



Sturgis Charter Public School
An International Baccalaureate World School



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 Section 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.

Definition of Terms

Free Appropriate Public Education (FAPE) - A free appropriate public education is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of disabled persons as adequately as the needs of non-disabled persons are met.

Physical or Mental Impairment - a physical or mental impairment is:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine OR
2. Any mental or psychological disorder such as cognitive impairment, organic brain syndrome, emotion or mental illness, or specific learning disabilities.

Major Life Activities - A major life activity includes, but is not limited to functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Major life activities also include standing, lifting, bending, reading, concentrating, thinking, and communicating. The term also includes the operation of major bodily function including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Substantially Limits - A student who has a physical or mental impairment that substantially limits a major life activity may be found to have a disability under Section 504. This determination is made on a case-by-case basis.

Except for ordinary eye glasses or contact lenses, the effects of mitigating measures (e.g., medications, prosthetics, hearing aids, etc.) may not be considered when assessing whether a student has an impairment that substantially limits a major life activity. To the extent feasible, only the impact the impairment has on a major life activity without mitigating measures may be considered when determining whether the disability substantially limits a major life activity. If a student has an impairment that is episodic or in remission, the School District must consider whether the impairment, when active, would substantially limit a major life activity. If so, then the student meets the definition of a student with a disability.

Parental Rights

Section 504 guarantees certain rights to parents/guardians of students with disabilities. The intent of these procedural protections is to keep the parent/guardian fully informed concerning educational decisions about their child, and to inform the parent/guardian of their rights if they disagree with any of these decisions. At age 18, these rights transfer to the student.

The Section 504 Initial Process (new 504 Plan requests)

Referral and Consent:

- A. A staff member, Parent/guardian, student (if over 18 years of age), or physician refers a student for a 504 plan or 504 evaluation.
- B. Within 10 school working days, the school counselor sends parent/guardian or student (if over 18 years of age) the Evaluation Consent Form and Notice of Parent/Student Rights Under Section 504.
- C. If the referral was made by a Parent/guardian, the counselor contacts the Parent/guardian in writing and requests any documentation, such as a letter from the Parent/guardian, explaining any concerns, including any recent diagnosis(es), if any.
- D. The parent/guardian or student (if over 18 years of age) returns the signed consent form.

504 Team Meeting is Scheduled:

The school counselor schedules the initial 504 team meeting, and then notifies in writing the Parent/guardian, the student and the relevant team members, including, but not limited to, one (1) teacher and/or staff member who is knowledgeable about the student's disability(ies) and one staff member who is knowledgeable about the School's resources (if not the counselor) about the date and time of the 504 team meeting.

Evaluation:

- A. The school counselor begins the evaluation process by collecting information from sources relevant to the student and the concerns that have been posed. Sources may include:
 - parent interview
 - student interview
 - outside medical care provider interview
 - previous evaluations
 - record review
 - teacher comments
 - cumulative file review
- B. The School Counselor compiles input from all sources prior to the 504 Team meeting and prepares to summarize the information for the 504 Team meeting.

Meeting

- A. At the initial Section 504 team meeting, the 504 team shall review the evaluation materials, as well as any additional materials submitted by the Parent/guardian or student. The 504 team shall determine if the student has an impairment that substantially limits a major life activity(ies), as well as how to address the limitation on the major life activities in the educational program and/or activities of the School.

- B. The team completes the Section 504 Eligibility Determination Report form. This includes reviewing the evaluation that was done with the team as well as any parent/guardian and student concerns to determine if the student is a qualified, disabled student under Section 504.
- C. Determination is Made:**
1. If the 504 team confirms there is a disability that is impacting the student, and the student only requires accommodations that are on the School's DCAP, the 504 team shall determine that the student, while eligible for and protected by Section 504, does not require FAPE, i.e., 504 plan. Written notice of this decision shall be provided to the Parent/guardian, student, and all staff members working with the student. That written notice shall contain the accommodations from the DCAP to which the student shall have access.
 2. If the 504 team determines that there is a disability that is impacting the student, and the student requires accommodations, regular or special education, auxiliary aids and devices, assistive technology or related services that cannot be met by the School's DCAP, or requires accommodations that are part of the school's DCAP, but require documentation to be approved by the IB or College Board/ACT (such as extra time on tests, enlarged font, etc.), then the 504 team shall specify the components of FAPE in the 504 plan. A copy of the written plan shall be provided to the Parent/guardian, the student, the 504 Coordinator and the student's teachers, as well as any other staff members who need to know what is in the student's plan once it has been signed by the parent/guardian (or student if over 18 years of age.)
- D. At the 504 team meeting, the Parent/guardian, or the student (if over 18 years of age) will be given a copy of the document, Parent's Rights under Section 504. The Parent/guardian shall also be informed that the Parent/guardian must sign the 504 plan indicating their consent to the Plan in order for the 504 Plan to be implemented.
- E. If the 504 team concludes that the student has a disability which may require specially designed instruction or related services to access the general education environment, and therefore, may qualify for special education, the school counselor discusses the evaluation with the Special Education Coordinator.

New Students

When a student transfers into Sturgis with a current Section 504 Plan, the Section 504 Team will meet to review the plan. If the team agrees with the decision and plan from the other district, a Sturgis Section 504 Plan will be developed. If the Section 504 Team does not agree with the decision and/or plan from the previous district, the student should be referred for a Section 504 evaluation to determine eligibility and FAPE, if necessary, for the student to access and participate in the educational program and activities of the School as well as non-disabled students.

If the 504 team is not able to meet and develop a Sturgis 504 Plan prior to the student's first day of enrollment, Sturgis will honor the previous plan during the interim period, and the plan will be distributed to the student's teachers.

Annual Review of the 504 Plan

All students who are on a 504 plan that was written by Sturgis should have their 504 plan reviewed annually. The focus of annual review meetings should be to identify if the student's needs have changed due to different classroom environments, subject matter, academic demands, or other factors.

The student's school counselor will schedule the annual review meeting. Required attendees include the school counselor, the student, and a classroom teacher. The school counselor will also notify the parent by email about when the annual review meeting is scheduled.

After the meeting, the school counselor will develop a new 504 plan with any changes that were discussed and agreed upon by the team. The new 504 plan will be sent to parents for signature and then the signed document will be distributed to the student's teachers.

Reevaluation

Under Section 504 "reevaluation" need only be conducted "periodically", as necessary, at the request of the Parent/guardian or adult student, or prior to a substantial change in placement and does not require that formal testing be part of the evaluation or reevaluation. Collecting data, reviewing eligibility, and reviewing a Section 504 plan is considered an evaluation. OCR recommends that schools follow the IDEA guidelines which require reevaluation every 3 years. Sturgis will initiate a reevaluation (regardless of how much time has passed since the last evaluation) when we become aware of changes to the student's disability or we have concerns that warrant a review to ensure we are continuing to provide FAPE to the student. Best practices suggest that reevaluation should be done at least every 3 years.

Suspension and Expulsion of Students Served Under Section 504

Students who are eligible under Section 504 have certain additional protections when charged with a violation of the Code of Conduct which may result in a suspension or expulsion. Similar to suspension or expulsion of a student with a disability under IDEA, it is necessary to conduct a manifestation determination review for a Section 504 disabled student when:

- The suspension or expulsion will be for more than ten (10) consecutive days. As is true under IDEA, a suspension/expulsion of more than ten (10) consecutive days constitutes a significant change in placement and requires the School District to determine if the cause of the behavior is the disability identified in the student's Section 504 plan.
- A series of suspensions that total more than ten (10) school days in a school year may create a pattern of exclusion. If cumulative suspensions/expulsions for a student on a Section 504 Plan total more than ten (10) school days in a year, it must be determined if a significant placement change has occurred. This decision is made on a case-by-case basis. If a group of short suspensions creates a pattern of exclusion, then this constitutes a change in placement and the School District must conduct a manifestation determination meeting before further suspensions or expulsions occur. The Office for Civil Rights has identified some of the key factors in determining the existence of a pattern of exclusion; these include the length of each suspension, the proximity of one suspension to another, the similar or dissimilar nature of the behavior, and the total amount of time the student is excluded from school.

Section 504 allows a student to be disciplined, without going through the manifestation determination review process, where the student is charged with and found to be currently engaging in the illegal use of drugs or alcohol, in violation of the Code of Conduct.

The manifestation determination process will determine if the violation was due to the student's disability. The review must also consider the appropriateness of the student's plan of support and services under Section 504. Appropriate actions could include consideration for a referral for IDEA evaluation when the manifestation meeting determines the behavior is the result of or substantially related to the disability.

In situations in which the manifestation determination process determines the behavior is NOT related to the disability, the student is to be given the same treatment or sanctions as the nondisabled students, consistent with the school district Code of Conduct and local district policy. The provisions of FAPE do not apply during the period of discipline or removal from school. The student may apply for reinstatement following the same policy as nondisabled peers.

Section 504/ADA Grievance Procedure

The Sturgis Public Charter School (hereinafter “the School” or “Sturgis”) does 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 should be addressed through the grievance procedure which follows. Please note that this includes any claim by a parent/guardian/adult student challenging any decision of a Section 504 team relative to eligibility or the provision of FAPE.

Step 1

The alleged grievance shall be filed in writing with the Section 504 Coordinator by the complainant. The written complaint must fully set out the circumstances giving rise to the alleged grievance and must be filed with the Section 504 Coordinator within ten (10) school days of the decision which is alleged to be Discriminatory. The Grievance Filing Form should be directed to:

East Campus 504 Coordinator - Sturgis Charter Public School 427 Main Street Hyannis, MA 02601 (508) 778-1782	West Campus 504 Coordinator - Sturgis Charter Public School 105 West Main Street Hyannis, MA 02601 (508) 771-2780
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The 504 Coordinator will conduct an informal hearing within ten (10) school days of receipt of the written complaint.

The parent, guardian, student, or employee will have the opportunity to present evidence relevant to the issues raised under the grievance. The parent, guardian, student, or employee may, at their own expense, be assisted or represented by individuals of their choice, including legal counsel. The complainant must inform the 504 Coordinator if he/she/they are bringing counsel to the hearing at least forty-eight (48) hours prior to the hearing. The 504 Coordinator has the option of having counsel present in such circumstances and may delay the hearing if necessary to have counsel present. The 504 Coordinator will present his/her written decision to the complainant within ten (10) school days of the conclusion of the hearing.

Step 2

If the complaint is not satisfactorily resolved through step 1, the complainant may file a written appeal to the Executive Director of the School. To be considered, the written complaint must fully set out the circumstances giving rise to the alleged grievance and must be filed with the Director’s Office within ten (10) school days of disposition at Step 1. The Executive Director will schedule a meeting to hear the appeal within ten (10) school days after receipt of the grievance. Within ten (10) school days of that meeting, the Director will issue a written disposition of the alleged grievance.

Step 3

If the complaint is not resolved through Step 2, the parent, guardian, student, or employee may file a request for a due process hearing before an impartial hearing officer at the [Bureau of Special Education Appeals](#). Such a request must be filed no later than ten (10) school days after the date of the Director’s decision at Step 2. The Hearing Rules of the Bureau of Special Education Appeals shall govern the conduct of the hearing.

Sturgis Public Charter School

SECTION 504/ADA GRIEVANCE FILING FORM

Your name:

Your school and/or position:

Place where you may be reached:

Address:

Phone:

Nature of your grievance. (Please describe the policy or action you believe may be in violation of Section 504 and/or the ADA: please identify any person(s) you believe may be responsible.):

If others are affected by the possible violation, please give their names and/or positions:

Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance:

Signature of Grievant:

Date:

Signature of Person Receiving Grievance:

Date:

Location:

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 (but not necessarily the same as) 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.

1. You have the right to be informed by Sturgis Public Charter School (hereinafter the School) of your rights under Section 504. This Notice advises you of your rights.
2. Your child has the right to a free appropriate public education designed to meet his/her individual needs as appropriately as the needs of non-disabled students are met.
3. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.
4. Your child has a right to placement in the least restrictive environment.
5. Your child has a right to an evaluation prior to an initial Section 504 placement and you have the right to consent or deny consent to an initial evaluation and/or implementation of the initial Section 504 plan.
6. Testing and other evaluation procedures must be valid, used for the purposes for which they were designed, and administered by competent and licensed individuals. When considering your child's eligibility, the School shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, parent and student report, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, and anecdotal reports.
7. Placement decisions must be made by a group of persons, including a counselor, someone knowledgeable about the disability, a service provider of your child, someone knowledgeable about the meaning of the evaluation data, placement options, and the legal requirements for least restrictive environment and comparable facilities.
8. If your child is found eligible under Section 504, your child has a right to periodic reevaluations, generally every three years, at your request, when your child's circumstances have significantly changed and prior to any significant change in placement.
9. You have the right to examine your child's student records. You have the right to notice of any action by the School regarding the identification, evaluation and/or placement of your child.
10. You have the right to file a grievance and pursue that grievance up to an impartial hearing before the Bureau of Special Education Appeals concerning any of the School's actions regarding your child's identification, evaluation, and/or placement. You have the right to have a lawyer, at your own expense, at any stage of the grievance procedure.
11. You have the right to file a complaint with the Office for Civil Rights of the Department of Education.

504 Eligibility Flow Chart

1. Eligibility (Is the student an otherwise qualified individual with a disability?)

_____ Yes the student has a mental or physical impairment (physiological condition that affects a bodily system, or any mental or psychological disorder, including emotional or mental illness, and specific learning disabilities). - continue to #2.

Identify the Impairment: _____

_____ No - If no, the student does not qualify for Section 504.

2. Does the impairment substantially limit a major life activity or major bodily function?

(In order to meet this standard, the student must be *unable* to perform a major life activity that the average person of the same age in the general population can perform: OR must be *substantially limited* as to the condition, manner, or duration under which an individual can perform a major life activity as compared to the average person in the general population. In making this determination, the team should consider the nature and severity of the impairment; the duration of the impairment; and the permanent or long term impact, or the expected permanent or long term impact of or resulting from the impairment.)

A. Identify the Major Life Activities and Major Body Functions that are limited from the list below:

<input type="checkbox"/> Caring for oneself <input type="checkbox"/> Performing manual tasks <input type="checkbox"/> Seeing <input type="checkbox"/> Hearing <input type="checkbox"/> Eating <input type="checkbox"/> Sleeping <input type="checkbox"/> Walking <input type="checkbox"/> Standing <input type="checkbox"/> Sitting <input type="checkbox"/> Reaching <input type="checkbox"/> Lifting <input type="checkbox"/> Bending <input type="checkbox"/> Breathing	<input type="checkbox"/> Learning <input type="checkbox"/> Reading <input type="checkbox"/> Concentrating <input type="checkbox"/> Communicating <input type="checkbox"/> Interacting with others <input type="checkbox"/> Speaking <input type="checkbox"/> Thinking <input type="checkbox"/> Working <input type="checkbox"/> Functions of the immune system <input type="checkbox"/> Special sense organs and skin <input type="checkbox"/> Normal cell growth <input type="checkbox"/> Digestive	<input type="checkbox"/> Bowel <input type="checkbox"/> Bladder <input type="checkbox"/> Neurological <input type="checkbox"/> Genitourinary <input type="checkbox"/> Hemic <input type="checkbox"/> Lymphatic <input type="checkbox"/> Musculoskeletal <input type="checkbox"/> Brain <input type="checkbox"/> Respiratory <input type="checkbox"/> Circulatory <input type="checkbox"/> Endocrine <input type="checkbox"/> Reproductive functions
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B. What is the impact on a major life activity?

Please consider the checked major life activities and bodily functions checked above and indicate the Degree of Limitation for those impairments based on a scale of 1 to 5 below:

- | | | | | |
|----------------------------|----------------------------|----------------------------|------------------------------|--|
| <input type="checkbox"/> 1 | <input type="checkbox"/> 2 | <input type="checkbox"/> 3 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 |
| <i>No Restriction</i> | <i>Mildly Limited</i> | <i>Moderately Limited</i> | <i>Substantially Limited</i> | <i>Extremely Restricted /Unable to Perform</i> |

Does the student's impairment substantially limit a major life activity or make the student extremely restricted/unable to perform (numbers 4 and 5 above)?

_____ Yes
If Yes, the student's impairment(s) substantially limits a major life activity, and the Team should determine what services, if any, are necessary to meet the individual educational needs of the student as adequately as the needs of students without disabilities are met.

_____ No
If no, the student does not qualify for Section 504.

3. The Related Aids and Services Necessary to provide a Free Appropriate Public Education (FAPE):

Does the student require accommodations and/or related aids and services under Section 504 to meet his or her individual education needs as adequately as the needs of students without disabilities?

_____ Yes - The required accommodations, auxiliary aids and devices, and/or related services will be listed in a separate Section 504 Plan

_____ No - No accommodations, related aids or services are necessary to provide the student a FAPE at this time.