Identification of Individuals for 504 Policy

Heartland Charter School 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 any program of the Charter School. Any student who has an objectively identified disability which substantially limits a major life activity including but not limited to learning, is eligible for accommodation by the Charter School.
The purpose of the Heartland Charter School Governing Board approving this Identification of Individuals for 504 Policy is to accomplish the following:

1. Explain the Identification and Education Under Section 504
2. Define the Terms and Phrases of the Identification and Education Under Section 504
3. Identify the Referral, Identification, and Evaluation Process
4. Establish Section 504 Services Plan and Placement
5. Establish the Review and Reevaluation Process
6. Identify the Procedural Safeguards
7. Establish the Notification Process

1. Identification and Education Under Section 504: The Governing Board believes that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The Executive Director or designee shall work to identify children with disabilities who reside within the jurisdiction of the Charter School in order to ensure that they receive educational and related services required by law.

The Executive Director or designee shall provide qualified students with disabilities with a free and appropriate public education (FAPE), as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designated to meet their individual educational needs as adequately as the needs of students without disabilities are met.

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the Charter School's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other non-academic activities.

The Charter School's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Executive Director or designee shall assess the Charter School's progress in attaining the goals established for students with disabilities and shall report these results to the Board. (Education Code 52052, 52060)

In providing services to students with disabilities under Section 504, the Executive Director or designee shall ensure the Charter School complies with the law, including providing the students and their parents/guardians with applicable procedural safeguards and required notification. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in

accordance with the processes specific in the "Procedural Safeguards" section of the accompanying administrative regulation.

2. **Definition of Terms and Phrases:** The Student Support Team implements the requirements of Section 504 of the federal Rehabilitation Act of 1973: For the purposes of implementing Section 504, the following terms and phrases shall have only the meanings specified below:

   - ***Free appropriate public education (FAPE)*** means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of students without disabilities are met, at no cost to the student or his/her parent/guardian except when a fee is specifically authorized by law for all students.

   - ***Student with a disability*** means a student who has a physical or mental impairment which substantially limits one or more major life activities.

   - ***Physical impairment*** means any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, hemic, lymphatic, skin, and endocrine. (28 CFR 35.108)

   - ***Mental impairment*** means any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. (28 CFR 35.108)

   - ***Substantially limits major life activities*** means limiting a person's ability to perform functions, as compared to most people in the general population, such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, and working. Major life activities also includes major bodily functions such as functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, as well as the operation of an individual organ within a body system. The determination of whether an impairment substantially limits a student's major life activities shall be made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but not limited to, medications, medical supplies or equipment, prosthetic devices, assistive devices, reasonable modifications or auxiliary aids or services, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy. (42 USC 12102; 28 CFR 35.108).

3. **Referral, Identification, and Evaluation:** Any action or decision to be taken by the Charter School involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

   i. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to a 504 Coordinator for identification of a student with a disability under Section 504.

ii. Upon receipt of any such referral, the 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs. If it is determined that an evaluation is unnecessary, the 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

iii. If the student needs or is believed to need special education or related services under Section 504, the Charter School shall conduct an evaluation of the student prior to his/her initial placement.

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the Charter School shall obtain written parent/guardian consent.

The Charter School's evaluation procedures shall ensure that the tests and other evaluation materials:

a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers.

b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient

c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure.

4. Section 504 Services Plan and Placement: Services and placement decisions for students with disabilities shall be determined as follows: i. A multidisciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions. The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered.

ii. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of services necessary to ensure that the student receives FAPE.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

iii. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a person with a disability under Section 504 and shall state the basis for determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

iv. The student shall be placed in the regular educational environment, unless the Charter School can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs.

v. The Charter School shall complete the identification, evaluation, and placement process within a reasonable time frame. The Charter School shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.

vi. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school, the charter school shall ensure that the new school receives a copy of the plan.

5. Review and Reevaluation: The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of students without disabilities are met. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

A reevaluation of the student's needs will be conducted before any subsequent significant change in placement.

6. Procedural Safeguards: The administrator or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the Charter School regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the Charter School's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate.

If a parent/guardian disagrees with any Charter School action or decision regarding the identification, evaluation or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the Charter School's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian request. If the parent/guardian is not satisfied with the resolution of the issue, or if the parent/guardian did not request an administrative review, he/she may request a Section 504 due process hearing.

A Section 504 due process hearing shall be conducted in accordance with the following procedures:

i. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the Charter School's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
a. The specific nature of the decision with which he/she disagrees.
b. The specific relief he/she seeks
c. Any other information he/she believes is pertinent to resolving the disagreement.

ii. Within 30 days of receiving the parent/guardian's request, the Executive Director or designee shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.

iii. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.

iv. The parties to the hearing shall be afforded the right to: a. Be accompanied and advised by legal counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
b. Present written and oral evidence
c. Question and cross-examine witnesses
d. Receive written findings by the hearing officer stating the decision by a federal court of competent jurisdiction.

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

7. Notifications: The Executive Director or designee shall ensure that the Charter School has taken appropriate steps to notify students and parents/guardians of the Charter School's duty under Section 504.