

## **Section 504 Policy for Icahn Charter School 7**

Section 504 of the Rehabilitation Act of 1973 is a broad civil rights law regulated by the Office of Civil Rights. It provides that “No otherwise qualified individual with a disability in the United States ...shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance ...29U.S.C. Section794(a) (1998).

To comply with Section 504, Icahn Charter School 7 will:

- 1) Provide a free appropriate education to students with disabilities
- 2) Seek out, identify, and evaluate students who may have a disability under Section 504
- 3) Provide special accommodations and services to students identified under Section 504 as defined in their written individual accommodation plan
- 4) Discipline students in accordance with the law
- 5) Ensure that extracurricular activities are accessible to students identified under Section 504
- 6) Provide notice to parents/guardians regarding evaluation, identification, reevaluation, and due process rights
- 7) Provide all staff access to information regarding Section 504

Section 504 is a Civil Rights Act which prohibits discrimination against individuals with a disability in any program receiving federal assistance. The School will post a Notice of Non-Discrimination Under Section 504 in a prominent location.

### Identification of Eligible Students

In order to fulfill its obligations under Section 504, appropriate personnel will be appointed by the Principal to ensure compliance with this policy. The School will identify, evaluate, and if a child is determined to be eligible under Section 504, afford access to necessary educational accommodations and services. If a teacher suspects that a student might be eligible under Section 504 it is the teachers’ responsibility to contact the Principal or appropriate administrator. The Principal or his/her designee will notify the parent/guardian in writing when a request for evaluation under Section 504 has been made.

If a parent expresses a concern that a student might be eligible under Section 504 the parent should contact the teacher or the Principal. The Principal or his/her designee will let the parent /guardian know who in the building to contact regarding the Section 504 process. Parents may initiate a request for evaluation by submitting the form attached.

### The Section 504 Team

A 504 team will be established to determine the needs of the individual student. The team will consist of at least one person familiar with the student's abilities, at least one person able to interpret any reports or evaluations that have been provided and at least one person knowledgeable about the accommodations available to meet the student's needs. Teachers will participate on the team that determines 504 eligibility and help determine appropriate and reasonable accommodations for the student. .

The first team meeting will be scheduled within thirty (30) days after the School receives a written request. Parents will be given written notice of the time, date and place of the meeting at least five (5) day in advance. The Section 504 Team must first decide whether the student is a qualified individual with a disability pursuant to §504 of the Rehabilitation Act of 1973 before determining what, if any, accommodations are needed to enable the student to attend school and participate in school activities on an equal basis with his/her non-disabled peers.

A student is a qualified individual with a disability pursuant to Section 504 *only if*:

- the student has a physical or mental impairment which substantially limits one or more of the major life activities of such individual.

The Section 504 Team will assess whether the student is a qualified student with a disability, in accordance with the three-step process outlined below.

a. Step One - Does the student have a physical or mental impairment?

A student who does not have a physical or mental impairment is not entitled to receive accommodations through a Section 504 Plan.

b. Step Two - Is a major life activity affected by the physical or mental impairment?

A student whose physical or mental impairment does not substantially limit one major life activity is not entitled to receive accommodations through a Section 504 Plan.

c. Step Three - Is the major life activity substantially impaired?

The §504 Team must assess whether the student's condition, when in the active state, substantially impairs the student.

#### Accommodation plans

If the Section 504 Team determines that the student has a physical or mental impairment that substantially impairs a major life activity, it must next decide what, if any, accommodations are necessary for the student to participate on an equal basis with his/her non-disabled peers.

If the §504 Team determines that accommodations are required, it will draft a Section 504 Plan for the student. The Plan shall specify the names and titles of the §504 Team participants, the materials considered in reaching the decisions, and the accommodations that will be offered to the student.

Once a determination has been made, the School will notify the parent/guardian in writing of the decision regarding the student's eligibility for Section 504 accommodation. The

notice will include a description of the parent's right to challenge any decision made by the Section 504 Team. No Accommodation Plan may be implemented without written parental consent.

#### Annual Review

Section 504 Accommodation Plans will be reviewed by the School on an annual basis before the end of the school year for students who are continuing in the school for the next school year. The School will forward request forms for the upcoming school year to all parents whose children had a Section 504 Accommodation Plan during the preceding school year.

If the parent indicates that changes need to be made to the Section 504 Plan, or personnel responsible for implementing the plan indicate that there is a problem with implementation, or request that the plan be modified, a full team will be convened to modify the Section 504 Plan.

#### Records and Review Procedures

Parents/guardians may review the records of their child relating to the referral, evaluation, development and implementation of a Section 504 Plan by filing a written request with the Principal. Records will be maintained in accordance with FERPA requirements.

A parent/guardian may appeal a decision under this policy by filing a written request for a hearing with the Principal within ten (10) days of the parent/guardian's receipt of a written decision of the Section 504 Team. If the parent/guardian is not satisfied with the findings of the Principal, an appeal, in writing, may be filed with the Superintendent who may designate a hearing officer to rule upon the matter.