

Sturgis Charter Public School

PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits, from the public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students;
6. Have your child receive accommodations, modifications and/or related services if he/she is found to be eligible under Section 504 of the Rehabilitation Act;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the students, the evaluation data, and placement options;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement;
11. Obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. 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 the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;

14. File a grievance related to decision(s) or action(s) regarding your child's identification, evaluation, educational program or placement, grievance requests must be made to the Section 504 Coordinator.
15. Request a due process hearing related to decisions or actions made by Section 504 team. You and the student may take part in the hearing and have an attorney represent you. MA state regulations allow hearing request to be filed with 2 years of the action complained.

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.

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

A. IDENTIFICATION AND REFERRAL PROCEDURES:

Any student with a disability who needs or is believed to need accommodations, modifications, or services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certified school employee to the 504 Team for identification and evaluation of the student's individual educational needs.

The 504 Team will be composed of person knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and placement options. The 504 Coordinator will monitor the composition of the 504 Team to ensure qualified personnel participate.

The 504 Team will consider the referral and based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation is required and will inform the parent or guardian of the decision and of their procedural rights.

B. EVALUATION:

1. If a child needs or is believed to need special education related services and/or supplemental aids under Section 504 of the Rehabilitation Act of 1973, the school district must evaluate the child.
2. Before an evaluation takes place, the school district must seek parental or guardian consent to evaluate the child.
3. The Section 504 evaluation
 - Should be based on information from a variety of sources: e.g. teachers, other school staff members, parent/legal guardian, physician, nurse, other professionals or persons in the community.

- Should document and consider all available pertinent information e.g. records, assessment data, medical reports related to the suspected physical or mental impairment which may be substantially limiting a major life activity.
- Should be conducted by a team or group of persons including those who are knowledgeable about the child, the suspected impairment, evaluation procedures, the meaning of the data, placement options, and accommodations.
- Should utilize assessment materials, tests, and/or evaluation procedures which are tailored to assess specific area of educational need, are not racially or culturally discriminatory and are validated for the specific purpose for which they are used.

4. Section 504 evaluation procedures may include

- Review of school records
- Interviews with persons knowledgeable about the child's functioning
- Observations in the school, home or community environments
- Administration of education, and/or
- Psychological measures appropriate for assessing the presenting concern.

5. The parent/legal guardian *must be invited* to participate in the Section 504 Evaluation Meeting where the results of the evaluation, the determination of handicap, and possible accommodation/services will be discussed. Every effort should be made to hold this meeting at a time when the parent/legal guardian is able to attend.

6. In order to determine Section 504 eligibility during the evaluation meeting, the team should consider the following steps:

- **Discuss evaluation material (which may include the following):**
 - statements and information from teachers and other school staff members
 - social and cultural background information
 - assessment and/or testing information (e.g. behavioral observations, adaptive behavior, academic achievement, cognitive functioning)
 - statements and information from physicians or other professionals
 - statements and information from parent/legal guardian and/or persons in the community
 - school attendance information
- **Determine whether a physical or mental impairment can be identified:**
 - does the student currently have a mental and/or physical impairment that can be verified by reference to documentation by a physician or other professional?
 - or does the student have a record of an impairment of condition?
 - Is there a history of a disability?
 - Is the student misclassified as disabled or handicapped?
 - or is the student regarded as having such an impairment or condition (whether true or not)?

- Whether true or not, is the student treated as though he/she has a disability or impairment?
 - Or does the student have a physical or mental disability that substantially limit's a major life activity simply because others treat the student as if he/she had an impairment?
- **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. Periodic reevaluation is required by Section 504 regulations. Reevaluation of the Section 504 Education Plan is recommended once per year or upon significant change in school placement or program.

C. ACCOMMODATION PLAN

The parents or guardian shall be invited to participate in a 504 Team meeting where accommodations, modifications and/or services for the student will be determined and the parents shall be given an opportunity to examine all relevant records concerning the student.

The 504 Team will develop a written plan describing the disability and the accommodations and modifications needed to provide the student with an educational opportunity equal to that provided to non-disabled students. The 504 Team should ask the question: "What accommodations, modifications and/or services are needed to ensure that the student with a qualifying disability under Section 504 receives an educational opportunity equal to that afforded to non-disabled students?" The plan will specify how the accommodations and modifications or services to be provided and by whom. In developing the plan, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, including but not limited to comprehensive assessments conducted by the District's professional staff.

The team may also determine that no accommodations and modifications or services are appropriate. If so, the record of the 504 Team proceedings will reflect the identification of the student as an individual with a disability and will state the basis for the decision that no accommodations, modifications or services are presently needed.

A student with a disability shall be placed in the regular education environment of the District with the use of the supplementary aids and services unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who are not handicapped to the maximum extent appropriate to the individual needs of the student.

The 504 Team 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.

If a plan for providing accommodations, modifications, or services is developed, all school personnel who work with the student shall be informed of the plan and a case manager will be assigned to monitor student progress.

D. REVIEW OF THE STUDENT'S PROGRESS

The 504 Team will monitor the progress of the student with a disability and the effectiveness of the student's education plan at least once every year to determine whether accommodations, modifications, or services are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

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.

E. PROCEDURAL SAFEGUARDS

The parents or guardian shall be notified that they may examine relevant educational records concerning their child.

The parents or guardian shall have the right to an impartial hearing (Section 504 due-process hearing) with opportunity for participation by the parents or guardian and their counsel regarding all decisions made by the 504 Team.

A request for a Section 504 due-process hearing shall be made by the parent or guardian within two (2) years of the parents' receipt of notice of the 504 Teams decision per Massachusetts state regulations.

Parents of guardians can request an impartial due-process hearing or ask for guidance by calling the Massachusetts Department of Education's Bureau of Special Education Appeals (BSEA) at (781) 338-6400.

F. DESIGNATION OF RESPONSIBLE EMPLOYEE

The Superintendent shall designate a Coordinator to coordinate the District's efforts to comply with Section 504. Currently, the Section 504 Coordinator is the Director of Pupil Services.

G. 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.

H. 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