



Arts Academy in the Woods
High School

PREPARE FOR POSSIBILITY



PARENT RESOURCE GUIDE

Arts Academy in the Woods

REHABILITATION ACT OF 1973 Section 504

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Dance, Vocal and Instrumental Music, Traditional and Digital Visual Art, Creative Writing, and Acting are a part of every student's schedule – ART EVERY DAY.
Our extensive arts program is integrated into our solid academic curriculum.

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Introduction

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as "504") prohibits discrimination against students on the basis of their disability.

The purpose of this manual is to inform School District employees about Section 504 and the School District's procedures and forms that have been developed to comply with the requirements of Section 504. This manual reflects the School District's commitment to address the educational needs of ALL children.

Arts Academy in The Woods expects employees to be knowledgeable about the School District procedures concerning Section 504, with a particular emphasis on parent and student rights.

Section 504 – Overview

Section 504 of the Rehabilitation Act of 1973 is a federal law which prohibits discrimination against persons with disabilities.

The law provides: No otherwise qualified individual with a disability. . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . .29 USC 794.

The principal purpose of Section 504 is to assure that students with disabilities are not denied access to educational facilities, programs and opportunities on the basis of their disability.

For a student to qualify for Section 504 protection, the student must: (1) have a mental or physical impairment, (2) which substantially limits, (3) one or more major life activities. All three criteria must be met before the student is eligible for Section 504 protection.

Section 504 requires that the School District offer a Free Appropriate Public Education ("FAPE") to each eligible student who has a physical or mental impairment that substantially limits a major life activity. Under Section 504, FAPE consists of the provision



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of regular or special education and related aids and services that are designed to meet the student's individual educational needs as adequately as the needs of non-disabled students, and in accordance with Section 504 requirements pertaining to educational setting, evaluation, placement and procedural safeguards.

The FAPE obligation extends to all students described in this paragraph, regardless of the nature or severity of their disability.

Definitions under Section 504

Free Appropriate Public Education ("FAPE") – 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.

Individual with a disability – A person who:

- 1) Has a physical or mental impairment which substantially limits one or more of such person's major life activities;
- 2) Has a record of such an impairment; or
- 3) Is regarded as having such an impairment.

Major Life Activities – 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 a 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.

Physical or mental impairment –

- 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



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- 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, emotional or mental illness and specific learning disabilities.

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.

Policy of Nondiscrimination

It is the Academy's policy that no otherwise qualified student with a disability shall be excluded from participation in, denied the benefits of, or be subjected to discrimination solely on the basis of his/her disability in any program or activity conducted by the School District.

It is further the intent of the Academy to identify, evaluate and provide a free appropriate public education to each qualified student with a disability within its jurisdiction regardless of the nature or severity of the disability.

A complaint procedure has been established for addressing complaints of discrimination on the basis of disability. A description of this procedure and other relevant information may be obtained by contacting the School District's Section 504 Coordinator.



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Section 504 – The Process

A. Referral

A student who, because of a suspected mental or physical impairment, is believed to be in need of accommodations or educational services under Section 504, may be formally referred by a parent, teacher, other certified school employee(s), or the adult aged student himself/herself.

- a) A Section 504 Referral form should be completed.
- b) Whether the referral is made by the parent or by school staff, the parent should be provided with copies of "Consent for Section 504 Evaluation" and "Notice of Procedural Safeguards – Section 504"

B. Evaluation

A determination of Section 504 eligibility (i.e., a physical or mental impairment that substantially limits a major life activity within the school environment) must be based on a multi-source evaluation. The evaluation procedures to be followed may, but need not, include all of those which are followed in evaluating students under the Individuals with Disabilities Education Act ("IDEA"). The nature and extent of the information needed to make a Section 504 eligibility decision is determined on a case-by-case basis by a group of persons knowledgeable about the student and the meaning of evaluation data.

The evaluation process should begin with a thorough review of the student's educational records, and will include completion of the student's evaluations.

Where formal testing is determined to be necessary, the evaluation procedures must ensure that:

- 1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer.
- 2) Tests and evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.



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- 3) Tests are selected and administered so as to best 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 other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the facets that the tests purport to measure).

If a student is suspected of having a physical impairment and the School District does not already have a current diagnosis documented by a physician, input from a physician may be sought as part of the evaluation process.

Please note that a diagnosis of a physical or mental impairment **does not**, in and of itself, determine eligibility under Section 504. As mentioned above, there must also be separate findings that the impairment substantially limits a major life activity.

C. Eligibility Determination

The eligibility determination should be made by a group of persons knowledgeable about the student, the meaning of the evaluation data and placement options (the "Team"). The parent(s)/guardian(s) of the student should be given a meaningful opportunity to provide input into the evaluation process and invited to the meeting concerning the eligibility determination.

A final determination regarding eligibility shall be made by the Team through completion of the Section 504 Eligibility Determination Report.

D. Section 504 Accommodation Plan

Where a student is found to be eligible under Section 504, a Section 504 Accommodation Plan will be developed. The building Section 504 Team, which includes the parents, will be responsible for determining the special accommodations and services that are needed to ensure that the student receives a free appropriate education. The Plan will specify how services will be provided and by whom.

The Section 504 Accommodation Plan shall be signed by the Building Administrator/Designee. Prior to implementation, a copy of the Plan shall be provided



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to the parent(s)/guardian(s), which indicates the School District's intent to implement the plan. A copy of the Notice of Procedural Safeguards

If a Section 504 Accommodation Plan is developed for a student, all school personnel with implementation responsibilities shall be informed of the existence and particulars of the Plan, on a "need to know" basis.

E. Review

The teacher or other person(s) designated by the Section 504 Team shall monitor the student's progress and the effectiveness of the student's Plan. The teacher or other designated person will meet with the parent(s) at least annually to determine whether the Accommodation Plan continues to be appropriate or whether any changes are thought to be necessary. If changes are to be considered, the Section 504 Team will be convened.

F. Reevaluation

A multi-source evaluation should be completed periodically to re-determine eligibility under Section 504 and before any significant changes are made in the Accommodation Plan.

G. Time Frame

A time frame of thirty (30) school days will be followed for completion of the identification, evaluation, and, if necessary, development of a Section 504 Accommodation Plan for each student who is referred pursuant to the School District's Section 504 policy.

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 Student Conduct which may result in a suspension or expulsion. Similar to suspension or expulsion of a student with a disability



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under the IDEA, it is necessary to conduct a manifestation determination for a Section 504 disabled student when:

- The suspension or expulsion will be for more than ten (10) consecutive school days.
 - As is true under the 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 school year, it must be determined if a significant placement change has occurred. This is done 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 Student Conduct.

504 Complaint Procedures

If you feel that your child's rights have been violated per their 504 plan please follow the following procedure

1. Fill out the complaint form
2. Turn the form into the 504 Coordinator



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3. If the complaint is involving the 504 coordinator, please turn the form into the school principal
4. You will be contacted within 10 calendar days regarding your complaint.
5. Within 14 calendar days, we will arrange a meeting to discuss the details of the complaint.

Section 504 Referral form

Student Name: _____

Student #: _____ Grade: _____

1. Reason for Referral. Please briefly describe the nature of your concern(s)
 - a. Academic concern(s)
 - b. Behavioral concern(s)
 - c. Motor/Movement:
 - d. **Social/Emotional**
 - e. **Medical**
 - f. Other
2. Observations of student. (Please describe any supporting observations).
3. Pre-referral Interventions. (Please describe any interventions that have been tried at home or at school).
4. Records. (Please attach a copy of the student's most recent grades and/or standardized test scores, if available. Also, attach any medical documentation that supports the student's physical or mental disability).

Signature of Person Making Referral _____

Relationship to Student _____



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FOR SCHOOL DISTRICT USE ONLY:

ACTION TAKEN:

- Notice sent to parent(s) requesting consent to conduct a Section 504 evaluation on (date) _____.
- Section 504 Team Leader (school principal or his/her designee) determined not to conduct a Section 504 evaluation at this time.

Section 504 Parent Notice and Consent for Evaluation

Student Name:

Date of Birth:

Grade Level:

Date:

We have reason to believe your student may have a qualifying disability under Section 504 of the Rehabilitation Act of 1973. We have formed a team to evaluate your student and make a determination. Members of the evaluation team will collect and review information to determine whether your student has a qualifying disability. Your student's teacher(s) and the school's counselor, school Social Worker, and other staff members may be involved in observations, assessments, and other data collection activities.

This evaluation may include review of any or all of the following for the purpose of identification and services under Section 504, as well as the administration of additional evaluation/assessment procedures as indicated.

- | | |
|--------------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Grades | <input type="checkbox"/> Individual Achievement Tests |
| <input type="checkbox"/> Parent Report | <input type="checkbox"/> Work Samples |
| <input type="checkbox"/> Classroom Teacher(s) Report | <input type="checkbox"/> IEP (date)_____ |
| <input type="checkbox"/> School Records | <input type="checkbox"/> Other Tests |
| <input type="checkbox"/> Medical Reports | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Psycho-educational Evaluation (date)_____ | |

Section 504 provides you with specific rights concerning this evaluation process, which are designed to keep you fully informed concerning decisions about your student. These rights are summarized on the Parent's Rights and Safeguards under Section 504 document enclosed with this notice. If you did not find the document concerning a parent's rights, or if you have any questions or concerns, please contact me.

If you consent to the evaluation procedure described above, please sign and return to the school this form along with any additional information (e.g., medical reports, list of medications, parent reports, etc.) which may assist the Section 504 Team in their evaluation.



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You will be invited to attend a Section 504 eligibility meeting to discuss your student's evaluation.

Sincerely,

504 Team Leader Mrs. Ziolkowski

I hereby give my written consent to have my student evaluated for possible Section 504 eligibility.

Parent/Legal Guardian _____
(name) (signature) (date)

504 Complaint Form

Arts Academy In The Woods pledges that the School District complies with Section 504 of the Rehabilitation Act of 1973, 29 USC § 794, and its implementing regulations, and that no discrimination on the basis of disability is permitted in the programs or activities that the School District operates. If you believe that discrimination has occurred against a student because of a disability, please complete, sign and submit this form to your school's principal or the School District Section 504 Coordinator

Date

Student Name

Parent Name

Address

City

Zip

Telephone (home)

Telephone (other)

Describe the alleged violation of Section 504 in specific terms.

Include:

- 1) the specific incident or activity that is viewed as discrimination;
- 2) the individuals involved;
- 3) dates, times, and locations involved;
- 4) the disability that forms the basis of the complaint (attach additional pages if needed).



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Describe any relevant communication that has already occurred to address the issue. Please specify the types of communication, dates of communication, and names of individuals with whom any communication has occurred.

Please describe how you propose to resolve this issue.

Do you wish this complaint to be mediated by the School District Section 504 Coordinator or designee?

Please return this form to your school's principal or to the school district section 504 coordinator.