

Section 504 - Students with Disabilities

Section 504 of the Rehabilitation Act of 1973 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED).

STATEMENT

George Washington Academy prohibits all forms of discrimination against students with disabilities who qualify under Section 504, the Americans with Disabilities Act, and its corresponding Amendments. Qualified students with disabilities may receive reasonable accommodations and services associated with a Free and Appropriate Public Education (FAPE).

Procedures

1. REFERRAL & EVALUATION PROCEDURES FOR STUDENTS WITH DISABILITIES

1.1. Referral Process:

- 1.1.1. Any student who is believed to need special education, related services, or reasonable accommodations in order to have his/her individual educational needs met as adequately as the needs of nondisabled persons may be referred by a parent, teacher, administrator, or other certificated school employee to the school 504 team for identification and evaluation of the student's individual education needs. Referrals must be submitted in writing to the school's designated 504 Coordinator. Documentation of the student's impairment, including but not limited to, reports from physicians or other health providers, reports from psychologists, therapists or other mental health professionals, and teacher observations must be submitted with the referral.

1.2. **Notice of Rights:**

1.2.1. Upon receipt of a referral from a parent, the school 504 Coordinator shall send: A written acknowledgment of receipt to the parent; a copy of the school's written "Notice of Rights Under Section 504" form; and a "Consent to Evaluate Under Section 504 of the Rehabilitation Act of 1973" form for the parent to sign and return.

1.3. **Evaluation Required:**

1.3.1. Prior to any student receiving services, the 504 team must conduct an appropriate evaluation of any student who, because of disability, needs or is believed to need special education, related services, or reasonable accommodations within regular education classrooms or activities before any placement or significant change of placement is made.

1.3.1.1. A purely medical impairment (e.g., asthma, cancer, diabetes, etc.) may not require a full educational evaluation. In this case, the 504 team's evaluation may simply be a review of all relevant data provided by health care professionals and the parents.

1.3.1.2. When a student's impairment is a type that may limit learning directly in a substantial way (e.g., ADD, depression, learning disability, etc.), then an educational evaluation is necessary. In this case an evaluation of the student's health status will be done as appropriate.

2. EVALUATION & ELIGIBILITY DETERMINATION

2.1. **Prompt Evaluation:**

2.1.1. Appropriate school personnel, at the request of a school administrator or 504 Coordinator, shall initiate a prompt evaluation of the student's disability and the manner in which it affects his/her major life activities and educational performance.

2.2. Consideration of Relevant Information:

2.2.1. The 504 team shall be composed of persons knowledgeable about the student, his/her school history and individual needs, the meaning of the evaluation data, and the placement/service options. A 504 team may include:

2.2.1.1. The designated 504 Coordinator or school administrator;

2.2.1.2. The child's regular education teacher(s);

2.2.1.3. A school psychologist or other school employee capable of interpreting the meaning of educational evaluation data;

2.2.1.4. A special education teacher or representative, as appropriate (particularly if a special education teacher has been involved in testing or evaluating the student);

2.2.1.5. The student's parent(s) or legal guardian(s);

2.2.1.6. The student, if appropriate;

2.2.1.7. Other individuals with relevant knowledge about the student, including but not limited to: physicians, mental health professionals, and counselors.

2.3. Notice to Parents and Parental Participation:

2.3.1. The 504 Coordinator shall promptly notify the student's parent or legal guardian of the 504 team's eligibility/placement meeting and invite the parent to attend and participate. Parental attendance is optional but encouraged. The notice shall include a copy of the school's "Notice of Rights Under Section 504" form.

2.4. Eligibility Determination:

2.4.1. Following the evaluation and the gathering of all relevant data, the 504 team shall meet to determine the student's eligibility for reasonable accommodations under Section 504 and the ADA. The team shall consider all applicable information and draw upon evidence from a variety of sources, including but not limited to:

2.4.1.1. Data from aptitude and achievement tests;

- 2.4.1.2. Grades and other measures of educational performance;
- 2.4.1.3. Teacher and/or school personnel observations and recommendations;
- 2.4.1.4. Parent observations and recommendations;
- 2.4.1.5. The student's physical condition and medical status, as reported by qualified health care providers;
- 2.4.1.6. Health care plan;
- 2.4.1.7. The student's adaptive behavior (FUBA or BIP).

2.5. **Written Decision:**

- 2.5.1. Within ten (10) school days of meeting and consideration of all relevant information, the 504 team shall issue a written decision regarding the student's eligibility for reasonable accommodations using the school's "Identification Form: Section 504/ADA" and provide a copy to the student's parent or legal guardian.
- 2.5.2. The team may contact the 504 Coordinator for technical assistance.
- 2.5.3. Should the 504 team determine that the student does not qualify for reasonable accommodations under 504 or the ADA, the 504 team shall document such finding in writing and provide a copy of the determination in the form of "Prior Written Notice", along with a copy of supporting evidence and the school's "Notice of Rights under Section 504" form.

2.6. **Reevaluation:**

- 2.6.1. For students deemed eligible for reasonable accommodations under Section 504 and the ADA, the school shall periodically initiate a reevaluation/review of the student's needs, particularly when a significant change of placement is contemplated, or when the student transitions to another school.

3. ACCOMMODATION PLANS FOR ELIGIBLE STUDENTS WITH DISABILITIES

3.1. **Written Service Plan:**

- 3.1.1. Should the 504 team determine that the student has a disability and is eligible for reasonable accommodations under Section 504 and the ADA, the team shall develop a written 504 accommodation plan on the "Section 504 Accommodation Plan" form.

4. WORKING WITH PARENT CONCERNS AND GRIEVANCES

- 4.1. As part of its commitment to nondiscrimination, including the disability discrimination prohibitions of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA), George Washington Academy provides the following process to address complaints relating to disability discrimination:

- 4.1.1. **Step 1** The best solutions to parent/legal guardian concerns occur at the school level. Therefore, the first step in resolving a complaint should involve school administration and/or the 504 Coordinator working with the parent/legal guardian to a mutually acceptable resolution of the concern(s). When concerns cannot be resolved informally, the parent/legal guardian may seek formal resolution under this grievance process. Impartial hearings are available under Section 504 to resolve disagreements between a parent/legal guardian and the school related to the identification, evaluation, or educational placement of a student with a disability. These procedures are to provide for a prompt and equitable resolution of a complaint.

- 4.1.2. **Step 2** If Step 1 is unsuccessful, the parent/legal guardian shall submit a signed written complaint/grievance which includes:

- 4.1.2.1. A statement that the parent or guardian is requesting a Due Process Hearing before an impartial Hearing Officer;

- 4.1.2.2. The name of the student, the address of the student;
 - 4.1.2.3. A description of the decision(s) in dispute, including facts relating to the decision;
 - 4.1.2.4. The remedy the parent/legal guardian is seeking.
- 4.1.3. **Step 3** Within ten (10) school days of the date of receipt of the request, the school will appoint an impartial Hearing Officer to preside over the hearing and issue a decision. The Hearing Officer will be hired by the school as an independent contractor at no expense to the parent/legal guardian. The Hearing Officer need not be an attorney but shall be familiar with the requirements of and the hearing procedures under Section 504.
- 4.1.4. **Step 4** Within ten (10) school days of hiring, the appointed Hearing Officer shall issue notice to the parent/legal guardian and the 504 Coordinator setting a date, time and location for a hearing to be held within fifteen (15) school days of the notice.
- 4.1.5. **Step 5** The hearing shall be conducted in an informal, non-adversarial manner. Each party will have an opportunity to present evidence relevant to the dispute. As part of their presentations, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions that the Hearing Officer will admit at his/her discretion. The due process hearing will be recorded. The parent or guardian may obtain a copy of the recording at his/her request.
- 4.1.6. **Step 6** At the conclusion of all presentations, the Hearing Officer may make an oral ruling or take the case under advisement. In either case, the Hearing Officer must make a decision within fifteen (15) school days in writing, addressing and ruling on all issues raised by the parent/legal guardian and indicating what corrective action, if any, the school must take.
- 4.2. At any time, a parent or guardian may file a complaint with OCR if he/she believes that the school has violated any provision or regulation of Section 504. The filing of a complaint does not affect the hearing process, or the timelines set forth above. OCR addresses Section 504 complaints separately and independently of the local hearing process.