


HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

	Students/Families	SF20-0901
	Section 504 of the Rehabilitation Act of 1973 & American with Disabilities Act of 1990	ADOPTED DATE: September 15, 2020 REVIEWED DATE: REVISED DATE:

Section 504/Chapter 15 Plans

The Board of Trustees of Howard Gardner MI Charter School declares it to be the policy of this School to ensure that all programs and practices are free from discrimination against all qualified students with disabilities. The Board of Trustees recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities. Howard Gardner MI Charter School shall provide to each qualified student with a disability enrolled in the school, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or reasonable accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with Section 504 of the Rehabilitation Act of 1973 (“Section 504”) and the American with Disabilities Act of 1990 (the “ADA”). The Board of Trustees shall also comply with the Individuals with Disabilities Education Act.

Definitions

Section 504 - Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. §794).[\[11\]](#)

Chapter 15 - Pennsylvania’s implementing regulations for Section 504 of the Rehabilitation Act (22 PA Code §15).[\[12\]](#)

Protected handicapped student - Any student who: (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such an impairment.

Section 504 Team - A group of persons which includes persons knowledgeable about the student, the meaning of the evaluation data and the accommodation options for the student. A school nurse shall be involved wherever appropriate.

Section 504/Chapter 15 Plan - A student’s Section 504 Service Plan is an individualized plan for an eligible child that describes the modifications and accommodations needed by a disabled student, which shall be implemented in school or in transit to school, so that the student has equal access to the educational benefits of the school’s program.

Discrimination under Section 504 of the Rehabilitation Act - The denial of benefit from, or exclusion from enjoyment of, a right, opportunity, program or activity or educational service on the basis of or because of an individual’s disability; intimidation or abusive behavior toward a student based on disability, including name-calling, or nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

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Guidelines

Identification, Evaluation and Service Plan Procedures

To ensure identification of disabled students, all HGMICS employees, shall be directed to refer any student believed to be disabled and in need of special education as a result of the disability to Child Study for screening or evaluation. Parents/Guardians or others are encouraged to report all students believed to be in need of an evaluation.

The charter school shall respond to parental requests for services by evaluating any information provided within twenty-five (25) school days. Parental permission will be obtained to conduct any formal testing or evaluation. In conducting evaluations and making eligibility decisions, information reviewed may include student work, observation data, aptitude and achievement tests, teacher input, physician input, school nurse input, information regarding functional limitations, parent/guardian input and any other relevant information. The protected student shall be re-evaluated as appropriate.

If, after considering all of the relevant information, the reviewing team determines that a student meets the eligibility requirements, a Section 504 Service Plan describing the needed accommodations, services or programs shall be developed.

Parents/Guardians will be provided with written notice of the school's action in relation to the need to evaluate, identify, and/or develop a written Section 504 Service Plan, modify a service plan or terminate eligibility for a student.

Consistent with the safety of all students, where a student's behavior has a direct and substantial relationship to their disability, they shall not be discriminated against for that behavior. If appropriate, the school will convene a team meeting under 34 CFR § 104.35 prior to a disciplinary exclusion. [\[13\]](#)

Students whose unacceptable behavior is related to current, illegal drug use are not protected by Section 504/Chapter 15 or the ADA.

Review of Eligibility

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

Nonacademic Services/Extracurricular Activities

Howard Gardner MI Charter School shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs and referrals to agencies which provide assistance to individuals with disabilities.

Discipline

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

Parental Involvement

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

Confidentiality Of Student Records

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

Grievance Procedures:

Students and parents/guardians are encouraged to resolve any complaints related to the provision of FAPE to Section 504/Chapter 15 students informally, through communicating concerns to the Section 504 building coordinator, principals and teachers. However, the parent/guardian/complainant may seek a hearing or file a formal complaint at any time. Complainants may be represented by legal counsel at any stage of the grievance procedures set forth below.

General complaints alleging violations of federal law will be resolved equitably and promptly as set forth below.

All complaints submitted in writing within sixty (60) calendar days of the alleged violation shall be resolved as follows.

Request an Informal Conference

At any time, a parent/guardian may request an informal meeting with the designated school employee to address specific allegations of discrimination. Meetings shall be held within ten (10) days of a request unless agreed otherwise. In order to preserve the impartiality of the Section 504 Coordinator, s/he will typically not attend the informal meeting. A request for an informal meeting may be made verbally or in writing. Electronic mail requests will not be accepted.

Submit a Formal Complaint

If concerns are not resolved at the informal meeting, or if a complainant believes a violation of Section 504 or the ADA has occurred, within sixty (60) days of the alleged violation, the complainant may send a formal, written complaint to the Section 504 Coordinator. Verbal or electronically mailed complaints will not be accepted. The complaint should set forth the specific issues of dispute and propose a resolution. The complainant may obtain a complaint form from the charter school's Coordinator if needed. The Coordinator

shall either conduct an investigation or designate an investigator. If the Coordinator is the subject of the complaint, an impartial investigator shall be appointed by the Superintendent.

Investigation - The Coordinator or designee will gather information from the complainant and charter school's employees to investigate the situation.

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Response - The Coordinator or designee will mail a written response to the complainant within fifteen (15) school days from the date of receipt of the written complaint. The written response will be issued to the complainant and the School Board. At his/her discretion, the investigator or designee may schedule a meeting with the complainant as a part of the investigation.

The complainant has the right to have a fair and impartial hearing of his/her complaint.

The complainant has the right to be represented by counsel.

Appeal to the School Board/CEO

Within ten (10) school days of receipt of the written response to the formal complaint, the complainant may, in writing, request an appeal to the School Board and CEO. Such request must: be submitted in writing, set forth the basis for the appeal and include a proposed resolution.

Based on the request for appeal, in his/her discretion, the School Board and CEO may or may not take additional comments or testimony from the complainant and school employees.

Within thirty (30) school days of receipt of the appeal, the School Board and CEO shall issue to the complainant a written response setting forth any additional factors considered, the final conclusion about the complaint and any proposed, equitable resolution.

Any student complaint, written response, appeal to the School Board and CEO appeal decision will be placed into a student's educational records file. Confidentiality of the response will be maintained consistent with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, 34 CFR Part 99. [\[14\]](#)[\[17\]](#)[\[16\]](#)

Request a Formal Due Process Hearing on Behalf of a Student

At any time, or if the parent/guardian or complainant is not satisfied with the written response from the charter school, and the dispute involves provision of individual accommodations or modifications, a special education program, a child's identification, evaluation, or educational placement, s/he may request a formal, impartial due process hearing using the Commonwealth's hearing procedures.

A formal due process hearing will be conducted by an impartial, state appointed hearing officer. This hearing can be requested by notifying the charter school in writing. Both the school the school's and the complainant may be represented by legal counsel. The school the school's may request a hearing where it has concerns that it is being impeded from being able to provide appropriate services for a child. Questions about requests for a due process hearing may be directed to: The Office for Dispute Resolution at 717-657-5983.

State Complaint

At any time, a complainant or parent/guardian may file a complaint with the Pennsylvania Department of Education if they allege that the charter school is not providing the related aids, services, and accommodations specified in the service agreement and/or the school the school's has failed to comply with Section 504. Written requests should be

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addressed to: Pennsylvania Department of Education, Bureau of Special Education, 333 Market Street, Harrisburg, PA 17126 (717-783-6913).

Federal Complaint

At any time, a complainant/parent/guardian who believes his/her complaint involves discrimination under Section 504 may file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR), Philadelphia Office for Civil Rights, Telephone (215) 656-8541. Complaints should only be filed with OCR as an alternative for seeking redress if the grievant believes there is discrimination occurring and not a dispute regarding issues specific to a child's placement or the type or amount of services s/he is receiving.