Subject: Identification and Education under Section 504
Effective Date: May 15, 2014
Approved By: Board of Directors
Policy: 5011.1

The Empire Springs Charter School (HSCS) Board of Directors recognizes the need to identify and evaluate students with disabilities in order to provide them with a free appropriate public education (FAPE) and its legal responsibility to ensure that "no qualified person 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." This policy and the related administrative regulation have been developed to ensure the implementation of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and its implementing regulations as amended, which pertains to public schools. The intent is to ensure that all students with disabilities, who are eligible under Section 504, are identified and evaluated and have access to a 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, including learning, are entitled to receive regular or special education and/or related aids and services that are designed to meet their individual needs as adequately as the needs of non-disabled students are met. Major Life Activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Students may be disabled and entitled to services under Section 504 even though they are not eligible for services pursuant to the Individuals with Disabilities in Education Act Improvement Act of 2004 ("IDEA"). In addition to providing a FAPE to students with disabilities under Section 504, HSCS 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 Superintendent shall ensure that this policy and set of procedures is implemented and followed. Whenever there is reason to believe that, because of a disability, a student needs regular or special education and/or related aids and services (and the student has not been found eligible under IDEA) that student will be evaluated under this policy's administrative regulations.

Upon receipt of staff referral or parent written request, a Section 504 Team will be convened to determine the student's need for regular or special education and/or related aids and services. The 504 Team will include persons knowledgeable about the Section 504 standards, the student's individual needs and school history, the meaning of evaluation data, and placement options. The student's parent/guardian shall be invited to participate in this meeting and shall receive notice of procedural safeguards guaranteed by law. If the Charter School does not assess a student after a parent has requested an assessment, the Charter School shall provide notice of the parent/guardian's procedural safeguards.

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, and 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.

Empire Springs Charter School will implement this policy through its corresponding Administrative Regulations.