discrimination based on disability.

LIFE Prep will designate an employee who will have the responsibility to coordinate the school's efforts under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act and to give overall direction in adhering to this Policy. The School's Executive Director shall have authority to designate this employee. This employee will have experience or background in special education or Section 504 of the Rehabilitation Act or will be provided appropriate training in the same.

GRIEVANCE PROCEDURE

A grievance procedure is established to meet the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits, or in employment practices and policies, by the school.

NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504

LIFE Prep will annually take appropriate steps to notify students with disabilities and their parents of the school's duties and their rights under the Act. The Notice will be posted on the School's website. The Notice will contain, at a minimum, the following information:

NOTICE

The Rehabilitation Act of 1973, commonly referred to as “Section 504,” is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that students with disabilities have educational opportunities and benefits equal to those provided to non-disabled students.

Below is a description of the rights granted by Section 504 to eligible students with disabilities and the parents of those students.

1. You have a right to be informed by the school of your rights under Section 504. (The purpose of this Notice is to advise you of those rights). 34 CFR 104.32.
2. Your child has the right to an appropriate education designed to meet her/his individual educational needs as adequately as the needs of non- disabled students are met. 34 CFR 104.33.
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a student with a disability. 34 CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 CFR 104.35.
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The school will consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. 34 CFR 104.35.
8. Placement decisions must be made by a group of persons who are knowledgeable about your child, about the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.

9. If eligible under Section 504, your child has a right to periodic reevaluations. 34 CFR 104.35.
10. You have the right to notice prior to any action by the school in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36.
11. You have the right to examine relevant records. 34 CFR 104.36.
12. You have the right to an impartial hearing with respect to the school's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
13. If you wish to challenge the actions of the Section 504 Committee with regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the school's Section 504 Administrator at Myla Johnson, 930 Geranium Ave. E., Saint Paul, MN 55106, 651-793-6624, myla.johnson@lifeprepschool.org within 15 calendar days from the time you received written notice of the Section 504 Committee's action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the school's Section 504 Administrator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You also have a right to file a complaint with the Minnesota Department of Human Services or with the U.S. Office for Civil Rights.
The address for the Minnesota Department of Human Rights is:
625 Robert Street North,
Saint Paul, Minnesota 55155
Complaints may also be filed with the Minnesota Department of Human Rights via the web.

The address of the Regional Office of the Office of Civil Rights that covers Minnesota is:
ATTN: OCR Regional Manager
Office for Civil Rights, Chicago Office U.S. Department of Education Citigroup Center
500 W. Madison St., Suite 1475 Chicago, IL 60661-7204

EMPLOYEES TO SUPPORT IMPLEMENTATION

Every employee of LIFE Prep] must support the implementation of this Policy.

Legal References

- Section 504, Rehabilitation Act of 1973
- 42 U.S.C. §2000e et seq. (Title VII of the Civil Rights Act)
- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- Public law No. 88-377, The Equal Access Act, effective August 11, 1985
- 20 U.S.C. § § 4071-74 (Equal Access Act)
- 20 U.S.C. § § 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)

SECTION 504 OVERVIEW AND PROCESS

What is a 504 Plan?

As part of the Rehabilitation Act of 1973, the federal government requires that appropriate accommodations are made for disabled students. This is not the same as an Individual Education Plan(IEP) for students identified as disabled through Special Education.

As part of the Rehabilitation Act of 1973, Congress passed Section 504, a civil rights law to protect people with disabilities by eliminating barriers and allowing full participation.

The law applies to all recipients of federal funding, therefore all public school districts and charter schools must fulfill the requirements of Section 504.

The process for 504 development and review includes assessment and establishment of eligibility. A meeting will be held regarding eligibility and plan development and review. Parent(s) or guardians will be notified of all assessments, meetings and plan development.

Who qualifies as a “Disabled Student?”

A disabled student is a student who either:

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a record of having an impairment that substantially limits one or more major life activities

- Regarded as having an impairment that substantially limits one or more major life activity. Examples of major life activities include, but are not limited to, walking, breathing, learning, seeing, speaking, working, performing manual tasks, hearing, disfigurement, asthma, allergies, and attention deficit disorder. All students with individualized Education Programs (IEP) are covered automatically under Section 504. However, because the student's IEP includes needed accommodations and modifications, a student would never have both an IEP and a Section 504 Plan. Specifically, if a student with an IEP needs accommodations or modifications to enable participation in the school's extra-curricular or after-school programming, those accommodations and modifications should be discussed by the IEP team and included in the IEP. Roughly 10-12 percent of the nation's students currently receive special education services, with a little more than half of them identified as "specific learning disability." Because necessary accommodations are included in the IEP, there's no need to write a separate 504 plan for them.

School Process

Referral

A referral must be made in writing to the 504 team coordinator/principal. Students, parents, teachers, counselors or other school personnel can make a referral if they suspect that a student has a disability. If parents require assistance with a written referral, school staff members are mandated by LIFE Prep's policy to assist with the referral.

Decision to Evaluate

Within 15 school days of receiving a referral, a child study team composed of school staff knowledgeable about the child will convene to discuss whether there is a reason to suspect a disability. If the answer is no, the parent should be informed in writing of the decision not to evaluate and provided the Notice of Parent Rights. If the answer is yes, the school should ask the parent for consent to evaluate and also ask the parent for authorization to obtain health/medical information for the child's health care provider.

Gather Evaluation Data/Information; Meet with Parent

Within 30 school days of receipt of parent consent to evaluate, the school should conduct and complete a Section 504 evaluation. Information should be gathered from a variety of sources including the parent, teachers, doctor/medical personnel, school social worker/counselor, school attendance office, etc. After the data/information is gathered, a Section 504 team composed of persons knowledgeable about the student and the evaluation data should meet to review and discuss all data concerning the student; aptitude and achievement test scores, teacher recommendations, physical condition, social and cultural background, adaptive behavior, and reports collected from school and /or parents. All evaluations will be nondiscriminatory. Parent(s) and others with knowledge of the student will be invited to attend. If after reviewing and considering the data, the 504 team determines that the student is disabled (i.e, that there is a physical or mental impairment that substantially limits one or more major life activities), they should consider whether the student requires accommodations or modifications in order to be

able to access academic and non-academic services and programming equally to non-disabled students. If the 504 Team determines the student is not disabled, the parent should be given the Evaluation form indicating no disability and also be given the Notice of Parent Rights.

Section 504 Accommodation Plan

If the student is found eligible for accommodation under Section 504, the 504 Team (including the parent/guardian if willing) will develop a written plan. This meeting is usually combined with the meeting to discuss the evaluation described above. The developed plan will identify the disability and include reasonable accommodations and/or services determined by the 504 Team. The plan should specify when and where the student will be provided the accommodations or modification and should also identify the staff responsible for providing the accommodation or modification, e.g., whenever the student is asked to take a written exams in language arts and social studies, the classroom teacher will arrange to have room 222 (or a comparable quiet room) available, along with an adult to monitor the room. The accommodations and/or services must address the student's needs related to the identified disability. There are no specific legal requirements for what should be included in the plan.

Section 504 Files

504 files will be part of the master file at the student's current school.

Annual Review

The 504 plan will be reviewed annually. The 504 Plan manager should contact the parent, teacher, school nurse, and others working with the student and knowledgeable about the student's 504 Plan to ask whether the accommodations and modifications are working and whether any changes are needed to the 504 Plan. This review may be conducted by email or other communication and does not require a meeting.

Re-Evaluation

- At least every three years, the student will be re-evaluated.
- A re-evaluation will also occur before any significant changes in placement, including a significant change of placement, which occurs as the result of a suspension of more than five days, individual suspensions exceeding ten cumulative days, or expulsion.

Notification

The parent or guardian of a qualified disabled student shall be notified in writing of all school decisions concerning the identification, evaluation, or services for their child made under Section 504 regulation.

Records

The parent or guardian of a qualified disabled student has the right to review relevant records regarding the student. Records may be reviewed at the school site. Copies of student records may

be obtained pursuant of education code section.

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