



## Section 504 Eligibility Policy

Approved by the Board Of Trustees ~ June 12, 2014

---

The Board of Trustees declares it to be the policy of Collegium Charter School (CCS) to ensure that all programs and practices are free from discrimination against all qualified students with disabilities. The Board of Trustees recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.

CCS shall provide to each qualified student with a disability enrolled in the school, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or reasonable accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the American with Disabilities Act of 1990 (the "ADA"). The Board of Trustees shall also comply with the Individuals with Disabilities Education Act through the implementation of related Board approved policies.

### Definitions

**ADA** - Americans with Disabilities Act of 1990.

**ADAAA** – Americans with Disabilities Amendments Act of 2008.

**Chapter 15** – Pennsylvania State Board of Education Regulation which implements the requirements of Section 504 of the Rehabilitation Act.

**Section 504** – Section 504 of the Rehabilitation Act of 1973.

**Disability** – means, with respect to a student, a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

**Physical or Mental Impairment** – any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one more of the following systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary, hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as intellectual disabilities, organic brain syndrome, emotional or mental illness and specific learning disabilities.

**Substantially Limits** – means that a student is unable to perform a major life activity that the average student of approximately the same age can perform or that the student is significantly restricted as to the condition, manner, or duration under which a particular life activity is performed as compared to the average student of approximately the same age. The impairment must be substantial when compared to the average student of approximately the same age.

**Record of Such An Impairment** – the student has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

**Regarded As Having Such An Impairment** – the student establishes that s/he has been subjected to an action prohibited under law because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six (6) months or less.

**Episodic Impairment** – an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

**Temporary Impairment** – does not constitute a disability unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The determination of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis.

**Major Life Activities** – the list includes caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Additionally, in accordance with ADAAA 2008, this includes major

bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Mitigating Measures** – includes but is not limited to the use of medications; medical supplies, equipment or appliances; low-vision devices; prosthetics (including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; assistive technology; reasonable accommodations, auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

**Low-Vision Devices** – devices that magnify, enhance, or otherwise augment a visual image.

**Ordinary Eyeglasses or Contact Lenses** – lenses that are intended to fully correct visual acuity or eliminate refractive error.

**Section 504 Service Agreement (Service Agreement)** – an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which will be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities.

**Section 504 Team** – a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include as appropriate, documentation or input from classroom teachers, counselors, school nurses, psychologists, outside care providers, and the student's parents/guardians.

**Aids, Benefits and Services** – means aids, benefits and services to be equally effective, are not required to produce identical result or level of achievement for handicapped/disabled and non-handicapped/nondisabled persons, but must afford handicapped/disabled persons equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

### **Identification**

A parent/guardian, teacher, or other knowledgeable person may submit a written request or a referral to the Section 504 Coordinator, if s/he suspects a student should be identified as a qualified student with a disability or should no longer be identified as such.

If the request originates with CCS, then CCS will provide the parent/guardian with written notice/Permission for 504 Eligibility Determination in the parent's/guardian's native language or mode of communication, unless it is clearly not feasible to do so.

If the request originates with the parent/guardian, CCS will review the information submitted by the parent/guardian and respond within twenty five (25) days of receipt of written request. This timeline does not include CCS's winter, spring, or summer break. CCS's response will be in the parent's/guardian's native language or mode of communication, unless it is clearly not feasible to do so, and will state whether or not the parent's/guardian's request is being granted or denied in whole or in part.

If documentation of disability is provided to CCS, without a written request or referral, the 504 Coordinator will provide the parents with a referral form within ten (10) days. This timeline does not include CCS's winter, spring, or summer break.

### **Determination of Eligibility**

Within no more than twenty five (25) days of receipt of Permission for 504 Eligibility Determination, the team will hold a Determination of Eligibility meeting. This timeline does not include CCS's winter, spring, or summer break. The Section 504 Team, as part of the determination of eligibility, will draw upon, document, and carefully consider pertinent information from a variety of sources and factors, which may include student work samples; aptitude and achievement tests; observations of student; teachers, parent/guardian, school nurse and physician recommendations; physical condition; social and cultural background; and adaptive behaviors. CCS may request and keep on file relevant and current medical information provided by the student's parent/guardian, physician, psychologist, psychiatrist, or other professional. CCS's determination of eligibility will take into account the following criteria:

**Step 1** – Does the student have a physical or mental impairment?

If not, the determination of eligibility ends. The student is not a qualified student with a disability. If so, the Section 504 Team must specify the mental or physical impairment. If the impairment is related to current use of illegal drugs or alcohol, the student is not eligible for Section 504.

**Step 2** - Does the impairment affect one or more of the student's major life activities or major bodily functions such that the student is excluded or substantially limited in participation in any programs or activities of CCS?

The Section 504 Team cannot consider mitigating measures in determining whether a student has a physical or mental impairment that substantially limits a major life activity. The use of ordinary eyeglasses or contact lenses can be considered. If no major life activity is affected by the physical or mental impairment, the determination of eligibility ends. The student is not a qualified student with a disability under Section 504. If so, the Section 504 Team must document how the major life activity is affected.

**Step 3** - Is the student substantially limited in the identified major life activity(ies) or major bodily function(s)?

If the Team determines the student's impairment does not substantially limit the identified major life activity(ies) or major bodily function, the determination of eligibility ends. The student is not a qualified student with a disability under Section 504.

**Step 4** - Is an aid, service, or reasonable accommodation needed as a result of the disability to enable a student to attend or participate in an educational program, non-academic service or extracurricular activity in a manner consistent with attendance and participation of a student without a disability?

If the Section 504 Team answered "yes" to all four (4) eligibility questions, the student is an Section 504 eligible student with a disability and is entitled to aids, services, and reasonable accommodations under Section 504.

### **Service Agreement**

If the student is determined to be a Section 504 eligible student with a disability, a written Section 504 Service Agreement will be developed and executed by CCS and parent/guardian. The Service Agreement will be developed by the team at conclusion of the Determination of Eligibility meeting, unless it is not feasible to do so. If Service Agreement is not able to be provided at the conclusion of the meeting, it will be provided to the parent/guardian within ten (10) days. The Service Agreement will describe the specific related aids, services, or reasonable accommodations CCS will provide, as well as the date the services will begin, the date the Service Agreement must be reviewed by the 504 team, and, if appropriate, the procedures to be followed in the event of a medical emergency.

If the parent/guardian and CCS cannot agree on the terms of the Service Agreement, either party may use the procedural safeguards as specified in this policy to resolve the dispute.

CCS will provide a written copy of the Service Agreement to the parent/guardian. The Section 504 Team will review the Service Agreement annually.

### **Review of Eligibility**

CCS will review eligibility of Section 504 students every three (3) years or more frequently if conditions or the student's Service Agreement warrant, or if the student's parent/guardian or school staff request a review. Findings will be documented in writing. CCS will update assessments as needed to ensure that eligibility and accommodation planning is based on information that defines the student's disability accurately and reflects the student's current needs. If significant changes in eligibility, services or placement are proposed, CCS will first review current information and, with parental consent, conduct additional evaluations as necessary to support such changes.

### **Non-academic Services/Extracurricular Activities**

CCS shall not discriminate against any qualified student with a disability in its provision of non-academic services and extracurricular activities, including but not limited to, counseling services, athletics,

transportation, health services, recreational activities, special interest groups or clubs and referrals to agencies which provide assistance to individuals with disabilities.

### **Discipline**

When necessary, CCS shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board approved policies. A Manifestation Determination will be held when appropriate based on regulations.

### **Parental Involvement**

Parents/guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate CCS officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.

### **Confidentiality Of Student Records**

All personally identifiable information regarding a qualified student with a disability shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, state regulations, and Board policy.

### **Grievance Procedures**

The 504 Coordinator, on request, will provide a copy of the school's grievance procedure and investigate all complaints in accordance with this procedure. The person who believes he/she has been discriminated against based on disability shall discuss the grievance with, and give the completed grievance form to the Section 504 Coordinator who shall, in turn, investigate and reply to the complainant.

### **Complaint Procedure/Timeline**

This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system.

#### **Step 1: Report of Grievance**

A written grievance form signed by the complainant shall be submitted to the Section 504 Coordinator. If the Section 504 Coordinator is the subject of the complaint, the complainant should submit their complaint directly to the Director of Student Services. A CCS employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 Coordinator. The complainant or reporting employee is encouraged to use the report form available from the Section 504 Coordinator, but oral complaints shall be acceptable. Oral complaints shall be documented by the Section 504 Coordinator.

#### **Step 2: Investigation**

Upon receiving a complaint of discrimination, the Section 504 Coordinator shall immediately notify the Director of Student Services. The Director shall authorize the Section 504 Coordinator to investigate the complaint, unless the Section 504 Coordinator is the subject of the complaint or is unable to conduct the investigation, in which case the Director of Student Services would determine a designee to investigate the complaint. The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the Section 504 Coordinator will make the Director of Student Services aware, who will then inform law enforcement authorities about the incident. The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

#### **Step 3: Investigative Report**

The Section 504 Coordinator shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required, requested, and granted by the Director of Student Services. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the

complaint. Findings of the investigation shall be provided to the complainant, the accused, and the Director of Student Services.

#### Step 4: School Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Disciplinary actions shall be consistent with the CCS Student Code of Conduct, Board policies and administrative guidelines, school procedures, and state and federal laws.

#### Appeal Procedure

If the complainant wishes to appeal the decision of the Section 504 Coordinator, he/she may submit a signed statement of appeal to the Director of Student Services within 10 school days after receipt of the Coordinator's response. The Director of Student Services shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within 10 business days.

#### Procedural Safeguards

CCS shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure. A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.

#### Request of Assistance from the Pennsylvania Department of Education

- A. *Parental Request for Assistance.* Parents may file a written request for assistance with the Pennsylvania Department of Education, Bureau of Special Education, Division of Compliance Monitoring and Planning, 333 Market Street, 7<sup>th</sup> Floor, Harrisburg, PA 17126-0333, (800) 879-2301, if one or both of the following apply:
  - a. The school is not providing the adaptations, modifications, related aids, and services specified in the student's service agreement; or
  - b. The school has failed to comply with the procedures applicable to the identification and evaluation of, development and revision of a service agreement for, or change in the educational placement of a child with or thought to have a disability, as those procedures are described in Chapter 15 of the regulations of the Pennsylvania State Board of Education, 22 Pa. Code Ch. 15 (available at <http://www.pacode/secure/data/022/chapter15/chap15toc.html>).
- B. *Resolution of Parental Request.* The Department will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, within sixty (60) calendar days of the receipt of the request, send to the parents and school a written response to the request. The response to the parents' request shall be in the parents' native language or mode of communication.
  - a. *Informal Conference* - At any time parents may file a written request with the school for an informal conference with respect to the identification or evaluation of a student, or the student's needs for related aids, services or accommodations. Within ten (10) school days of the receipt of the request, the school shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.
  - b. *Formal Due Process Hearing* - If the matters raised by the school or parents are not resolved at the informal conference, the school or parents may submit a request for a hearing. Hearing request forms are available from the Office of Dispute Resolution at <http://odr.pattan.net/dueprocess/RequestForms.aspx> or at (800) 879-2301. The hearing shall be held before an impartial hearing officer and shall be governed by the following procedures:
    - i. The hearing for a school aged child with a disability or thought to be child with a disability shall be held in the school district at a place and time reasonably convenient to the parents and child involved.

- ii. The hearing shall be an oral, personal hearing and shall be closed to the public unless the parents request an open hearing. If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public. If the hearing is closed, the decision shall be treated as a record of the student and may not be available to the public.
- C. The decision of the hearing officer shall include findings of fact, discussion and conclusions of law. Although technical rules of evidence will not be followed, the decision shall be based solely upon the substantial evidence presented at the hearing.
- D. The hearing officer shall have the authority to order that additional evidence be presented.
- E. A written or, at the option of the parents, electronic verbatim record of the hearing shall, upon request, be made and provided to parents at no cost.
- F. Parents may be represented by legal counsel and accompanied and advised by individuals with special knowledge or training with respect to the problems of children with disabilities.
- G. A parent or parent's representative shall be given access to educational records, including any tests or reports upon which the proposed action is based.
- H. A party may prohibit the introduction of evidence at the hearing that has not been disclosed to that party at least five (5) business days before the hearing.
- I. A party has the right to compel the attendance of and question witnesses who may have evidence upon which the proposed action might be based.
- J. A party has the right to present evidence and testimony, including expert medical, psychological or educational testimony.
- K. A party to a hearing has the right to obtain written, or, at the option of the parents, electronic findings of fact and decisions.
- L. The decision of the hearing officer regarding a child with, or thought to have, a disability may be appealed to a court of competent jurisdiction. In notifying the parties of the decision, the hearing officer shall indicate the courts to which an appeal may be taken.
- M. If, within sixty (60) calendar days of the completion of the administrative due process proceedings, under this chapter, an appeal or original jurisdiction action is filed in State or Federal Court, the administrative order shall be stayed pending the completion of the judicial proceedings, unless the parents and school agree otherwise.

#### **Federal Complaint Procedures (Formal)**

The complainant may file a complaint with the Office for Civil Rights (OCR) at any time before, during, or after the local grievance procedures. The contact information for the regional office is as follows:

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW

**Section 504 Grievance Form**

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian Name(s): \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_

1. Summary of Grievance—What is the problem? What are the facts?

---

---

---

2. How can the problem be solved?

---

---

3. Who have you spoken to or met with at the school to address this situation, when was the contact made, and what was the result?

---

---

---

4. Please describe any corrective action you wish to see taken with regard to this grievance.

---

---

Please attach any additional information or documentation you wish Collegium Charter School to consider. You also have the right to file a complaint with the regional office of the U.S. Department of Education's Office for Civil Rights (OCR) without going through Collegium's grievance procedures

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_