



504 Service plan Handbook

**Springs Charter Schools
SECTION 504 SERVICE PLAN HANDBOOK**

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Springs Charter Schools **An Overview of Section 504**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a federal law, which prohibits discrimination against students with a disability. It states, "*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....*" Because River Springs Charter School is a recipient of federal funding, it is required to provide eligible disabled students with equal access to services, programs, and activities offered by its schools.

Section 504 is a civil rights statute and not a special education statute. For each school program within Springs Charter Schools (SCS), the responsibility for ensuring Section 504 compliance rests with the Section 504 coordinator, education specialist/ teacher of record, program director/principal, classroom teacher and the school counselor.

There are two main purposes to Section 504. The first purpose of Section 504 is to protect students from discrimination under federal law. Section 504 assures access to educational services and the learning process that is equal to that given to students who do not have disabilities. All students who have a physical or mental impairment which substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment, are protected from discrimination under Section 504.

The second purpose of Section 504 is to provide a free appropriate public education ("FAPE") to those students who (1) have a physical or mental impairment, (2) that substantially limits, (3) one or more major life activities. The provision of FAPE is accomplished through the creation and implementation of a Section 504 Service Plan. Only those students who satisfy all three of these criteria are eligible for, and are provided general education related aids and services under Section 504 (in the form of a Section 504 Service Plan).

The purpose of this Section 504 Service Plan Handbook is to provide guidance for students who may be, or are, eligible for FAPE in the form of a Section 504 Service Plan. For information regarding a student's right to be protected from discrimination, including grievance procedures, please see Springs Charter School Board Policy 1001.1, 5011.1 (see pg 8).

Springs Charter School takes the necessary steps to locate and identify children with disabilities or those suspected of having a disability and to publicize the rights established by section 504.

Frequently Asked Questions about Section 504 Service Plans

How is a Section 504 Service Plan referral made?

When a student is exhibiting academic, attendance, social and/or behavioral problems, Springs Charter Schools will convene a Response To Intervention (RTI) team meeting. The purpose of the meeting is to investigate the needs of the student. This preliminary investigation should result in a disposition including one of three things: general education interventions, a referral to review Section 504 service plan eligibility, and/or a referral for a special education evaluation pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"). If it is determined that the student should go through a section 504 service plan eligibility review, then a referral should be submitted to the school counselor, site administrator, education specialist, teacher of record or section 504 coordinator .

A parent, guardian, teacher, counselor, related service provider, other school staff, and/or community agency may also directly initiate a section 504 service plan referral without going through the RTI process. The individual making the referral should forward the request to the school counselor, site administrator, education specialist, teacher of record or section 504 coordinator..

Section 504 service plans and the collaborate efforts of the school multi-disciplinary teams are coordinated through the guidance department.

What is the Section 504 Service Plan evaluation process?

Springs Charter Schools shall evaluate any student who has a mental or physical impairment, has a record of such impairment, or is regarded as having such an impairment to determine eligibility as an identified student under section 504 of the Rehabilitation Act of 1973.

The Section 504 Service Plan team is made up of a group of individuals, including persons knowledgeable about the student, the meaning of the evaluation data being reviewed, and placement options. The Section 504 Service Plan team will generally include the parent/guardian and at least one of the student's general education teachers. The team may also include: other teachers, individuals who can interpret the instructional implications of the assessment results, counselors, related service providers, the student, other school staff and administrators, and individuals who have knowledge or special expertise regarding the student.

At the Section 504 Service Plan team meeting, the team will decide whether the student may be eligible for a FAPE under Section 504 by deciding whether the student has a physical or mental impairment that substantially limits one or more major life activities.

In determining whether a student is eligible for a Section 504 Service Plan, the section 504 multi-disciplinary team will collect and interpret evaluation data from multiple measures. The team will draw upon information from a variety of sources, including, but not limited to, observations, testing, reports, SCS evaluations, medical records, letters from doctors, health care plans, school records, school administration, school counselors, teachers and paraprofessionals that work with the student, the parent, and when appropriate, the student.

SCS may administer and use formal and informal measures as deemed necessary. If the team is going to conduct formal assessment and/or observations in order to determine eligibility, then the team must obtain informed and written consent from the parent/guardian before the student is evaluated.

Once the evaluations are completed, SCS will schedule a Section 504 Service Plan meeting to review the evaluations and the student's Section 504 Service Plan team will determine whether the student is eligible for a Service Plan under Section 504.

If the team determines that the student is eligible to receive a FAPE under Section 504, the team will develop a Section 504 Service Plan.

What is the process for reviewing Section 504 Service Plan eligibility?

The Section 504 Service Plan should be reviewed on an annual basis, at which time the parent/guardian should receive a copy of the school's notice of parent/guardian rights and procedural safeguards. Further, a re-evaluation of the student should occur at least every three years, or before any significant change in placement, including exiting the student from a Section 504 Service Plan.

Are there situations when it is inappropriate to offer a Section 504 Service Plan?

Eligibility for a Section 504 Service Plan is decided by evaluating the student and determining if the student (1) actually has a physical or mental impairment, (2) that substantially limits, (3) one or more major life activities. If any of the three criteria is not met, then a Section 504 Service Plan will not be developed for the student. Keep in mind that while a Section 504 Service Plan might not be appropriate, other kinds of accommodation plans may be appropriate. Some common misuses of a Section 504 Service Plan are outlined below:

- A parent/guardian and/or doctor presents the school with a disability diagnosis and a Section 504 Service Plan is written without first determining if the disability causes substantial limitation of a major life activity.
- A student is placed on a Section 504 Service Plan solely because the parent/guardian wants the student to have additional time on college qualifying examinations (e.g., ACT, SAT).
- A student is placed on a Section 504 Service Plan because the student has a record of an impairment or is regarded as being impaired, but the student does not actually have a disability that substantially limits a major life activity.

- A student fails to qualify for special education and related services under the IDEA, but is automatically provided with a Section 504 Service Plan.
- A student is automatically placed on a Section 504 Service Plan when the student no longer qualifies for special education services under the IDEA without first qualifying based on Section 504 criteria.
- A student is placed on a Section 504 Service Plan as an alternative way to receive special education and related services because the parent/guardian refuses to “label” his/her child by including him/her in a special education program; this may also apply in cases where parent/guardian has revoked consent to special education.

Are there any special rules regarding discipline and students with Section 504 Service Plans?

In disciplinary situations, students who have a Section 504 Service Plan may be suspended or placed in an alternative interim setting to the same extent these options would be used for children without disabilities. School personnel may also consider any unique circumstances on a case-by-case basis when determining whether a change in placement (in this context a disciplinary removal) is appropriate for a child with a disability who violates a code of student conduct. This change of placement may be to an appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days. Additionally, removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct may be determined appropriate.

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal, the child is entitled to a manifestation determination meeting within ten (10) school days of the District’s decision to change the student’s placement. The child’s parent/guardian must be invited to participate as a member of this manifestation determination meeting. At this meeting, the team will determine (based upon a review of all relevant information in the student’s cumulative and Section 504 Service Plan files, the Student’s Section 504 Service Plan, any teacher observations, and any relevant information provided by the parent/guardian) whether the student’s alleged behavior was a manifestation of his/her disability by answering the inquiry required by the IDEA. As of the 2008-2009 school year, the questions are:

- Whether the conduct in question was caused by, or had a direct and substantial relationship to the student’s disability; or,
- Whether the conduct in question was the direct result of the School’s failure to implement the student’s current Section 504 Service Plan.

If the team answers yes to either question, the alleged misconduct shall be determined to be a manifestation of the student’s disability. However, if the team answers no to both questions, the alleged misconduct shall be determined not to be a manifestation of the student’s disability and the School may take disciplinary action against the student, such as expulsion, in the same manner as it would with a child without disabilities. If the student’s behavior is determined to be a manifestation of his or her disability, the School must conduct a functional behavior assessment, and implement a behavioral support plan for the student. In this situation, if a behavioral support plan has already been developed, the School will

review the plan and modify it as necessary to address the behavior in question. However, regardless of whether a student's behavior was a manifestation of the student's disability, the School may determine, following assessment, that a change of placement is appropriate for the student. The School may proceed with this change of placement following notice to the parents; consent is not required for a change of placement pursuant to Section 504.

Subject: Identification and Education under Section 504
Effective Date: September 8, 2010
Approved By: Board of Directors
Policy: 5011.1

The Governing Board of Springs Charter School (SCS) recognizes the need to identify and evaluate students with disabilities in order to provide them with a free appropriate public education (FAPE). Under Section 504 of the Rehabilitation Act of 1973 (Section 504) individuals with a physical or mental impairment that substantially limits one or more major life activities are eligible to receive regular or special education and related aids and services that are designed to meet the needs of disabled students as adequately as the needs of non-disabled students. In addition to providing a FAPE to students with disabilities under Section 504, RSCS will not discriminate against students with a physical or mental impairment which substantially limits one or more major life activities, have a record of such impairment, or those being regarded as having impairment.

The executive director shall designate a 504 coordinator to establish and implement: evaluation procedures to be used whenever there is reason to believe that a student, because of a disability, needs or is believed to need special instruction or related services; a system of procedural safeguards that includes notice, an opportunity for the parent/guardian of the student to examine relevant records, an impartial hearing with the opportunity for participation by the student's parent/guardian and representation by counsel, and a review procedure.

When an evaluation is conducted to determine whether a student is eligible under Section 504, a Section 504 multi-disciplinary team comprised of knowledgeable persons shall meet to consider the evaluation results and to determine the student's eligibility under Section 504. The student's parent/guardian shall be invited to participate in this meeting.

If the student is found to have a disability that qualifies him/her for a FAPE under Section 504, then the Section 504 multi-disciplinary team members shall develop a written Section 504 service plan for the student. Upon reviewing the nature of the disability and how it impacts the student's education, the members shall determine what general and/or special education services, related aids, supplemental aids and services, accommodations and/or modifications, are needed in order to provide the student with a FAPE. The student shall be educated with non-disabled students to the maximum extent appropriate.

The Section 504 multi-disciplinary team shall provide the parent/guardian with a copy of the Section 504 service plan. If the Section 504 multi-disciplinary team determines that the student is not eligible under Section 504, the parent/guardian shall receive a copy of the Section 504 multi-disciplinary team meeting notes stating the basis for this decision. Parent/guardian shall also receive a copy of the procedural safeguards guaranteed under Section 504.

Springs Charter Schools

Administrative regulations

Section 504 of the Rehabilitation Act of 1973

REFERRAL, IDENTIFICATION, AND EDUCATION PROCEDURES

PURPOSE

It is the intent of Springs Charter School (SCS) to locate, identify, evaluate and provide a free appropriate public education ("FAPE") under Section 504 of the Rehabilitation Act of 1973 ("Section 504") to each student with a disability enrolled in the Charter School. Further, SCS will provide general education and any related aids and/or services that are designed to meet the needs of each disabled student as adequately as the needs of non-disabled students. In addition to providing a FAPE to students with disabilities under Section 504, SCS will not discriminate against students with a physical or mental impairment which substantially limits one or more major life activities, have a record of such impairment, or those being regarded as having an impairment. Protections for these students are provided for elsewhere under District Board Policies and Regulations, state and federal law.

Students who are identified as eligible for special education and related services under the criteria set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") are not addressed under this policy, as the needs of such students are provided for elsewhere under District Board Policies and Regulations, state and federal law, and Special Education Local Plan Area ("SELPA") procedures.

DEFINITIONS AND ELIGIBILITY

1. A student with a disability is one who:
 - a. Has a physical or mental impairment that substantially limits one or more major life activities.
 - b. Has a record of such an impairment
 - c. Is regarded as having such an impairment.

However, only students qualifying under subdivision (a) (*i.e.*, those with an actual physical or mental impairment that substantially limits one or more major life activities) are entitled to a FAPE and a Section 504 Service Plan under Section 504.

2. A physical or mental impairment means: 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 speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and

lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional, and specific learning disabilities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The law does not limit eligibility to specific diseases or categories of medical conditions.

3. The term substantially limits shall be interpreted consistently with the findings and purpose of the Amendments to the Americans with Disabilities Amendment Act ("ADAA") that went into effect on January 1, 2009. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as: medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. Thus, the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

4. Major life activities include, but are not limited to, 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. A major life activity 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. Learning, reading, concentration, thinking, and communication are typically, but not always, the major life activities utilized to determine Section 504 eligibility in the schools.

LOCATION AND NOTIFICATION PROCEDURES

1. Springs Charter School shall annually undertake reasonable measures to locate and identify every qualified disabled student and to notify those students and their parent/guardian of the right to a FAPE under Section 504.
2. Location and notification procedures may include the SCS annual notice, personal contacts, posting of notices, newspaper advertisements, press releases, and communications with public and private community agencies.
3. When a student is identified, he or she should be referred to the school's Section 504 coordinator, following the procedures set forth below.

IDENTIFICATION AND REFERRAL PROCEDURES

1. Any student may be referred, in writing, by parent, guardian, teacher, counselor, related service provider, other school staff, and/or community agency to the school's Section 504 coordinator.
2. Based upon a review of relevant and available information regarding the referred student or based upon a meeting of the school site's multi-disciplinary team or Section 504 Service Plan team, a determination shall be made whether an evaluation under Section 504 is appropriate. SCS shall evaluate any student who, because of disability, needs, or is believed to need, regular or special education or related aids and services
3. If the request for evaluation is denied, SCS or the school site multi-disciplinary team or Section 504 Service Plan team will inform the parent/guardian of the decision through prior written notice in writing and provide him/her with a copy of his/her parent/guardian rights and procedural safeguards under Section 504.
4. If SCS or the school site multi-disciplinary team or Section 504 Service Plan team determines an evaluation under Section 504 is appropriate, the team will forward a letter and/or an assessment plan requesting consent for evaluation of the student to the parent/guardian, along with a copy of the RSCS notice of parent/guardian rights and procedural safeguards under Section 504.

EVALUATION, ELIGIBILITY AND PLACEMENT DETERMINATIONS

1. The evaluation of students suspected of having a disability under Section 504 will be carried out by qualified evaluators selected by SCS.
2. SCS may administer and use formal and/or informal measures as deemed necessary. If the team is going to conduct formal assessment and/or observations in order to determine eligibility, then the team must obtain informed and written consent from the parent/guardian before the student is evaluated.
3. Additionally, if the student's Section 504 Service Plan team determines that a medical examination is necessary for a Section 504 determination, SCS is responsible for the costs of the examination.
4. Once the evaluations are completed, SCS will schedule a Section 504 meeting to consider the results of the evaluations. The student's Section 504 Service Plan team will determine whether the student is eligible under Section 504 by deciding whether the student has a physical or mental impairment that substantially limits one or more major life activities. A Section 504 Service Plan team meeting shall be convened within a reasonable time period following the receipt of the parent/guardian's consent to assess.
5. The Section 504 Service Plan team is made up of a group of individuals. The team will generally consist of the student's parent/guardian, the teacher of record/ education specialist, other teachers, individuals who can interpret the instructional implications of

the assessment results, RTI multi-disciplinary team members, counselors, related service providers, the student, other school staff and administrators, individuals who have knowledge or special expertise regarding the student. The determination of whether an individual has knowledge or special expertise regarding the pupil shall be made by the party who invites the individual to be a member of the Section 504 Service Plan team.

6. The Section 504 Service Plan team, in deciding whether a student is eligible for a Section 504 Service Plan, will collect and carefully interpret evaluation data. In making a placement decision, the team will draw upon information from a variety of sources, including, but not limited to, observations, testing, reports, SCS evaluations, medical records, letters from doctors, health care plans, school records, school administration, school counselors, teachers and paraprofessionals that work with the student, the parent/guardian, and when appropriate, the student.
7. No final determination of whether the student will or will not be identified as a disabled student within the meaning of Section 504 will be made without first inviting the parent/guardian of the student to participate in a Section 504 Service Plan team meeting concerning such determination. The parent/guardian will receive reasonable notice of all Section 504 Service Plan team meetings.
8. If the Section 504 Service Plan team finds the student ineligible under Section 504, this decision shall be documented in writing, at which time the parent/guardian shall be notified of his/her parent/guardian rights and procedural safeguards under Section 504, including the right to an impartial hearing.
9. For students who are determined, through the evaluation process, to be eligible under Section 504, the Section 504 Service Plan team shall develop a Section 504 Service Plan.
10. The Section 504 Service Plan will describe the nature of student's disability, the basis for the determination and how the disability substantially affects a major life activity. The 504 service plan will include any reasonable related aids and services, accommodations and/or modifications that are needed in order to provide the student with a FAPE.
11. A copy of the plan shall be maintained in the student's cumulative file and in the SCS Section 504 file. All school staff who work with the student shall be informed of the elements of the student's Section 504 Service Plan.
12. A student with a disability shall be placed in a regular education environment of SCS unless the Section 504 Service Plan team determines that his/her education in such a placement cannot be achieved satisfactorily with the use of supplementary aides and services. The student with a disability shall be educated with non-disabled students to the maximum extent appropriate.
13. The parent/guardian shall be notified in writing of the final decision concerning the placement, services, and accommodations and/or modifications to be provided (if any),

and of his/her parent/guardian rights and procedural safeguards pursuant to Section 504, including the right to an impartial hearing.

REVIEW OF STUDENT PROGRESS

1. The Section 504 Service Plan team will meet at least annually to review the progress of students with disabilities and the effectiveness of the student's Section 504 Service Plan to determine whether services are appropriate, and that the needs of students with disabilities are being met as adequately as the needs of nondisabled students.
2. Should a parent/guardian request a Section 504 meeting, the RSCS will convene one within a reasonable time period of the receipt of the request.
3. Prior to any subsequent significant change in placement, a reevaluation of the student's needs will be conducted. The parent/guardian will receive reasonable prior written notice of any meeting convened to propose a significant change in placement.
4. The Section 504 Service Plan team may also determine that the student no longer has a mental or physical impairment that substantially limits a major life activity. If the Section 504 Service Plan team so determines, the record of the Section 504 Service Plan team meeting will state the basis for the team's decision.

DISCIPLINE

In disciplinary situations, students who have a Section 504 Service Plan may be suspended or placed in an alternative interim setting to the same extent these options would be used for children without disabilities. School personnel may also consider any unique circumstances on a case-by-case basis when determining whether a change in placement (in this context a disciplinary removal) is appropriate for a child with a disability who violates a code of student conduct. This change of placement may be to an appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days. Additionally, removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct may be determined appropriate.

If a child with a disability will have been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal, the child is entitled to a manifestation determination meeting. The meeting will be scheduled within ten (10) school days of an administrator's decision to change the student's placement. The child's parent/guardian must be invited to participate as a member of this manifestation determination meeting. At this meeting, the team will determine (based upon a review of all relevant information in the student's cumulative and Section 504 Service Plan files, the Student's Section 504 Service Plan, any teacher observations, and any relevant information provided by the parent/guardian) whether the student's alleged behavior was a manifestation of his/her disability by answering the inquiry required by the IDEA. As of the 2008-2009 school year, the questions are:

- Whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or,

- Whether the conduct in question was the direct result of SCS's failure to implement the student's current Section 504 Service Plan.

If the team answers yes to either question, the alleged misconduct shall be determined to be a manifestation of the student's disability. However, if the team answers no to both questions, the alleged misconduct shall be determined not to be a manifestation of the student's disability and SCS may take disciplinary action against the student, such as expulsion, in the same manner as it would with a child without disabilities. If the student's behavior is determined to be a manifestation of his or her disability, SCS must conduct a functional behavior assessment, and implement a behavioral support plan for the student. In this situation, if a behavioral support plan has already been developed, SCS will review the plan and modify it as necessary to address the behavior in question. However, regardless of whether a student's behavior was a manifestation of the student's disability, SCS may determine, following assessment, that a change of placement is appropriate for the student. SCS may proceed with this change of placement following notice to the parents; consent is not required for a change of placement pursuant to Section 504.

PROCEDURAL SAFEGUARDS

1. The parent/guardian shall be notified in writing of all actions regarding the identification, evaluation, and educational placement of a student who, because of a disability, needs, or is believed to need, special instruction or related services pursuant to Section 504. Notifications will include a statement of parent/guardian rights to:
 - a. Examine relevant records. Upon parent/guardian request, records may be reviewed at the main administrative Office. Copies of student records may be obtained within five (5) business days of the request pursuant to SCS policies.
 - b. Have an impartial mediation hearing with opportunity for participation by the parent/guardian and his/her counsel.
 - c. Seek a due process hearing if the parent/guardian disagrees with the mediation hearing decision.
2. Notifications shall also set forth the procedure for requesting an impartial hearing. Requests shall be made to the SCS Section 504 coordinator.
3. If a parent/guardian disagrees with the identification, evaluation or placement of a student with disabilities under Section 504, he/she may initiate the following procedures. The parent/guardian is encouraged to utilize Levels One and Two, but he/she may proceed directly to Level Three if he/she so chooses.

LEVEL ONE: In writing, the parent/guardian may request a meeting with the Section 504 Service Plan team in an attempt to resolve the disagreement. This meeting shall be held within ten (10) school days after receiving the parent/guardian's request. This time frame may be extended by mutual agreement of the parties.

LEVEL TWO: If disagreement continues, the parent/guardian may request, in writing, a meeting with the SCS Section 504 coordinator:

SCS Section 504 Coordinator
27740 Jefferson Ave
Temecula, CA 92590

This meeting shall be held within a reasonable period of time after receiving the parent/guardian's request.

At the request of either SCS or the parent/guardian, and on mutual agreement of the parties, the parties may pursue dispute resolution through mediation. If the parties agree to mediation, a time line will be set for the convening of the mediation.

SCS shall choose an impartial mediator. The cost of the mediation, if any, shall be paid by RSCS.

LEVEL THREE: If the disagreement is not resolved, or upon initial receipt of a due process complaint, a due process hearing may be requested by the student's parent/guardian ("Section 504 due process hearing"). The proceedings will be presided over and decided by an impartial hearing officer.

Impartial hearing officer means a person selected by SCS to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties. To ensure impartiality of the hearing officer, the hearing officer shall not be employed by or under contract with SCS in any capacity at the time of the due process hearing, nor shall the hearing officer have any professional or personal involvement that would affect his or her objectivity or impartiality.

The steps involved in initiating and implementing a Section 504 impartial due process hearing are as follows:

- a. The parent/guardian shall have the right to an impartial hearing with an opportunity for participation by the parent/guardian and representation by counsel.
- b. A request in writing for a Section 504 due process complaint hearing must be filed in the office of the SCS Section 504 Coordinator.

SCS Section 504 Coordinator
27740 Jefferson Ave
Temecula, CA 92590

- c. A request for a Section 504 due process hearing must be in writing and received by SCS within ninety (90) days from the time the parent/guardian received written notice of the decision leading to the request for such hearing. Upon receipt of such a request from the parent/guardian, SCS may schedule a Section 504 Service Plan team meeting, and make relevant personnel available within a reasonable time period. A parent/guardian or student making an oral request may be assisted by RSCS in making a written request.

A request for a Section 504 due process hearing shall contain the following:

- i. A statement requesting a hearing.
 - ii. The specific nature of the decision(s) made by the Springs Charter School Section 504 Service Plan team with which the parent/guardian disagrees.
 - iii. The specific relief the parent/guardian seeks.
 - iv. Any other information the parent/guardian believes will assist in understanding the request.
- d. Within a reasonable time following receipt of a written request for hearing, the SCS Section 504 coordinator will select an impartial hearing officer.
- e. A hearing officer selected by SCS must satisfy the following requirements:
- i. Be qualified to review SCS decisions relating to Section 504.
 - ii. Not be an employee of, or under contract with, SCS in any capacity other than that of a hearing officer at the time of the due process hearing.
 - iii. Not have any professional or personal involvement that would affect his or her impartiality or objectivity in the matter.
- f. Hearing notifications shall be given to the parent/guardian at least twenty (20) calendar days prior to the date set for the hearing. The notice shall contain a statement regarding the time and place for the hearing as well as the name of the hearing officer. This notice shall be accompanied by a copy of the SCS notice of parent/guardian rights and procedural safeguards pursuant to Section 504.
- g. Within sixty (60) calendar days of receipt of the parent/guardian's request for a Section 504 due process hearing, the hearing shall be conducted. Within ninety (90) calendars of the receipt of the parent/guardian's request, a written decision shall mailed to all parties. This time frame may be extended by mutual agreement of the parties.
- h. A party to the hearing shall be afforded the following rights:
- i. The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who have a disability within the meaning of Section 504.

- ii. Receipt of notice from the other party or parties, at least ten (10) calendar days prior to the hearing, that they will utilize the services of an attorney, except for good cause shown.
- iii. The right to prohibit the introduction of evidence at the hearing that has not been disclosed to the other party or parties at least five (5) calendar days prior to hearing except for good cause shown.
- iv. The right to present evidence, written and oral.
- v. The right to produce outside expert testimony.
- vi. The right to written findings of fact, conclusions of law, and a decision prepared by the hearing officer
- vii. The right to a written or electronic verbatim record of the hearing prepared at the expense of the individual requesting such record.

In cases where foreign language translation is necessary, a translator shall be provided by SCS. This translator may be a current Charter School employee

- i. The parent/guardian involved in the hearing will be given the right to:
 - i. Have the student present at the hearing;
 - ii. Open the hearing to the public, but not the press, should they so choose; and
 - iii. Have an opportunity to participate in the impartial hearing.
- j. The hearing officer shall render a decision pursuant to the legal standards set forth in 34 Code of Federal Regulations part 104 and related law.
- k. Either party may seek review of the hearing officer's decision by timely filing with a court of competent jurisdiction.
- l. The cost of the hearing officer shall be borne by SCS. Reimbursement of attorneys' fees, expert witness fees, and other costs is available only as authorized by law.
- m. All written correspondence shall be provided in English and/or translated into the primary language of the home at the request of the parent/guardian. If translation of written correspondence is requested, SCS shall provide said translation within a reasonable time period of the receipt of parent/guardian's request for translation of written correspondence.

For information regarding a student's right to be protected from discrimination please refer to Springs Charter School Board Policy 1001.1, 5011.1

Section 504 Process Flow Chart

1. Refer the Student:

- Any student may be referred, in writing, by parent, guardian, teacher, counselor, related service provider, other school staff, and/or community agency to the school's Section 504 coordinator.



2. Decide Whether to Evaluate the Student:

- Does the school site know or suspect that the student has a disability which substantially limits one or more major life activities
- If yes, provide parent/ guardian with Notice of Parent/Guardian Rights and Procedural Safeguards.
- If no, provide parents with Prior Written Notice and Notice of Parent/Guardian Rights and Procedural Safeguards.



3. Evaluate the Student:

- Evaluate the specific areas of the student's educational needs.



4. Determine the Student's Eligibility/Develop 504 Service Plan:

- Convene a Section 504 Service Plan team meeting to review evaluation results and determine eligibility.
- Provide parents Notice of Parent/Guardian Rights and Procedural Safeguards.
- If yes, develop and implement a Section 504 Service Plan for student.
- Provide Parent/Guardian a copy of 504 service plan.
- If no and Parent/Guardian disagrees, provide Prior Written Notice to parent/guardian.



5. Annually Review the Student's Section 504 Service Plan:

- Reassess, if necessary, with parent/guardian consent.
- Review and revise the student's Section 504 Service Plan.
- Provide parent Notice of Parent/Guardian Rights and Procedural Safeguards.



6. Periodically Re-Evaluate the Student:

- At least every three years.
- Before any significant change in placement.
 - Including exiting student from Section 504 services, unless parent/guardian revokes consent to Section 504.
- Provide parent Notice of Parent/Guardian Rights and Procedural Safeguards.



Section 504 Forms



Section 504 Service Plan Checklist

Student's Name:	Grade:	Age:	Date of Birth:
School:	Site Chairperson:		
Parent/Guardian(s) Name:		Phone: (Home)	(Work)
Address:	(Street)	(City)	(State) (Zip Code)

Section 504 Service Plan Referral Date _____

Consent to Assess Letter/Form Date Sent _____

Date Received _____

Notice of Section 504 Service Plan Team Meeting Date Sent _____

Date Received _____

Initial 504 Service Plan Meeting: Date _____

- Define and state purpose of Section 504
- Provide Notice of Parent/Guardian Rights and Procedural Safeguards
- Develop Section 504 Service Plan

Section 504 Service Plan Review Meeting Date Scheduled (at least annually)
Date _____

If Student is not found eligible: Date _____

- Provide parent/guardian with Prior Written Notice
- Provide parent with Notice of Parent/Guardian Rights and Procedural Safeguards



Referral for Section 504 Service Plan

Referred By Name: _____ **Date:** _____

Referred to Name: _____

Student's Name (Last)	(First)	(Middle)	Grade	Age	Date of Birth
Referral Date	School Program		Student's Counselor		
Parent/Guardian Name	Parent/Guardian Name		Phone (Home) (Work)		
Primary Address	(City)	(State)	(Zip Code)		

1. What are your specific concerns about the student?

Academic:

Behavioral:

Health:

2. What interventions have been tried to help the student (if known)?

What were the results?

3. What other problems, concerns, or observations would you like to share? I.E., How concerns impact a major life activity

Referring Party – check appropriate box

- Teacher/Administrator
- Parent/guardian
- Health Care Professional
- RTI/MTSS Team Referral
- Other _____

Specific Reason for Referral:

- | | | |
|-------------------------------------|---|---------------------------------------|
| <input type="checkbox"/> Academic | <input type="checkbox"/> Physical | <input type="checkbox"/> Work Habits |
| <input type="checkbox"/> Behavioral | <input type="checkbox"/> Social/Emotional | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Health | <input type="checkbox"/> Speech/Language | _____ |
| <input type="checkbox"/> Hearing | <input type="checkbox"/> Vision | _____ |

Intervention History

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Resource Specialist Program | <input type="checkbox"/> Title 1 |
| <input type="checkbox"/> Special Day Class | <input type="checkbox"/> Speech |
| <input type="checkbox"/> 504 | <input type="checkbox"/> ESL |
| <input type="checkbox"/> RTI | <input type="checkbox"/> Other _____ |

Student Performance Summary

Yes	No	Don't Know	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On standardized achievement test (i.e., CAASP) the student scores markedly below the grade level. (Attach copy.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On the SCS benchmark/annual assessments, the student performs below the standard.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On grade reports there is an overall pattern of poor grades (significantly below average – D's and F's). (Attach copy.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Student has received disciplinary action for inappropriate behavior.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Student has a diagnosed disability or special health care needs (Medication, allergy, etc.) during class activities, including lunch.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Student has a pattern of excessive absences and/or tardies. (Attach attendance profile.)

Page 2 of 3

Attachments/Additional Comments: _____

Page 3 of 3



Springs Charter School

SECTION 504 SERVICE PLAN STAFF NOTICE AND FEEDBACK FORM

504 Service plan meeting CONFIDENTIAL

You are requested to participate in the Multi-Disciplinary Team meeting for:

Name: _____

Time/Date/Location: _____

If you are unable to attend this meeting in person, please respond to the following items and return the form via E-mail to your school counselor. For planning purposes, please submit as soon as possible.

1. Strengths: _____

2. Student's current academic standing in your class _____

3. Test/Homework Grades _____

4. Classroom Behavior _____

5. Concerns _____

6. Suggested Accommodations: _____

7. Thoughts
and/or suggestions: _____

Your input is very important in the development of a thorough and individualized service plan. This information will be shared with the Multi-Disciplinary Team members. Thank you.



RSCS Guidance Department
 27740 Jefferson Ave
 Temecula, CA 92590
 Phone: 951-252-8833

Authorization for release and exchange of information form

Student: _____ Birthdate: _____ Date: _____
 School Site: _____ Grade: _____ Student Address: _____
 _____ City: _____ Zip Code: _____
 Home Phone: _____ Cell Phone: _____ Email: _____

Springs Charter Schools

ATTN: _____

 Telephone _____ Fax# _____

Individual or Organization exchanging Information

Physician/Medical Office/ Medical Organization

 Address (City, State, Zip Code)

 Telephone _____ Fax# _____

Duration: This authorization shall become effective and shall remain in effect until _____(date) or for one year from the date of signature if no date is entered.

Revocation: I understand that I have the right to revoke this authorization, in writing, at any time by sending such written notification to the releasing agency. Written revocation will be effective upon receipt, but will not apply to information that has already been released in response to this authorization.

Redisclosure: I understand that health information used or disclosed pursuant to this authorization may be subject to redisclosure by the recipient and it is no longer protected by federal laws and regulations regarding the privacy of protected health information. I further understand the confidentiality of the information when released to a public educational agency is protected as a student record under the Family Educational Rights and Privacy Act (FERPA).

Health Info: I understand that authorizing the disclosure of health information is voluntary. I can refuse to sign this authorization, and I do not need to sign this form in order to assure medical treatment.

Specify Record(s): Indicate type of information to be communicated:

- Medical Medication Mental Health Psychiatric Educational Vision/Hearing
 Drug/Alcohol Audiological Counseling Other (specify) _____

Consent to allow a mental health professional or designee observe the student in a school setting and discuss pertinent information with school district personnel within the Riverside County SELPA as needed.

I request that the information released pursuant to this authorization be used for the following purposes only:

- Educational Assessment 504 eligibility Mental Health Assessment/planning/placement Other (specify) _____

A copy of this authorization is valid as original. I understand that I have the right to receive a copy of this authorization for my records.

 Parent/Legal Guardian/Surrogate Description of Relationship to Student Date _____ Signature of



Notice and Consent to Assess for eligibility Under Section 504

Date:

To:

From:

PRIOR NOTICE/PARENT CONSENT TO ASSESS UNDER SECTION 504

This letter is to provide you notice that Spirings Charter School proposes to assess.

Student Name: _____ and determine if he/she is eligible for services under Section 504 of the Rehabilitation Act of 1973.

The Team has concluded that the following assessments are necessary to determine if your child has a disability under Section 504 and/or is eligible for a section 504 Accommodation Plan:

Information is being used for an: _____ Initial Evaluation, _____ Continued eligibility Review, _____ Change of placement.

You will be invited to participate in a meeting to review the assessment results and to determine if your child is eligible for a service plan under Section 504.

PARENT CONSENT

I understand that the granting of consent for assessment is voluntary.

_____ Consent to assess is given. _____ Consent to assess is denied.

_____/_____/_____/_____
Parent/Guardian Signature / Date / Work phone / Home Phone

If you have questions, please contact _____. Thank you for working with Spirings Charter School to provide appropriate services for your child.



Section 504 Meeting Notification

To the Parent(s) or Guardian(s) of :

Please be advised that a Section 504 Plan Development meeting will be convened on behalf of your children.

The meeting is scheduled as follows:

Date:

Time:

Location:

The purpose of this meeting is to:

Determine Eligibility

Review 504 Accommodation Plan

Develop Section 504 Student Accommodation Plan (If meets eligibility requirements)

The following individuals have been invited to attend:

Counselor(s): _____

ES/TOR: _____

Administrator: _____

Additional Participants: _____

Please make every effort to attend this meeting. You are a valuable member of the Section 504 multi-disciplinary team. Your insights and contributions are essential to us in effecting the best decisions possible for your student. The meeting can be rescheduled at a mutually agreed upon time and place or re scheduled as a phone conference if you are unable to attend face-to-face. If you have any questions or wish to reschedule the meeting, please contact your counselor _____ @ _____.

Sincerely,

Name

Title
Springs Charter School

Name
School Counselor
Springs Charter School



PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, PLACEMENT & PROCEDURAL SAFEGUARDS

PLEASE KEEP THIS EXPLANATION FOR FUTURE REFERENCE.
(SECTION 504 OF THE REHABILITATION ACT OF 1973)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your student take part in, and receive benefits from public education programs without discrimination because of his/her disabling condition.
2. Have Springs Charter Schools advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your student.
4. Have your student receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have Springs Charter Schools make reasonable accommodations to allow your student an equal opportunity to participate in school and school-related activities.
5. Have your student educated in facilities and receive services comparable to those provided nondisabled students.
6. Have your student receive general education accommodations and related aids or services if he/she is found to be eligible under Section 504 of the Rehabilitation Act.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options.
8. Have your student be given an equal opportunity to participate in nonacademic and extracurricular activities offered by Springs Charter Schools.
9. Examine all relevant records relating to decisions regarding your student's identification, evaluation, educational program, and placement;
10. A response from Springs Charter Schools to reasonable requests for explanation and interpretations of your child's records.
11. Request mediation or an impartial due-process hearing related to decisions or actions regarding your student's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to the SCS Section 504 Coordinator.
12. File a local grievance.

Section 504 regulations do not define "impartial." However, in similar processes, impartial has been defined as a person not employed by or under contract with the district in any capacity.

Section 504 regulations do not require that the selection of the hearing officer be a mutually agreed-upon decision between the school district and the parents/guardians.

Parent/Guardian rights have been explained and a copy received.

Parent/guardian signature

Print name

Date

Administrator signature

Date



43466 Business park Dr, Temecula, CA 92590
SECTION 504 ACCOMMODATION SERVICE PLAN

ID#

Student:

DOB:

Grade:

Parent/Guardian :

Home Phone:

Address:

Originator:

1. Describe the nature of the concern
2. Describe the basis for the determination of disability (if any):
3. Describe how the disability effects a major life activity :

4. The Section 504 multi disciplinary team has determined that the student DOES NOT have a physical or mental impairment which substantially limits one or more major life activities, such as caring for one's self, performing manual tasks, seeing, hearing, breathing or learning, does not have a record of such an impairment, or is not regarded as having such an impairment, or is not regarded as having such an impairment, or is not regarded as having such an impairment.

5. The student has been identified as having a physical or mental impairment. However, the impairment does not substantially limit one or more major life activities. The student does not require accommodations at this time. There will be at least an annual review of the student's needs.

6. Section 504 multi disciplinary team has reviewed the case of the above-named student and concludes that he/she meets the classification as a qualified disabled individual under Section 504 of the Rehabilitation Act of 1973. In accordance with the Section 504 guidelines, the school/parent/student has agreed to make reasonable accommodations and address the student's specific needs as indicated in this plan

ACCOMMODATION(S) BY SCHOOL

CLASSROOM ACCOMMODATIONS

seat student near the teacher
avoid distracting stimuli
seat student near a positive role model
increase the distance between the desks
stand near the student when giving directions or presenting lessons
provide physical education modifications within regular education

INSTRUCTIONAL SUPPORT

assign a study partner/peer tutoring
allow student to tape record lessons
pair students to check work
have student review key points orally
provide modified and/or supplementary materials
provide peer notetaker
allow audio, visual or computer equipment to be used
additional accommodations:

LESSON PRESENTATION

write key points on the board
provide visual aides
make sure directions are understood
provide a written outline
include a variety of activities during each lesson
use computer-assisted instruction
break long presentations into shorter segments
teach through multi-sensory modes
additional accommodations:

ASSIGNMENTS

give extra time to complete assignments
shorten assignments
allow student to tape record assignments/homework
reduce homework assignments
allow typewritten or computer printed assignments
not grading handwriting
shorten assignments; break work into smaller segments
simplify complex directions
reduce the reading level of the assignments
use self-monitoring devices

require fewer correct responses to achieve grade
hand worksheets out one at a time
provide study skills training/learning strategies
provide structured routine in written form

TEST TAKING

allow open book exams
give exams orally
allow extra time for exam
read test items to student
allow student to give test answers on tape recorder
give take home tests
give frequent short quizzes not long exams
use more objective items (fewer essays)
additional accommodations:

ORGANIZATION

provide peer assistance with organizational skills
assign a volunteer homework buddy
allow student an extra set of books for home
provide student with a homework assignment notebook
send weekly progress report home (counselor)
develop a reward system for in-school work and homework completion
additional accommodation:

BEHAVIORS

praise specific positive behaviors
use self-monitoring strategies
allow for short breaks between assignments
keep classroom rules simple and clear
consistently provide consequences
give extra privileges and rewards
cue student to stay on task (non verbal signal)
allow legitimate movement
mark student's correct answers, not his/her mistakes
form a behavior contract with the student
implement a classroom behavior management system
increase the immediacy of rewards
allow student time out of seat to run errands, etc.
implement time-out procedure
ignore inappropriate behaviors, not drastically outside classroom limits
additional accommodations:

INTEGRATED SUPPORT SERVICES

- provide peer resource services
 - assistance
- listening
 - step groups
 - buddy systems
 - treatment support groups
- provide instruction to assist with disabling condition (skills) refer to parent/family support groups
- refer to Healthy Start Services
- additional accommodations:
 - provide school counseling
 - provide student support groups
 - provide adult mentorship tutoring refer to twelve
 - refer to community agency
 - refer to

NURSING CONSIDERATIONS

- provide toileting hygiene accommodations accommodations
- provide rest periods periods
- address dietary concerns conditions
- provide wheel chair
- provide late passes for passing
- provide instruction re: disabling

MEDICATION

name of physician: _____ phone: _____

medication(s): _____ schedule: _____

monitoring/administration of medication(s): _____ daily _____ weekly
_____ on an as needed basis

administered by: _____

additional accommodations _____

SPECIAL CONSIDERATIONS

monitor student closely on field trip
inservice teacher(s) on student's disability
provide individualized instruction
placement
reduce school day
tests
provide group/individual counseling re: _____

alert bus driver of 504 disability
provide bus transportation
provide alternative education

exempt student from standardized

develop intervention strategies for transitional periods (e.g. cafeteria, physical education toilet assistance, etc.)

additional accommodations:

PARENT RESPONSIBILITY

provides a quiet study area

enforce a consistent study time

use behavior contract

initial assignment notebook daily/weekly

attend parent education/skills training re: child's condition

communicate concerns to teacher(s)/counselor

call teacher(s) every _____ for feedback □

attend a parent support group

seek community agency involvement

inform teacher(s)/counselor of medication changes

break homework into smaller parts and provide frequent breaks

get feedback from teacher(s)/counselor to give to physician for check-ups

supply school with medication and necessary medical forms and medical follow-up

provide daily consequences for bringing completed/incomplete assignment

notebook/progress report home

provide rewards for appropriate behavior and/or completion of satisfactory in class and/or

homework assignments

additional accommodations:

STUDENT RESPONSIBILITY

complete assignment notebook and get teacher(s) initial(s)

set deadlines for work completion

take medications as prescribed

prioritize assignments

come to class with books, pencils, and paper

estimate time needed to complete work

complete assigned work

reward yourself for _____

request assistance when needed

learn how your condition effects you

take needed materials home to complete work

tell your teacher(s) how they can help you

ask coach to help you organize _____

break assignments into smaller parts

seek encouragement from trusted adult

use self-monitoring strategies for behavior modification

join in a homework club
attend support group
attend tutoring sessions
additional accommodations :

DISCIPLINE

This student's 504 disability would not be expected to interfere with his/her ability to understand and follow school rules.

PARTICIPANTS SIGNATURE

Administrator/Designee: _____ date _____

Counselor: _____ date _____

Psychologist: _____ date _____

Nurse: _____ date _____

Teacher: _____ date _____

Teacher: _____ date _____

I hereby acknowledge having been notified of my procedural right under Section 504/ADA and having agreed to the contents of this plan

Student: _____ date _____

Parent/guardian: _____ date _____

Expiration/review date: _____ date _____



**Section 504 Prior Written Notice
Following a Section 504 Service Plan Team Meeting**

Date: _____

To: _____

Address: _____

Re: _____

Date of Birth: _____

Dear: _____

This letter is intended as a follow-up to your child's ____/____/____ Section 504 Service Plan team meeting. This letter serves as the Springs Charter School's prior written notice regarding proposed or refused actions. SCS is required to provide you with prior written notice when proposing to initiate or change, refuse to initiate or change the identification, assessment, or educational placement of the child, or the provision of a free appropriate public education to your child.

On ____/____/____, we met to review the current evaluation data on your child. This was including any recent evaluations completed by SCS, any evaluations or information you provided to the Section 504 Service Plan team, current classroom based assessments, work samples, and/or observations, and your child's teacher and other staff observations.

The specific information/data used to make decisions at your child's ____/____/____ Section 504 Service Plan team meeting included:

Based upon this information, the Section 504 Service Plan team discussed and SCS determined/offered the following:

Eligibility (Check if appropriate and discussed at the Section 504 Service Plan team meeting.):

_____ Your child is eligible for Section 504.

_____ Your child is not eligible for Section 504.

Eligibility considerations and why they were rejected:

Other factors relevant in the SCS proposal/refusal:

General Education and Related Aids and Services (Check if appropriate and discussed at the Section 504 Service Plan team meeting.):

_____ Based upon the information considered at your child's Section 504 Service Plan team meeting, SCS determined that the following general education services are designed to meet your child's individual educational needs as adequately as the needs of his/her non-disabled peers: _____

Other related aids and services considered and why they were rejected:

Other factors relevant in the SCS proposal/refusal:

Assessment (Check if appropriate and discussed at the Section 504 Service Plan team meeting.)

_____ The Section 504 Service Plan team considered, and SCS determined, that additional assessment of your child is needed at this time. Please find attached the SCS notice and consent to asses form as discussed at the Section 504 Service Plan team meeting.

Other assessment options considered and why they were rejected:

Other factors relevant in the SCS proposal/refusal:

SCS requests that you return your child's signed Section 504 Service Plan and/or the enclosed consent to assess plan to SCS as soon as possible. In addition, SCS acknowledges your right to make informed decisions regarding your child's educational program. Please do not hesitate to contact me should you have any questions regarding your child's Section 504 Service Plan or need further information in order to respond to the SCS proposal(s)/refusal(s) as detailed above.

Please find enclosed a copy of the Springs Charter Schools procedural rights and safeguards under Section 504 for your review records. In addition to contacting the SCS section 504 coordinator, you may also contact the following agency to obtain assistance in understanding your rights:

Office for Civil Rights
90 7th Street, Suite 4-100
San Francisco, CA 94103

Thank you for your time and careful consideration in this matter. Again, if you have any questions or need further assistance, please do not hesitate to contact me at (_____) _____ - _____.

Sincerely,

(Signature of Springs Charter School Representative)

(Printed Name of Springs Charter School Representative)

(Title of the Springs Charter School Representative)

Enclosures: Notice Parent/Guardian Rights and Procedural Safeguards Under Section 504
Section 504 Service Plan dated ____/____/____, if appropriate
Assessment Plan, if appropriate



PRIOR WRITTEN NOTICE LETTER

PARENT/GUARDIAN REVOKES CONSENT TO SECTION 504 SERVICES

Sent U.S. Mail and Certified Mail, Return Receipt Requested

Date:

To:

Re:

Dear

This letter responds to your letter dated: _____, in which you revoked your consent for your child: _____, to receive a Section 504 Service Plan from Springs Charter School (SCS).

SCS believes that _____ continues to be eligible and could benefit from a Section 504 Service Plan and that the plan developed at the Section 504 Service Plan team meeting on _____ continues to be appropriate. This Section 504 Service Plan was developed based on the following information:

Based on the receipt of your written revocation of consent, SCS will discontinue the implementation of all aspects of the Section 504 Service Plan on _____.

Please be advised that after _____, _____ will become a general education student and will no longer be entitled to any related aids, services or accommodations that are contained in his/her Section 504 Service Plan or the rights and procedural safeguards provided under Section 504 of the Rehabilitation Act of 1973. _____ will be considered a general education student in all respects. As a result, _____'s disability will not be taken into consideration when determining appropriate disciplinary action, testing, and/or graduation as appropriate.

Your revocation of consent releases Springs Charter School from liability for providing your child with a free appropriate public education as identified for students with disabilities. If, in the future, you would like your child to receive accommodations, related aids and services through a Section 504 Service Plan, please contact us. SCS will treat such a request as an initial request for evaluation.

If you would like to meet to discuss your decision and its potential impacts, please contact your school counselor or the Springs Charter Schools 504 coordinator. However, you are not obligated to meet with us and any meeting will not delay or deny the discontinuation of your child's Section 504 Service Plan. If we do not hear from you, we will assume that you do not wish to meet.

I have enclosed a copy of _____'s most recent Section 504 Service Plan for your reference, as well as a copy of the Springs Charter School parent/guardian rights and procedural safeguards under Section 504. Please feel free to contact me with any questions you may have at this time. You may also contact the Office for Civil Rights at 90 7th Street, Suite 4-100, San Francisco, CA 94103.

Thank you for your time and careful consideration in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Name
Director of Guidance/ Section 504 Coordinator
Springs Charter School



APPENDIX

SELECTED AMERICANS WITH DISABILITIES ACT (“ADA”) CODE SECTIONS

42 U.S.C. §§ 12101 *et seq.* as amended by Public Law 110-325 (Sept. 25, 2008)

SEC. 4. DISABILITY DEFINED AND RULES OF CONSTRUCTION.

(a) DEFINITION OF DISABILITY.—Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended to read as follows:

SEC. 3. DEFINITION OF DISABILITY.

As used in this Act:

(1) DISABILITY.—The term ‘disability’ means, with respect to an individual—

(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment (as described in paragraph (3)).

(2) MAJOR LIFE ACTIVITIES.—

(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(B) MAJOR BODILY FUNCTIONS.—For purposes of paragraph (1), a major life activity 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.

(3) REGARDED AS HAVING SUCH AN IMPAIRMENT.—For purposes of paragraph (1)(C):

(A) An individual meets the requirement of ‘being regarded as having such an impairment’ if the individual establishes that he or she has been subjected to an action prohibited under this Act 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.

(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(4) RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY.—The definition of ‘disability’ in paragraph (1) shall be construed in accordance with the following:

(A) The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.

(B) The term ‘substantially limits’ shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(E)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(II) use of assistive technology;

(III) reasonable accommodations or auxiliary aids or services; or

(IV) learned behavioral or adaptive neurological modifications.

(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

(iii) As used in this subparagraph—

(I) the term ‘ordinary eyeglasses or contact lenses’ means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

(II) the term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image.”.

(b) CONFORMING AMENDMENT.—The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

SEC. 4. ADDITIONAL DEFINITIONS.

As used in this Act:

(1) AUXILIARY AIDS AND SERVICES.—The term 'auxiliary aids and services' includes—

(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(C) acquisition or modification of equipment or devices; and

(D) other similar services and actions.

SELECTED § 504 REGULATIONS

34 C.F.R. §§ 104.31 et seq.

Subpart D-Preschool, Elementary, and Secondary Education

104.31 Application of this subpart.

Subpart D applies to preschool, elementary, secondary, and adult education programs or activities that receive Federal financial assistance and to recipients that operate, or that receive Federal financial assistance for the operation of, such programs or activities.

104.32 Location and notification.

A recipient that operates a public elementary or secondary education program or activity shall annually:

(a) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education; and

(b) Take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under this subpart.

104.33 Free appropriate public education.

(a) *General.* A recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap.

(b) *Appropriate education.* (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of 104.34, 104.35, and 104.36.

(2) Implementation of an Individualized Education Program developed in accordance with the Education of the Handicapped Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.

(3) A recipient may place a handicapped person or refer such a person for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any handicapped person so placed or referred.

(c) *Free education -- (1) General.* For the purpose of this section, the provision of a free education is the provision of educational and related services without cost to the handicapped person or to his or her parents or guardian, except for those fees that are imposed on non-handicapped persons or their parents or guardian. It may consist either of the provision of free services or, if a recipient places a handicapped person or refers such person for aid, benefits, or services not operated or provided by the recipient as its means of carrying out the requirements of this subpart, of payment for the costs of the aid, benefits, or services. Funds available from any public or private agency may be used to meet the requirements of this subpart. Nothing in this section shall be construed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a handicapped person.

(2) *Transportation.* If a recipient places a handicapped person or refers such person for aid, benefits, or services not operated or provided by the recipient as its means of carrying out the requirements of this subpart, the recipient shall ensure that adequate transportation to and from the aid, benefits, or services is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the aid, benefits, or services operated by the recipient.

(3) *Residential placement.* If a public or private residential placement is necessary to provide a free appropriate public education to a handicapped person because of his or her handicap, the placement, including non-medical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

(4) *Placement of handicapped persons by parents.* If a recipient has made available, in conformance with the requirements of this section and 104.34, a free appropriate public education to a handicapped person and the person's parents or guardian choose to place the person in a private school, the recipient is not required to pay for the person's education in the private school. Disagreements between a parent or guardian and a recipient regarding whether the recipient has made a free appropriate public education available or otherwise regarding the question of financial responsibility are subject to the due process procedures of 104.36.

(d) *Compliance.* A recipient may not exclude any qualified handicapped person from a public elementary or secondary education after the effective date of this part. A recipient that is not, on the effective date of this regulation, in full compliance with the other requirements of the preceding paragraphs of this section shall meet such requirements at the earliest practicable time and in no event later than September 1, 1978.

104.34 Educational setting.

(a) *Academic setting.* A recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.

(b) *Nonacademic settings.* In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in 104.37(a)(2), a recipient shall ensure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

(c) *Comparable facilities.* If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

