



# **Section 504 / Title II of the ADA**

Policies and Procedures

Handbook

# Table of Contents

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Introduction

Section 504/Title II of the ADA

- What is the difference between 504 and Special Education?
- When is eligibility for a 504 plan considered?
- What is the 504 eligibility determination process?
- How is a 504 plan developed?
- How is a 504 plan implemented and reviewed?
- How are complaints resolved?
- Contact for further information

Discipline for students protected under Section 504

Notice of Rights

Section 504/Title II of the ADA Grievance Process

Great Hearts Section 504 Sample Forms

## Introduction

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This handbook is intended to help parents and staff understand Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

Section 504 of the Rehabilitation Act is a civil rights statute designed to prevent discrimination against individuals with disabilities and to assure that students with disabilities have educational opportunities and benefits equal to those provided to non-disabled students.

It provides that:

No otherwise qualified individual with disabilities in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Congress enacted a similar civil rights statute, the Americans with Disabilities Act (ADA), in 1990, also for the purpose of preventing discrimination against individuals with disabilities. While Section 504 only applies to recipients of federal financial assistance, the ADA protects individuals from discrimination by both public and private entities.

This handbook will focus on the Great Hearts Academies' compliance with Section 504. Both Section 504 and Title II of the ADA include similar nondiscrimination requirements. Since Title II applies to public institutions such as state governments, not just to schools, it does not include the same level of detail as Section 504 with regard to certain obligations of schools in educating students with disabilities (*e.g.*, in providing students a free appropriate public education [FAPE]). Practically speaking, when this handbook refers to specific FAPE requirements under Section 504, those same requirements will be followed in order to comply with Title II of the ADA. However, if you would like more information about ADA and Title II, please visit our website ([www.greatheartamerica.org](http://www.greatheartamerica.org)) and navigate through the "Finance and Compliance" link on the home page for contact information.

### Section 504 of the Rehabilitation Act:

No two students learn alike or have the same educational need. Some students who need extra help at school in order to learn may need 504 services due to a disability that substantially limits one or more life activity. Such services include regular or special education and related aids and services, or ancillary services that are designed to meet individualized educational needs of students with disabilities as adequately as the needs of non-disabled students. Section 504 does not guarantee certain results (*e.g.*, "A" grades in class) but ensures, through an individualized process, that qualified students with disabilities have an equal opportunity to achieve those results.

Great Hearts Academies has an affirmative obligation to identify and evaluate students suspected of being individuals with disabilities. The 504 Teams at Great Hearts Academies follow certain steps outlined by the U.S. Department of Education's Office for Civil Rights when deciding whether or not a student's needs should be met by providing 504 services. Every attempt is made to meet the student's needs in the regular classroom. A team approach is used with built-in checks and balances to ensure that children with disabilities who need 504 accommodations will receive the appropriate services.

Students benefit more from their education when their parents are involved and well informed. Parents are important team members and are entitled to participate with the 504 Team in planning their child's program. Parent and student rights and procedural safeguards are included as an integral part of the 504 process.

## What is Section 504?

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Section 504 is part of the Rehabilitation Act of 1973 that prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The federal act defines a person with a disability as anyone who:

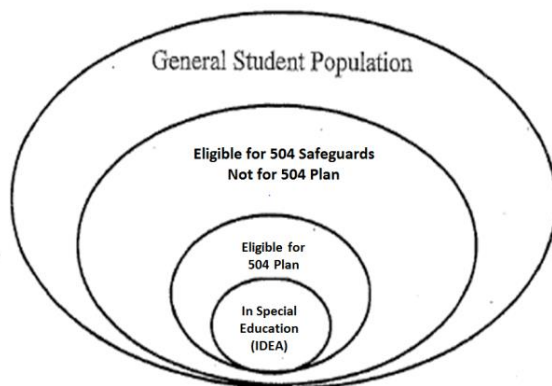
1. has a mental or physical impairment which substantially limits one or more major life activity (major life activities include activities such as learning, walking, seeing, hearing, speaking, breathing, caring for one's self, performing manual tasks and working);
2. has a record of such impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, Great Hearts Academies prohibits discrimination in policies and practices regarding its personnel and students. Discrimination against any person with a disability will not be permitted.

As a network of public schools, the Great Hearts Academies have specific responsibilities under the Act which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

## What is the difference between 504 and Special Education?

The Individuals with Disabilities Education Act (IDEA) is a federal statute that funds state special education programs and attaches specific conditions to the receipt of IDEA funding (as opposed to Section 504 and Title II, which prohibit discrimination on the basis of disability but do not provide any type of funding). Section 504 and IDEA have different criteria for determining who is protected under those laws. Many students with disabilities are protected under both IDEA and Section 504/Title II, and districts may comply with certain 504 requirements for students by following IDEA procedures. However, students who are not eligible under IDEA may nonetheless be eligible for protection (and for services) under Section 504. To be protected under IDEA, a child must have a particular disability listed in IDEA and need special education and related services. Under Section 504, a student with a disability is protected regardless of whether the student needs special education. The following diagram illustrates the relationship between 504 and IDEA:



All students that qualify for IDEA also qualify for protection under Section 504. The reverse, however, is not true. When a student has an Individual Education Program (IEP), the student does not need a separate 504 document.

Regarding Section 504 eligibility, it is important to recognize that even if a student is not eligible for special education services under the IDEA, a Great Hearts Academy will consider the student for eligibility under Section 504 of the Rehabilitation Act of 1973, including the provision of “special education or related services” or other accommodations.

### **When is eligibility for a 504 plan considered?**

In order for a student to be eligible for a 504 plan, he/she must have a mental or physical impairment that substantially limits one or more major life activity. *A medical diagnosis does not automatically qualify a student for services. However, a medical diagnosis may trigger an evaluation as it may give Great Hearts Academies a reason to suspect the student has a disability.* To be eligible for services, the student must need appropriate educational services to have his or her needs met as adequately as the needs of students without disabilities. For example, if a student has Attention Deficit Hyperactivity Disorder and the symptoms are being effectively controlled through medical intervention, he/she may be able to progress in the general curriculum without accommodations.

Great Hearts Academies has an affirmative obligation to identify and evaluate students suspected of being individuals with disabilities, including but not limited to upon parent request. There are several ways that a student might be referred or identified for consideration of eligibility under Section 504:

#### **1) Referral from student, school staff, outside professional, or parent:**

If a student is having difficulty progressing adequately in the general curriculum, a Student Study Team could be convened to discuss the concerns. Any documentation of medical diagnoses or any evaluation reports would also be considered. Interventions would be developed and implemented to assist the student.

If the interventions are unsuccessful after a reasonable period of time the 504 Team could be convened to consider eligibility under Section 504 and if the student was found eligible a Section 504 plan would be developed. It is important to highlight that while a parent can initiate this process, it is not a requirement that they do; Great Hearts Academies has an affirmative obligation to identify and evaluate students suspected of being individuals with disabilities, and that obligation extends beyond simply responding to the requests parents. Teachers, counselors, and other school staff should be aware of the responsibility to evaluate students who may need special education or related services and, thus, should refer for evaluation students they suspect might have a disability.

#### **2) Student previously eligible under IDEA:**

Students who were previously eligible under IDEA may be considered for eligibility under Section 504. For example, once students demonstrate that they no longer need specialized instruction and related services through special education, they may be referred to the 504 Team to determine whether they need accommodations to continue to progress academically.

### 3) Transfer from another public school:

If a student has already been determined eligible for a 504 Plan at a previous school, the 504 Team will convene to review the student's needs and whether the accommodations are sufficient and appropriate to meet the student's individual needs. Until the team can convene and develop an appropriate plan for the student, the existing 504 plan will be implemented. The school will request all school records from the previous school within five school days of the student's enrollment (A.R.S. 15-828 (f)). To ensure a smooth transition, the family should provide any previous documentation upon enrollment.

### What is the 504 evaluation/eligibility determination process?

Eligibility for protection and services under Section 504 is considered by a team comprising people who have knowledge about the student, knowledge about the meaning of the evaluation data, and knowledge about the placement options. This occurs before the child's initial placement in a regular or special education program and before any subsequent significant change in placement. The team typically includes the parents/guardians, general education teachers, the 504 Coordinator and an administrator or designee. If necessary, other professionals may be invited such as the school nurse, school counselor and/or the college counselor. The family may also wish to invite any relevant outside person(s).

In addition to the input provided by parents, information from a variety of sources is reviewed by the team. This may include:

- Medical information including hearing, vision, medications, and any relevant developmental history
- Aptitude and achievement tests
- Academic grades and transcripts
- Primary language (home and student)
- Discipline records
- Attendance
- School history
- Teacher reports/observations
- Social or cultural background
- Adaptive behavior

After reviewing all of the relevant and available information, the team addresses the following questions:

1. Does the student have a **physical or mental impairment**? Some examples include asthma, diabetes, allergies, arthritis, ADHD, cystic fibrosis, anxiety, depression, renal disorders, temporary conditions such as a broken limb, conditions in remission such as cancer, and episodic conditions such as seizures.
2. Does the impairment substantially limit **one or more major life activity**? Some examples include learning, walking, seeing, hearing, speaking, breathing, caring for one's self, performing manual tasks and working. This does not mean a severe restriction or inability in performing the major life activity.
3. What are the child's individual education needs? Needs are identified by looking to a variety of evaluation sources, including those listed above.

A student who is eligible for safeguards (right to written notice; right to review records; right to an impartial hearing; right to a review procedure) under Section 504 may not be eligible for a placement that includes services.

To document the process of eligibility, the 504 Eligibility Determination form is completed (please refer to the sample form in the last section of the Handbook).

### **What is the 504 placement process?**

After the student has been evaluated and the team determines that the student is eligible for a 504 Plan under Section 504, the team decides upon the student's placement. "Placement" is broader than simply physical placement or setting and includes all appropriate educational services designed to meet the individual needs of students with disabilities as adequately as the needs of students without disabilities are met.

To determine a student's placement, the team carefully considers the evaluation/eligibility information from a variety of sources and all significant factors impacting the student's ability to receive a FAPE. The team documents all the information considered and does not rely on assumptions regarding persons with disabilities or classes of such persons. The student's individual circumstances are considered in determining the weight accorded various information sources. The types of placements are (1) regular education, (2) regular education with supplementary services, and/or (3) special education and related services. All students will be educated with non-disabled students to the maximum extent appropriate to the needs of the student with a disability. Placement should be in regular education unless an appropriate education cannot be achieved satisfactorily with supplementary aids and services. The student's placement is documented on a Section 504 Plan, as is a date for review/assessment (please refer to the sample form in the last section of the Handbook).

### **How is a 504 Plan implemented and reviewed?**

The 504 Plan is implemented within the student's classes and on campus and school activities and is periodically reviewed for effectiveness. The school is responsible for making sure that each teacher, as well as relevant staff members, is aware of the plan and their responsibilities to the student. The student and parents may also advocate for student needs with support, as needed, from school staff.

The team will reconvene on an annual basis, or more often if needed, to review and revise the plan. At these meetings, the following are some questions that may be asked:

1. Is there new information that needs to be considered?
2. Are the accommodations working?
3. Do any changes need to be made to the Plan?

### **How are concerns or complaints resolved?**

Any individual who believes that he or she is a victim of discrimination prohibited by the regulation may file a complaint. Complaints on behalf of classes of individuals are also permitted.

Please see the attached complaint procedure for a complete description of Great Hearts Academies' process

for fielding, investigating, and responding to complaints.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights, 1244 Speer Blvd., Ste. 310, Denver, CO 80204, (303) 844-5695, fax (303) 844-4303, <https://ocrcas.ed.gov/>.

## **Questions and Further Information:**

If you have additional questions or need further information, please contact Great Hearts Academies' Section 504 Coordinator or ADA/Title II Coordinator:

Great Hearts Section 504 Coordinator  
Great Hearts Academies  
3102 N. 56<sup>th</sup> Street, Suite 300  
Phoenix, AZ 85018

Great Hearts ADA/Title II Coordinator  
Great Hearts Academies  
3102 N. 56<sup>th</sup> Street, Suite 300  
Phoenix, AZ 85018



<b>Discipline for Students Protected Under Section 504</b>
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A child with a disability under Section 504 is subject to the same disciplinary action as a non-disabled student when the discipline does not constitute a significant change in placement. Discipline that does constitute a significant change in placement triggers the need for a re-evaluation *before* the discipline is imposed.

**Significant Change in Placement**

Short-term exclusionary discipline of 10 days or less (such as a single 1-day suspension) does not constitute a significant change in placement and the academy will follow the same policy and procedure as for non-disabled students.

Exclusionary discipline of more than 10 consecutive days (such as out-of-school suspension/expulsion of 11 consecutive days) constitutes a significant change in placement.

A series of exclusionary discipline that are each under 10 days but total more than 10 days may create a pattern of exclusion and thus constitute a significant change in placement. The determination as to whether a series of exclusionary discipline has created a pattern of exclusion is done on a case-by-case basis. Factors to be considered include: the length of each suspension, the proximity of one suspension to another, the nature of the behavior, and the total amount of time the student is excluded from school.

**Re-evaluation/Manifestation Determination**

Section 504 requires a re-evaluation *before* the academy takes disciplinary action that constitutes a significant change in placement. This re-evaluation should include (at a minimum) a “manifestation determination,” in which the student’s Section 504 Team determines whether the conduct in question was a manifestation of the student’s disability. The academy uses the Section 504 Manifestation Determination Form to conduct this process.

1. If the 504 Team concludes that the conduct is a manifestation of the student’s disability, the discipline process will end. The proposed discipline will not be imposed, but the 504 Team, consistent with evaluation and placement procedures, will review the 504 Plan to determine if changes are appropriate.
2. If the 504 Team concludes that the conduct is not a manifestation of the student’s disability, the student will be subject to the same disciplinary action that any non-disabled student would receive for the same violation.

Note: Section 504 has no explicit provision stating that the school district must provide Free and Appropriate Public Education (FAPE) to students who are suspended or expelled.

**The Manifestation Determination Team**

The manifestation determination will be made by a 504 Team that, consistent with the academy’s evaluation and placement procedures, consists of persons who have knowledge of the student, the meaning of the information that will be reviewed, and the placement options. When possible, the members of the 504 Team will be the same members who designed the student’s 504 Plan. School personnel responsible for school disciplinary procedures, such as the academy headmaster or dean of discipline, may present pertinent student information to the 504 Team to consider when making their decision. The student’s parent is to be afforded due process rights with regard to the manifestation determination.

**The Manifestation Determination Procedure**

The 504 Team will use the Section 504 Manifestation Determination Form. The Section 504 Team will review relevant information when making a manifestation determination. Such information might include any relevant information provided by the parents, any teacher observations, and all relevant information in the student's file, including the sources of evaluation data listed on the student's Section 504 Eligibility Determination. The manifestation determination must be based on *current* evaluation data and not be presumed based on the category of the student's disability.

Using this information, the 504 Team will determine whether the conduct in question (1) was caused by, or had a direct and substantial relationship to, the child's disability; or (2) was the direct result of the academy's failure to implement the student's 504 Plan. Note that this determination involves more than whether the student knew right from wrong. If the 504 Team determines the conduct in question was the direct result of the academy's failure to implement the 504 Plan, the academy must take immediate steps to remedy those deficiencies. Those steps will be consistent with the academy's evaluation and placement procedures.

If the 504 Team answers either question in the affirmative, then the behavior is a manifestation of the student's disability and the proposed disciplinary action can be taken.

If the 504 Team answers both questions in the negative, the behavior is not a manifestation of the disability, and the academy may impose whatever long-term discipline it would impose under the same circumstances if a non-disabled student were the offender. The academy has no obligation to continue to provide educational services (FAPE) to the student during the period of a long-term suspension or expulsion.

[School Crest Here]

## SECTION 504 MANIFESTATION DETERMINATION FORM

\*Conduct a review before finalizing preliminary disciplinary decision.

Notice Date:

Student Name:	SAIS #:
DOB:	Grade:

1.      YES      NO
- ☐      ☐      Has the parent received prior notice of this meeting\*? Attach notice.
- ☐      ☐      Has the parent received Notice of Rights under Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act of 1990?
- ☐      ☐      Are the required Section 504 team members (person(s) with knowledge of child, person(s) with knowledge of program, person(s) with knowledge of interpreting data) in attendance? Sign below.

If NO is checked in response to ANY of the above questions, this conference must be discontinued.

\*Meeting may proceed if parents are not in attendance and school has made multiple attempts to have parent(s) attend or parent(s) have indicated they would not attend. Attach attempts to notice, or indication they would not attend.

### 2. Description of incident causing consideration of discipline:

### 3. THE 504 TEAM HAS REVIEWED THE STUDENT CONDUCT REPORT AND THE CUMULATIVE RECORD AND HAS CONSIDERED ALL RELEVANT INFORMATION INCLUDING BUT NOT LIMITED TO THE ITEMS CHECKED BELOW:

- ☐ Current Evaluation and diagnostic results      ☐ Observations of the student
- ☐ Information provided by the parents      ☐ The student 504 Eligibility and Section 504 Plan
- ☐ Other: \_\_\_\_\_

\*\*\*\*\*

Student Name:	SAIS #:
DOB:	Grade:

### 4. MANIFESTATION DETERMINATION Question 1: The 504 Team has reviewed the above information and has determined that the conduct in question

☐ WAS      ☐ WAS NOT **caused by, or in direct and substantial relationship to, the student's disability.**

Comments:

5. MANIFESTATION DETERMINATION Question 2: The 504 Team has reviewed the above information and has determined that the conduct in question  
☐ WAS ☐ WAS NOT **the direct result of the academy's failure to implement the student's Section 504 Plan.**

Comments:

If the 504 Team checks "was," the academy must take immediate steps to remedy those deficiencies. Those steps will be consistent with the academy's evaluation and placement procedures. Describe those steps or other actions to be taken here:

6. FINAL MANIFESTATION DETERMINATION: If the answer to Manifestation Determinations Questions 1 and 2 were both answered "Was Not," then the conduct WAS NOT a manifestation of the student's disability. If either Manifestation Determination Question 1 or 2 was answered "Was," then the conduct WAS a manifestation of the student's disability. Check the appropriate box:  
The conduct WAS ☐ WAS NOT ☐ a manifestation of the student's disability.

\*\*\*\*\*

#### 504 TEAM PARTICIPANTS

Knowledge of program:

Knowledge of interpreting data:

Knowledge of student:

Knowledge of student:

Knowledge of student:

I have received and reviewed, and I understand the attached rights afforded by Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act of 1990.

Signature of Parent(s)/Legal Guardian(s)/Surrogate: \_\_\_\_\_ Date: \_\_\_\_\_

I ☐ Agree ☐ Disagree with the Manifestation Determination as noted above.

If not in attendance, the Manifestation Determination Form and Notice of Rights was sent to the parent on \_\_\_\_\_

by Name/Title: \_\_\_\_\_ Date: \_\_\_\_\_

Copies:  
\*Parent  
\*504 Folder  
\*Cumm File



## **NOTICE OF RIGHTS FOR STUDENTS WITH DISABILITIES AND THEIR PARENTS UNDER § 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

The rehabilitation act of 1973, commonly known in the schools as “Section 504” (§ 504) is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against persons with disabilities who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public (and public charter) schools specifically, § 504 applies to, among other things, ensure that eligible students with disabilities are provided with educational benefits and opportunities equal to those provided to non-disabled students. Congress enacted a similar civil rights statute, the Americans with Disabilities Act (ADA), in 1990, also for the purpose of preventing discrimination against individuals with disabilities. Practically speaking, when this notice refers to specific requirements under Section 504, those same requirements will be followed in order to comply with the ADA.

Under § 504, a student is considered an “individual with a disability” if he or she has a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, caring for one’s self, working, and performing manual tasks. § 504 also applies to students with a record of such an impairment, or who are regarded as having such an impairment even if they do not. Students who are not eligible for special education under the Individuals with Disabilities Education Act (IDEA) may nonetheless be eligible for protection (and services) under § 504.

The purpose of this notice is to inform parents and students of the rights granted to them under § 504 and the ADA:

1. You have the right to be informed about your rights under § 504. [34 CFR 104.32] This document represents written notice of rights as required under § 504. If you have questions about your rights, contact your school or the district’s § 504 Office (contact information below) and they will assist you in understanding your rights.
2. You have the right to have your child take part in and receive benefits from public education programs without discrimination based on disability. [34 CFR 104.4]
3. Your child has the right to a free appropriate education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to accommodations to allow your child an equal opportunity to participate in school and school-related activities. [34 CFR 104.33]

4. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34]
5. Your child has the right to an equal opportunity to participate in non-academic and extracurricular activities offered by the Charter School or District.
6. Your child has the right to an evaluation prior to determining his or her appropriate educational placement, and also before every subsequent significant change in placement. [34 CFR 104.35]
7. Testing and other evaluation procedures must comply with the requirements of § 504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35] The Charter School or District will consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, scores on tests of state standards or Stanford 10 tests, among others. [34 CFR 104.35]
8. Evaluation, eligibility, and placement decisions regarding your child must be made by a group of persons (a § 504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, students with disabilities should be educated with non-disabled children and in comparable facilities. [34 CFR 104.35]
9. If your child is identified as eligible under § 504, he or she has a right to periodic re-evaluations. Generally, an evaluation will take place at least every three years. [34 CFR 104.35]
10. You have the right to be notified in writing by the Charter School or District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]
11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child). [34 CFR 104.36]
12. You have the right to an impartial hearing with respect to the Charter School's or District's actions regarding your child's identification, evaluation, or educational placement, with opportunity for participation by you and your child and representation by an attorney. [34 CFR 104.36]

13. The individuals responsible for coordinating compliance with § 504/ADA are:

Great Hearts Section 504 Coordinator  
Great Hearts Academies  
3102 N. 56<sup>th</sup> Street, Suite 300  
Phoenix, AZ 85018

Great Hearts ADA/Title II Coordinator  
Great Hearts Academies  
3102 N. 56th Street, Suite 300  
Phoenix, AZ 85018

14. **Grievance Process:** Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance. It is against the law for Great Hearts Academies to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. Great Hearts Academies will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The § 504 Coordinator will be responsible for such arrangements. Please see the attachment titled “**Section 504 and Title II Grievance Procedure**” for a complete description of the grievance process procedure, or find it here:

<http://www.greatheartsamerica.org/finance-compliance/>

15. You also have the right to file a complaint with the U.S. Department of Education Office for Civil Rights:

United States Department of Education  
Office for Civil Rights – Region VIII  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204  
(303) 844-5695  
[OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)  
<https://ocras.ed.gov/>

16. For more information regarding § 504/ADA in Arizona and for additional help in many areas of your child’s education, contact:

**Raising Special Kids**

2400 N Central Avenue, Suite 200

Phoenix, AZ 85004

Tel: (602)242-4366

Fax: (602)242-4306

Toll Free: (800)237-3007

Email: [info@raisingspecialkids.org](mailto:info@raisingspecialkids.org)

[www.raisingspecialkids.org](http://www.raisingspecialkids.org)





## Section 504 and Title II Grievance Procedure

Process	Guidance Notes
<p><b>1. Introduction</b></p> <p>It is the policy of Great Hearts Academies not to discriminate on the basis of disability. Great Hearts has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act (42 U.S.C. § 12131) or Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) or of the U.S. Department of Education regulations implementing the Act. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance, and Title II extends that protection to all the activities of state and local governments regardless of whether or not they receive federal funds. Programs and activities at Great Hearts Academies, as public schools, fall under both of these laws.</p> <p>Title II Law and Regulations may be examined in the office of <b>Jennifer Whitmire, HR Director</b>, who has been designated to coordinate the efforts of Great Hearts Academies to comply with Title II.</p> <p>Section 504 Law and Regulations may be examined in the office of <b>Thomas Doeblner, National Director of Exceptional Student Services</b>, who has been designated to coordinate the efforts of Great Hearts Academies to comply with Section 504.</p> <p>Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. This procedure applies to complaints of discrimination, including harassment, carried out by employees, other students, or third parties. It is against the law for Great Hearts to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.</p>	<p>The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights, 1244 Speer Blvd., Ste. 310, Denver, CO 80204, (303) 844-5695, fax (303) 844-4303, <a href="https://ocrcas.ed.gov">https://ocrcas.ed.gov</a></p> <p>Great Hearts Academies will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Title II or Section 504 Coordinator will be responsible for such arrangements.</p>

## 2. Initial discussions

Great Hearts Academies encourages any member of the public to bring their complaint or concern first to the person with whom they have a concern.

Informal discussions should resolve the vast majority of grievances. Our experience is that bringing concerns to the attention of the alleged offender is the swiftest way to a successful resolution.

**NOTE: Grievances or information involving an ongoing or imminent threat to a student's well-being should skip this stage and be immediately directed to the Headmaster.**

**NOTE: To pursue a formal grievance as explained in Stage 3, you must do so within 30 days of the date the person filing the grievance becomes aware of the alleged discriminatory action. That 30 days includes any time in initial discussions or Stage 1 or 2. You have the right to end this stage and begin the formal process at Stage 3 at any time.**

## 3. Stage 1

If you feel that the matter has not been resolved through informal discussions, you should put your grievance in writing to the person with whom you have the concern (again, the one directly involved). The employee must offer a response within 5 working days in an endeavor to resolve the matter.

The first stage should allow the person and the GH employee to resolve the grievance without the involvement of the Headmaster, GH Section 504 Coordinator, GH Title II Coordinator, or Board of Directors. The aim should be to resolve the grievance at the lowest relevant level.

**NOTE: To pursue a formal grievance as explained in Stage 3, you must do so within 30 days of the date the person filing the grievance becomes aware of the alleged discriminatory action. That 30 days includes any time in initial discussions or Stage 1 or 2. You have the right to end this stage and begin the formal process at Stage 3 at any time.**

## 4. Stage 2

If the matter is not satisfactorily resolved, you may raise the matter, in writing, with the employee's direct report (for academy employees, the Headmaster) who must give a response within five working days. This response may take the form of a letter and/or follow-up meeting with the complainant and any employee(s) involved in the matter. This meeting will be led by the supervisor.

The Headmaster is the acting supervisor over all academy employees.

**NOTE: To pursue a formal grievance as explained in Stage 3, you must do so within 30 days of the date the person filing the grievance becomes aware of the alleged discriminatory action. That 30 days includes any time in initial discussions or Stage 1 or 2. You have the right to end this stage and begin the formal process at Stage 3 at any time.**

## 5. Stage 3

If the issue is not resolved by the Headmaster, the aside is the procedure for submitting a formal grievance with Great Hearts' Section 504 Coordinator.

Grievances must be submitted to the Section 504 Coordinator or Title II Coordinator within 30 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.

Grievances relative Section 504 plans must be submitted to:

Great Hearts 504 Coordinator  
Great Hearts Academies  
3102 N. 56<sup>th</sup> Street, Suite 300  
Phoenix, AZ 85018  
602-438-7045

Grievances relative to discrimination under Title II must be submitted to:

Great Hearts Title II Coordinator  
Great Hearts Academies  
3102 N. 56<sup>th</sup> Street, Suite 300  
Phoenix, AZ 85018  
602-438-7045

***NOTE: Your complaint may be relative to either Section 504 or Title II or both. If you are unsure of which law applies, file with the Section 504 Coordinator.***

The complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.

The Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Coordinator will maintain the files and records of Great Hearts to such grievances.

The Coordinator will issue a written decision on the grievance no later than 30 days after its filing. The Coordinator's response will also include steps that will be taken to prevent recurrence of any discrimination and to correct its discriminatory effects, if appropriate.

## **6. Stage 4**

The person filing the grievance may appeal the decision of the Section 504 Coordinator or the Title II Coordinator by writing to the Academy Board of Directors within 15 days of receiving the Section 504 Coordinator's decision.

You are entitled to have a meeting with the grievance committee established annually by the Board of Directors and comprised of directors. This committee will formally respond in writing by setting a meeting or taking another course of action within 30 days. If the Board as a whole is convened to address the grievance, all applicable public open meeting laws will be followed, including prior notice and the right of the complainant to request an open meeting or an executive session for the hearing. The Board's decision will be in writing and is final.

If the Board understands that stage 3 has not been completed, this may be a requirement prior to further action or hearing from the Board.

The committee shall issue a written response. A response by the committee may include a dismissal of the grievance, a formal reprimand of the school employee or Headmaster, and/or a directive for staff to develop an additional policy recommendation for Board consideration.

[School Crest Here]

## SECTION 504 PLAN/NOTES

Student Name:		SAIS #:
DOB:		Grade:
Eligibility Date:	Meeting Date:	Annual Review Date:
		Periodic Review Date:

### MEETING TYPE:

☐ Initial Meeting      ☐ Modify Current Plan      ☐ Annual review      ☐ Other \_\_\_\_\_  
☐ Periodic review

**DESCRIBE THE STUDENT'S PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES (refer to the Section 504 Eligibility Determination):**

[NOTE THE PHYSICAL OR MENTAL IMPAIRMENT]

[DESCRIBE HOW THE IMPAIRMENT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES USING THE EVALUATIVE INFORMATION/DATA ]

**DESCRIBE THE STUDENT'S INDIVIDUAL EDUCATION NEEDS (refer to the Section 504 Eligibility Determination):**

[Note what the student needs (accommodations, etc.) relative to the limits to the student's major life activity]

### ACCOMMODATIONS:

#### Teacher Responsibility:

	Specific Need/Setting <sup>1</sup>	Accommodations/Services/Other	Who Will Implement	Standard Testing Accommodation
1.				<input type="checkbox"/>
2.				<input type="checkbox"/>
3.				<input type="checkbox"/>
4.				<input type="checkbox"/>
5.				<input type="checkbox"/>
6.				<input type="checkbox"/>
7.				<input type="checkbox"/>
8.				<input type="checkbox"/>

<sup>1</sup> May include learning environment, lesson presentations, assignments/test taking, related services, any other special considerations or needs of the student.

**Parent's Responsibility, if any:**

1.	
2.	
3.	
4.	

**Student's Responsibility, if any:**

1.	
2.	
3.	
4.	

**OTHER RELEVANT INFORMATION:**

SAMPLE

Student Name:	DOB:	Meeting Date:
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## 504 Plan Participants:

My signature indicates that I have been informed and received notice of this Section 504 Plan and further acknowledge I am familiar with my rights and responsibilities pursuant to Section 504 of the Rehabilitation Act.

I was provided the Notice of Rights \_\_\_\_\_ on \_\_\_\_\_.  
(Parent signature) (date)

Name & Role	Signature	This Person has Knowledge of
		The child
		The program options
		The meaning of the evaluation data
		The child
		The program options
		The meaning of the evaluation data
		The child
		The program options
		The meaning of the evaluation data
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		The program options
		The meaning of the evaluation data
		The child
		The program options
		The meaning of the evaluation data

## Parental Rights:

I was provided the Notice of Rights \_\_\_\_\_ on \_\_\_\_\_.  
(Parent signature) (date)

I ☐ Agree ☐ Disagree with the Section 504 Eligibility Determination as noted above.

Copies:

- \* Parent
- \* 504 Folder
- \* Cumulative File

## SECTION 504 ELIGIBILITY DETERMINATION

Student Name:		SAIS #:	
DOB:	Grade:	Meeting Date:	Re-evaluation Date:

### Meeting Type:

☐ Initial Evaluation

☐ Re-evaluation

**Section 504 Eligibility Inquiry: "Does the student have a physical or mental impairment that substantially limits one or more major life activities?"** This breaks down into the following questions for the 504 Team to answer.

**Question 1: Does the student have a physical or mental impairment?** Per OCR's January 2012 guidance, a handful of impairments will, in virtually every case, result in eligibility. They are: diabetes, epilepsy, bipolar disorder, autism. Other examples of impairments that result in eligibility include asthma, allergies, arthritis, ADHD, cystic fibrosis, anxiety, depression, renal disorders, temporary conditions such as a broken limb, conditions in remission such as cancer, and episodic conditions such as seizures.

**Sources of Evaluation Information:** (indicate each one used and attach supporting documents)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Parental Input  | <input type="checkbox"/> Aptitude Tests                | <input type="checkbox"/> Adaptive Behavior  |
| <input type="checkbox"/> Medical Report (including hearing, vision, medications, any relevant developmental history, medication) | <input type="checkbox"/> Teacher Reports/Observations  | <input type="checkbox"/> Discipline Records   |
| Diagnosis _____  | <input type="checkbox"/> Grades/Transcripts            | <input type="checkbox"/> Attendance Records   |
| <input type="checkbox"/> Cognitive Assessments   | <input type="checkbox"/> Student Work Examples         | <input type="checkbox"/> Primary Language (home and student, including PHLOTE Form) |
| <input type="checkbox"/> Achievement Tests   | <input type="checkbox"/> Parent Feedback               | <input type="checkbox"/> Hearing and Vision Screening                               |
|  | <input type="checkbox"/> Social and Health History     | <input type="checkbox"/> Other (specify) _____                                      |
|  | <input type="checkbox"/> Social or Cultural Background |   |

**Describe the nature of the impairment/document reasoning here (attach extra sheets if needed):**

**Team Conclusion as to Question 1:** ☐ Yes ☐ No

**Question 2: Does the impairment substantially limit one or more major life activity?** This does not mean a severe restriction or inability in performing the major life activity. Specify the major life activity:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Hearing                 | <input type="checkbox"/> Learning or access to learning | <input type="checkbox"/> Major bodily functions                  |
| <input type="checkbox"/> Walking                 | <input type="checkbox"/> Reading                        | <input type="checkbox"/> Functions of the immune system          |
| <input type="checkbox"/> Breathing               | <input type="checkbox"/> Writing                        | <input type="checkbox"/> Cell growth                             |
| <input type="checkbox"/> Seeing                  | <input type="checkbox"/> Motor aspect of writing        | <input type="checkbox"/> Digestive, bladder, and bowel functions |
| <input type="checkbox"/> Caring for oneself      | <input type="checkbox"/> Math calculation               | <input type="checkbox"/> Neurological and brain functions        |
| <input type="checkbox"/> Performing manual tasks | <input type="checkbox"/> Concentrating                  | <input type="checkbox"/> Respiratory and circulatory functions   |
| <input type="checkbox"/> Eating                  | <input type="checkbox"/> Processing                     | <input type="checkbox"/> Endocrine functions                     |
| <input type="checkbox"/> Sleeping                | <input type="checkbox"/> Communicating                  | <input type="checkbox"/> Reproductive functions                  |
| <input type="checkbox"/> Standing                | <input type="checkbox"/> Working fluency                | <input type="checkbox"/> Other (specify) _____                   |
| <input type="checkbox"/> Lifting                 | <input type="checkbox"/> Other (specify) _____          |  |
| <input type="checkbox"/> Bending                 |   |  |
| <input type="checkbox"/> Speaking                |   |  |
| <input type="checkbox"/> Other (specify) _____   |   |  |



**Describe how the impairment substantially limits the life activity(ies)/document reasoning here (attach extra sheets if needed):**

**Team Conclusion as to Question 2:** ☐ Yes ☐ No

**If both Questions 1 and 2 above were answered "Yes," then the Student is eligible under Section 504, and the Team should go on to answer Question 3. If either Question 1 or Question 2 were answered "No," then the Student is not eligible for a Section 504 Plan, and the Team should skip Question 3.**

**Question 3: What are the student's individual education needs?** Needs are identified by looking to a variety of evaluation sources, including those listed above. Consider whether the student needs regular or special education or related aids or services, including adjustments or accommodations, for his/her educational needs to be met as adequately as those of non-disabled peers.

**Describe the student's educational needs/document reasoning here (attach extra sheets if needed):**

## **ELIGIBILITY DETERMINATIONS**

☐ **Not Section 504 eligible.** The student is not eligible under Section 504 as the impairment does not meet the criteria in Questions 1 and 2 above.

☐ **Section 504 Eligible + No Plan.** The student is eligible under Section 504 but does not require a 504 Plan at this time. The student is eligible for safeguards under Section 504, including manifestation determination, procedural safeguards, periodic Re-Evaluation or more often as needed, as well as the nondiscrimination protections of Section 504. Should need for a Plan develop, the 504 team will reconvene to evaluate the new information and develop an appropriate Section 504 Plan if necessary.

☐ **Section 504 Eligible + Plan.** The student is eligible under Section 504 and will receive a Section 504 Plan that governs the provision of a free appropriate public education to the student. The student will receive manifestation determination, procedural safeguards, periodic re-evaluation or more often as needed, as well as the nondiscrimination protections of Section 504. The Team should continue on now to develop the Section 504 Plan appropriate for the student, or schedule a subsequent meeting for this purpose.

☐ **Section 504 Dismissal.** The student is no longer eligible for Section 504 and is exited from the program. The student will now receive regular education without a Section 504 Plan. The student will receive the nondiscrimination protections of Section 504 as a student with a record of impairment, together with procedural safeguards, but will not receive manifestation determination, or periodic Re-Evaluation.

☐ **IDEA Eligible.** The student has been determined special education eligible by an IEP Team. Consequently, the student will not be served through a Section 504 team. If the student has been determined eligible for Section 504, the student will be exited from the program. The student will receive a free appropriate education through the IEP Team, together with the nondiscrimination protections and procedural safeguards of Section 504.

**TEAM SIGNATURE:** Section 504 requires “a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options” to make eligibility and placement/services decisions.

***I agree with the Section 504 Eligibility Determination as noted above:***

Name	Signature	This Person has Knowledge of	
			The child
			The program options
			The meaning of the evaluation data
			The child
			The program options
			The meaning of the evaluation data
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			The meaning of the evaluation data
			The child
			The program options
			The meaning of the evaluation data

**Parental Rights:**

I was provided the Notice of Rights \_\_\_\_\_ on \_\_\_\_\_.  
 (Parent signature) (date)

I ☐ Agree ☐ Disagree with the Section 504 Eligibility Determination as noted above.

Copies:  
 \*Parent  
 \*504 Folder  
 \*Cumulative File

## INVITATION TO SECTION 504 MEETING

Notice Date:

Student Name:	SAIS #:
DOB:	Grade:

Dear Parent(s),

We are convening the Section 504 team for the following purpose(s):

- ☐ Initial Meeting
 ☐ Transitional Meeting (entering new school with existing 504 plan)
 ☐ Other \_\_\_\_\_
- ☐ Modify Current Plan
 ☐ Review eligibility
- ☐ Annual review

You're invited to be part of the team as a valued member with knowledge of the student. The following members have been invited to be part of the team because they have knowledge of the student or the program/placement options, or are able to evaluate the data and information:

Knowledge of  
 program/placement options:  
 Knowledge of interpreting data:  
 Knowledge of student:  
 Knowledge of student:  
 Knowledge of student:  
 Knowledge of student:  
 Knowledge of student:  
 Knowledge of student:

If you would like to invite someone from outside the school to the meeting because you feel they would be able to add to the team's knowledge of the student please let me know at least 48 hours prior to the meeting.

### The meeting is scheduled for:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Location: \_\_\_\_\_ Rm. # \_\_\_\_\_

If you have questions or would prefer an alternate date, please contact me:

Academy 504 Coordinator \_\_\_\_\_ Tel # \_\_\_\_\_

### PLEASE SIGN AND RETURN TO SCHOOL

- ☐ Yes, I plan to attend
 ☐ No, I'm not able to attend
- ☐ Please call about another meeting time. I can be reached at (tel. #): \_\_\_\_\_

Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

#### SCHOOL USE ONLY

Date of 2<sup>nd</sup> Notice \_\_\_\_\_ Method of Notice \_\_\_\_\_  
 Date of 3<sup>rd</sup> Notice \_\_\_\_\_ Method of Notice \_\_\_\_\_

#### Copies:

- \* Parent
- \* 504 Folder
- \* Cumm File