

**STURGIS CHARTER PUBLIC SCHOOL
SECTION 504 OF THE REHABILITATION ACT OF 1973**



Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.

Students who are covered by 504 are those:

- who have a physical or mental impairment,
- where the impairment substantially limits one or more major life activities, and
- where the impairment results in a need for reasonable accommodations and/or services to access a free and appropriate public education.

Sturgis Charter Public School will conduct either a Section 504 accommodation reevaluation or an initial accommodation Section 504 evaluation to determine if your student meets the eligibility requirements for a Section 504 Accommodation Plan to meet his/her educational needs.

When students are supported through a 504 accommodation plan they need to be reevaluated for 504 eligibility.

Once your child has been accepted by lottery to Sturgis Charter Public School contact the 504 Coordinator to discuss reevaluation for the new placement.

When the evaluation is completed, the school team will meet to determine if the student is eligible for Section 504 Accommodations. The evaluation reports, team findings of determination, and if found eligible a proposed Section 504 accommodation plan will then be sent to parents/guardians.

The School 504 Team will:

Determine eligibility by reviewing evaluation materials and determine eligibility through **Section 504 Eligibility Determination**.

Determine whether the impairment or condition substantially limits one or more major life activities:

“Substantial” relates to the limitation of a major activity not the condition or handicap (e.g. a substantial limitation to learning).

“Substantial” is not defined. It is suggested that the evaluation team consider the impact of the impairment on the student’s learning and/or educational program. Areas of possible impact include the following:

Grades

Accessibility to all aspects of the curriculum (e.g. participation in physical education classes)

Academic productivity and performance

Social/interpersonal relationships

Behavioral/emotional status

Extracurricular activities

Identify the major life activity that is affected by the student’s impairment. For example, learning, breathing, seeing, hearing, walking. This list is exemplary and not exhaustive.

Ask the question: “Is the student afforded an equal opportunity to participate and/or benefit from education when compared to non-disabled, age-appropriate peers?”

Determine whether the student qualifies as disabled under Section 504:

- the student has, has a record of, or is regarded as having a physical or mental impairment
- the impairment *substantially limits* one or more major life activities for that person

A.

If the student is determined to be disabled under Section 504 and requires accommodations, modifications, or services to be provided with an equal educational opportunity, the 504 Team must develop a written 504 Education Plan which documents the regular education accommodations and/or services

that will be provided in order to meet the educational needs of the disabled student.

- B. The 504 Coordinator shall notify the parents or guardian in writing of its final decision concerning the accommodations and modifications or services to be provided and the parents shall be notified of the safeguards available to them including the right to an impartial hearing.
- C. When a student is initially evaluated or is reevaluated for new placement and the school 504 Team finds the student eligible for a Section 504 accommodation plan the parent can either consent to the 504 accommodation plan to be implemented or not consent that it be implemented.
The 504 accommodation plan is not valid until initial parent consent is received. If a parent does not respond to the proposed 504 accommodation plan the proposed plan is not valid.

After the School Section 504 Team finds the student eligible for a 504 accommodation plan and parent consents to that plan, the student can be periodically evaluated, as well as have the 504 accommodation plan updated without parental consent.
- D. Periodic reevaluation is required by Section 504 regulations. Reevaluation of the Section 504 Education Plan is as needed or when there is significant change in school placement or program.
- E. Any student who needs or is believed to need additional services beyond the scope of the Section 504 Student Accommodation Plan should be referred to the Special Education Coordinator for consideration of additional evaluation(s), and /or eligibility for special education services

The person in this district who is responsible for assuring that district complies with Section 504 is:

504 Coordinator (508)778-1782

427 Main Street

Hyannis, MA 02601

Please make all requests to utilize either the grievance procedure or the due process hearing procedure to the above address.

GRIEVANCE PROCEDURE

Complaints about Sturgis Charter Public School facilities, services offered or about concerns of disability-based discrimination including harassment of the basis of

disability may be filed with the 504 Coordinator. A form is provided for this purpose.

The following information is required when completing a complaint:

Name(s) of person(s) or group making complaint.

Whether the person(s) represent an individual group.

Whether the person(s) making the complaint has discussed the problem with the site administrator.

A summary of the complaint and suggested solution(s).

Processing of the Complaint

Level 1: The complaint shall be presented in writing with a suggested solution to the Section 504 Coordinator. The Section 504 Coordinator will assist the Complainant in reducing the complaint to writing upon request. The Section 504 Coordinator will have Ten (10) school days to mail a reply to the Complainant. If discrimination is determined to have occurred the District shall take steps to end the discrimination to prevent the recurrence and where appropriate remedy its effect on the Complainant. The complaining party shall be afforded an opportunity to present witnesses and other evidence after reducing the complaint to writing upon request.

Level 2: If the Complainant is not satisfied with the response received from the Section 504 Coordinator or if no response is mailed by the 504 Coordinator within Ten (10) business days the Complainant may request a review of the complaint by the Sturgis Charter Public School Executive Director.

If the issues in the complaint relate to provision of a free appropriate public education for an individual student, the student may be referred to the Section 504 Team or Student Support Service Team (SST) at any point during the processing of the complaint.

PUBLIC NOTICE

The Sturgis Public Schools shall provide continuing notice to the public and the staff and the students that it does not discriminate on the basis of disability with regard to admission or access to or treatment or employment in programs and activities of the Sturgis Charter Public Schools. Continuing notification may include posting of notices, publication in local newspapers, placement of notices in school district publication and student/parent handbooks and distributing of memoranda or other written communication.

NOTICE OF NON-DISCRIMINATION

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organization holding collective bargaining or professional agreement with Sturgis Charter Public School are hereby notified that this district does not discriminate on the basis of race, color, national origin, sex, age, or disability in admission or access in, or treatment or employment in its programs and activities. Any persons having inquiries concerning the Sturgis Charter Public School compliance with the regulation implementing Section 504 is directed to:

504 Coordinator
427 Main Street
Hyannis, MA 02601
(508) 778-1782

The 504 Coordinator has been designated to coordinate the District's efforts to comply with the regulations implementing Section 504.

Sturgis Charter Public School
SECTION 504 IF THE REHABILITATION ACT OF 1973
COMPLAINTS ABOUT FACILITIES OR SERVICES

NAME:

ADDRESS:

TELEPHONE NUMBER:

NAME AND AGE/GRADE OF STUDENT:

SCHOOL:

PRIOR CONTACTS WITH THE 504 COORDINATOR, ADMINISTRATION OR
TEACHER:

STATEMENT OF COMPLAINT;

ACTION REQUESTED:

SIGNATURE _____

SEND TO: 504 Coordinator
427 Main Street
Hyannis, MA 02601
508-778-1782

NOTICE OF PARENT/STUDENT RIGHTS UNDER SECTION 504

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

An eligible student under Section 504 is a student who has, or has a record of having, or is regarded as having, a physical or mental impairment which substantially limits one or more major life activities such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility. Some students will be eligible for education services under both Section 504 and the Individual with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. *Procedural Safeguards* (Due process procedures for parents and children) prepared by the Office of the Superintendent of Public Instruction is available through the District's Special Education Department and sets out the rights assured by the IDEA. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA.

The enabling regulations for Section 504 as set out in 34 C.F.R. Part 104 provide parents/and students with the following rights.

1. You have the right to be informed by the District of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) (34 C.F.R. 104.32.)
2. Your child has the right to a free appropriate education designed to meet his/her individual needs as appropriately as the needs of non-disabled students are met. (34 C.F.R. 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 disabled student. (34 C.F.R. 104.33)
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 C.F.R. 104.34)
5. Your child has a right to placement in the least restrictive environment. (34 C.F.R. 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 C.F.R. 104.35.)
7. Testing and other evaluation procedures must conform to the requirements (34 C.F.R. 104.35) as to validation, administration, areas of evaluation, etc. The District shall 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 C.F.R. 104.35.)
8. Placement decisions must be made by a group of persons (i.e., Student Intervention Team and/or Central Office 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. (34 C.F.R. 104.35.)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 C.F.R. 104.36.)
10. You have the right to examine relevant records. (34 C.F.R. 104. 36.)
11. You have a right to notice of any action by the District in regard to the identification, evaluation, or placement of your child. (34 C.F.R. 104.36.)

Parent Rights

12. You have a right to an impartial hearing with respect to the District'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 C.F.R 104.36.)
13. If you wish to challenge the actions of the District's 504 Committee in regard to your child's identification, evaluation, and education placement, you should file a written request for a hearing with your state department of education's Section 504 compliance office. 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 review of that decision by a court of competent jurisdiction. (34 C.F.R 104.36.)
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a discrimination complaint with the District's Equity and Compliance Office, 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 have the right to file a complaint with the Office for Civil Rights.

¹ Equal educational benefits and opportunities does not mean the "same" benefits and/or opportunities.

Sturgis Charter Public School



An International Baccalaureate Diploma School

SECTION 504 ELIGIBILITY DETERMINATION REPORT

Student Name: _____

School: _____ Grade: _____ DOB: _____

Parent/Guardian(s): _____

Address: _____

1. **Summary of Evaluation Information Considered – Attach any reports**
(Informed inventories, testing, teacher reports, student work samples, parent data, medical records, physician reports, student health records, student observations, cumulative file records.

2. **Documentation of whether the student has a disability eligible for Section 504 accommodations**

A. _____ Has a physical or mental impairment: 1) Physiological disorder, condition, cosmetic disfigurement or anatomical loss affecting various body systems. 2) Any mental or psychological disorder.
Identify Impairment: _____

B. _____ Identify major life activities affected by disabilities (see below)

C. _____ Identify the level of limitation (see below – must be a “4” or above in one or more major life activities to be eligible.)

IMPACT OF FUNCTION ON MAJOR LIFE ACTIVITIES						
	Ineligible for 504				Eligible for 504	
	0 None	1 Negligible	2 Mild	3 Moderate	4 Substantial	5 Extreme
Breathing						
Seeing						
Hearing						
Speaking						
Walking						
Mobility						
Learning						
Behavior						
Social/Emotional						
Other						

_____ Student DOES NOT have a physical or mental disability which substantially limits one or more major life activities does not have a record of such an impairment, or is regard as having such an impairment.

_____ Health Care Plan needed

_____ Health Care Plan written

Date Written: _____