

Section 504 Policy and Procedure

ECS is committed to providing disabled students with the opportunity to participate in, and benefit from, an education. In compliance with its obligations under section 504, ECS does not discriminate against otherwise qualified disabled students in the provision of its educational programs and activities. ECS will make reasonable accommodations to its programs and activities to accommodate otherwise qualified disabled students, unless such accommodations would impose an undue burden on the operation of the particular program, or would alter the fundamental nature or purpose of the program.

ECS Schools will provide a free appropriate education in the least restrictive environment including reasonable accommodations and services to qualified 504 students who are enrolled at an ECS school including ECHS, ECMS G and ECMS I. 504 Plans will be individually designed to meet the individualized educational needs of these students. ECS will seek to assure that the educational services provided to otherwise qualified disabled students are reasonably calculated to afford such students an equal opportunity to achieve educational benefit as is provided to non-disabled students.

Each ECS schools is solely responsible for its compliance with Section 504 and the ADA. Facilities of ECS schools will be accessible for students with disabilities in accordance with the ADA.

ECS recognizes its legal responsibility to ensure that no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under core instructional activities of the school.

Section 504 of the Rehabilitation Act of 1973

What is a 504?

As part of the Rehabilitation Act of 1973, requires that appropriate accommodations are made for disabled students. (This is not the same as an Individual Education Plan 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. While the law doesn't provide any new money for programs and agencies that comply, it carries the threat of withholding federal funds from those that don't.

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. Parents will be notified of all assessment, meeting, and plan development. The law does not require parent participation in the meeting, permission to assess or agreement with the plan.

Who qualifies as a "disabled student?"

A disabled student is a student who (1) has a physical or mental impairment that

substantially limits one or more major life activities, or (2) has a record of having an impairment that substantially limits one or more major life activities, or (3) is regarded as having an impairment that substantially limits one or more major life activity.

Major life activities include, but are not limited to, walking, breathing, learning, seeing, speaking, working, performing manual tasks, and/or hearing. Disfigurement, asthma, allergies, and attention deficit disorder are common examples.

Section 504 specifically excludes certain sexual disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from current use of illegal drugs. All students with Individualized Education Programs (IEP) are covered automatically under Section 504. 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.

Definition of "substantially."

Section 504 regulations don't define the word **substantially**. However, the Office of Civil Rights has said that the term has been interpreted to require an important and material limitation and that school districts must decide whether a particular impairment substantially limits a major life activity. A major life activity as defined as "functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working." This is not an exhaustive list and no guidance from the OCR has been issued that limit the scope.

ECS will look at "substantially" from a common sense perspective-- err on the side of going to the Section 504 committee to find out if the student is eligible. The committee can decide. It's been estimated that 1-2 percent of students may be eligible under 504 alone. However, this includes kids with mental, physical, and emotional disabilities, and not just learning disabilities. For example, a child with juvenile diabetes may need help from school staff to monitor blood sugar levels but have no problems with the educational program.

Report card grades, standardized achievement test scores in the average range and above, appropriate behavior, and regular school attendance don't verify a disability in learning that is substantial. If a student has problems in only one area, such as written language or math calculation, there's a good chance that the team will find he/she doesn't have a disability that substantially limits his/her learning. For 504 purposes, the team compares a child to the average child without disabilities in the United States.

School Process

Referral:

A referral must be made in writing to 504 Section 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 will assist with the referral. The Request for Section 504 Evaluation is available in the front office. A meeting will be scheduled within 15 days of receipt of the referral. The time frame may be extended by mutual agreement of school and parents/guardians. Parents will be notified of the date of the meeting, invited to participate and encouraged to provide copies of medical, psychological, outside tutoring and/or other records for the team to review. Parents will also receive information regarding Section 504 rights and procedural safeguards.

If the students in found eligible for accommodation under Section 504, the 504 team will develop a written plan. The plan will set forth the specific accommodations and/or services that shall be implemented in the least restrictive environment. The developed plan will identify the disability and include reasonable accommodations and/or services determined by the 504 Team. These must address the student's needs related to the identified disability. There are no legal requirements for what should be included in the plan.

If the 504 team determines that additional information is needed to make a determination, they may develop an assessment plan. The assessment plan will indicate the participants of the assessment team, which may vary based on the area of the disability. The assessment must be completed in 60 days and must include an observation by school staff.

A meeting will be held following the assessment. A meeting notice will be sent to the 504 team and a report will be generated by the assessment team. Eligibility and non-eligibility will be generated at the meeting.

504 Team Members:

The 504 team typically includes the parent or guardian, the teacher, and any other qualified persons knowledgeable about the student, the meaning of the evaluation data, placement options, and the legal requirements for least restrictive environment. The 504 team will review the student's existing records, including academic, social and behavioral records, and is responsible for making a determination as to whether an evaluation for 504 services is appropriate. The Principal will be responsible for overseeing the identification, assessment, monitoring, and servicing of students with 504 Plans.

The law doesn't require parent participation in the meeting, permission to assess, or agreement with the plan. The law does require that schools notify parents when they plan to evaluate a child or make a significant change in his/her educational placement. The principal or counselor will be available to give advice about grievance and due process procedures.

Evaluation Process:

If the student has already been evaluated under the IDEA and found to be ineligible, those evaluations may be used to help determine eligibility under Section 504. The 504 team will evaluate the nature of the student's disability and the impact upon the student's education. This evaluation will include consideration of any behaviors that

interfere with regular participation in the educational program and/or activities.

The 504 team will consider all applicable student information in its evaluation including but not limited to the following information:

- Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel
- Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligent quotient
- Tests selected and administered so as to ensure that when a test is administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure rather than reflecting the student's impaired sensory, manual or speaking skills

The final determination of whether the student will or will not be identified as a person with a disability is made by the 504 team in writing and noticed in writing to the parent or guardian of the student in their primary language along with the procedural safeguards available to them. If, during the evaluation, the 504 team obtains information indicating possible eligibility of the student for special education per the IDEA the 504 team may make a referral for special education assessment.

If the student is found by the 504 team to have a disability under Section 504, the 504 team shall be responsible for determining what, if any, accommodations are needed to ensure that the student receives the free and appropriate public education ("FAPE"). In developing the 504 Plan, the 504 team shall consider all relevant information utilized during the evaluation of the student, drawing upon a variety of sources, including, but not limited to, assessments conducted by professional staff at ECMS-G2. The parent or guardian shall be invited to participate in 504 team meetings where program modifications for the student will be determined and shall be given an opportunity to examine in advance all relevant records.

The 504 Plan shall describe the Section 504 disability and any program modification that may be necessary. In considering the 504 Plan, a student with a disability requiring program modification shall be placed in regular instruction at ECMS-G along with those students who are not disabled to the extent appropriate to the individual needs of the student with a disability.

All 504 team participants, parents, and guardians, teachers must have a copy of each student's 504 Plan. A copy of the 504 Plan shall be maintained in the student's file. Each student's 504 Plan will be reviewed at least once per year to determine the appropriateness of the Plan, continued eligibility, or a discontinuation of the 504 Plan.

Due Process Procedures:

If a parent does not agree with the 504 Team's determination, they should If a parent/guardian disagrees with the identification, evaluation or placement of a student with disabilities under Section 504, he/she may initiate the following procedures. The parent/guardian is encouraged to utilize Levels One and Two, but he/she may proceed directly to Level Three if he/she so chooses.

LEVEL ONE:

In writing, the parent/guardian may request a meeting with the Section 504 Service Plan team in an attempt to resolve the disagreement. The parent/guardian is encouraged to describe their concern in writing. The school office is available to assist parents in writing the request. The requested meeting shall be held within fifteen (15) school days after receiving the parent/guardian's request. This time frame may be extended by mutual agreement of the parties.

LEVEL TWO:

If disagreement continues, the parent/guardian may request in writing a meeting with the principal of the school in attendance.

This meeting shall be held within a reasonable period of time after receiving the parent/guardian's request.

LEVEL THREE:

If disagreement continues, the parent/guardian may request in writing a meeting with Environmental Charter Schools' Executive Director, Alison Suffet-Diaz at the below address.

Environmental Charter Schools
16315 Grevillea Avenue
Lawndale, CA 90260

This meeting shall be held within a reasonable period of time after receiving the parent/guardian's request.

LEVEL FOUR

You have the right at any point in this process to file a complaint with the Office of Civil Rights at the following address:

Office of Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: (415) 486-5555