

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: August 18, 2026

HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

Board of Trustees Policy

Section 504 Policy

The Board of Trustees recognizes that all qualified persons with disabilities in the Howard Gardner Multiple Intelligence Charter School ("Charter School") are entitled to a free and appropriate public education under Section 504 of the Rehabilitation Act of 1973 ("Section 504"). Section 504 is a civil rights statute that prohibits discrimination against individuals with disabilities. Section 504 is applicable to charter schools that receive Federal financial assistance from the U.S. Department of Education for programs and activities.

Affirmative Child Find Duty

The Charter School is under an affirmative duty to locate all students who are eligible for Section 504 accommodations pursuant to its Child Find duties. (34 C.F.R. §104.32(a)). The Charter School shall identify, locate, and evaluate all students enrolled in the Charter School who may be eligible for protections and services under Section 504. Parents/guardians, school staff, and other individuals with knowledge of a student's educational needs may refer a student for consideration under Section 504.

Applicable Definitions Pursuant to Section 504 Regulations

The Section 504 regulations define a person with a disability as any person who (i) has a physical or mental impairment that substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

A "physical or mental impairment" may include, but is not limited to:

(A) 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

(B) any mental or psychological disorder, such as mental disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

An impairment in and of itself is not a disability. Per the U.S. Department of Education's Office for Civil Rights ("OCR") guidance regarding "Protecting Students with Disabilities," the regulations "do not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments."

"Major life activity" may include: functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. According to the OCR, this list is also not exhaustive.

A student is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less. However, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. A student with such an impairment is entitled to a free appropriate public education under Section 504.

Provision of a Free and Appropriate Public Education

A qualified person with a disability is a person with a disability who is of an age during which it is mandatory under state law to provide such services to persons with disabilities; of an age during which persons without disabilities are provided such services; or a person for whom a state is required to provide a free appropriate public education under IDEA 2004.

All school-age children who are individuals with disabilities as defined by Section 504 are entitled to a free and appropriate public education ("FAPE").

According to the OCR, an appropriate education includes: education services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met; the education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability; evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and establishment of due process procedures that enable parents and guardians to receive required notices, review their child's records, and challenge identification, evaluation and placement decisions, and that provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

To be appropriate, education programs for students with disabilities must be designed to meet their individual needs to the same extent that the needs of nondisabled students are met. An appropriate education may include regular or special education and related aids and services to accommodate the needs of individuals with disabilities.

Evaluation

Purpose: To determine eligibility for accommodations as a disabled person under Section 504. Charter Schools may use the same process to evaluate the needs of students under Section 504 as they use to evaluate the needs of students under the IDEA.

Section 504 requires the use of evaluation and placement procedures. A physician's medical diagnosis may be considered among other sources in evaluating a student but should not be the sole criteria for determination that Section 504 accommodations are needed. A physician's diagnosis alone does not mean that a Student requires Section 504 accommodations.

Process: An individual evaluation must be conducted before any action is taken with respect to the initial placement of a child who has a disability, or before any significant change in that placement.

Prior to determining eligibility under Section 504 or making any significant change in placement, the Charter School shall conduct an evaluation of the student. The evaluation shall:

- Be conducted by a group of knowledgeable persons;
- Draw upon information from a variety of sources;
- Consider aptitude and achievement data, teacher recommendations, physical condition, social and cultural background, adaptive behavior, medical information, and other relevant information; and

- Ensure that information obtained from all sources is documented and carefully considered.

The CEO shall appoint a Section 504 Coordinator (34 C.F.R. §300.104.7(a)), to establish standards and procedures for initial and continuing evaluations and placement decisions regarding students, who, because of a disability, need or are believed to need special education or related services.

The 504 Coordinator is directed to draw upon a variety of sources in the evaluation and placement process so that the possibility of error is minimized. All significant factors related to the learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. No eligibility determination shall be based upon a single criterion or measure.

A typical 504 team may include:

- The parent/guardian;
- Teachers knowledgeable about the student;
- School administrators;
- Related service providers; and/or
- Other individuals with relevant knowledge or expertise.

Section 504 Plan

Development: For each eligible student requiring accommodations or services, the Charter School shall develop a written Section 504 Plan.

The Plan shall include:

- Brief description of disability and identify the student's related educational needs;
- Specify accommodations, aids, services, curriculum modifications or supports to be provided/as proposed by the Charter School;
 - Examples of accommodations may include (but are not limited to): instructional, testing, health, behavioral, accessibility, attendance, and environmental accommodations
- Identify responsible personnel;
- Date services to begin and end or specific commitment to continue services for an indefinite period; and
- If appropriate, procedures to follow in a medical emergency.

Periodic Review: Section 504 plans shall be reviewed periodically and revised as needed. Each eligible student's 504 plans shall be distributed to staff responsible for implementation.

- With regard to a student who is determined to be disabled under Section 504 of the Rehabilitation Act of 1973, but who is not determined to be disabled under IDEA, the Charter School shall periodically conduct a reevaluation of the student as required by law.

Finalization And/Implementation of 504 Service Agreements

No final determination of whether the student is a disabled individual within the meaning of Section 504 will be made without informing the Parent or Guardian of the student concerning the determination.

The Charter School must provide each identified protected handicapped student enrolled in the Charter School, those related aids, services, or accommodations needed to afford the student the equal opportunity the student requires to participate in and obtain the benefits of the school program and extracurricular activities without discrimination. This is accomplished without cost to the student or the student's family, through the creation of a Section 504 Plan. It is advisable to discuss with Parent/Guardian, during the meeting to determine Section 504 eligibility, what will be in the Section 504 Plan and when and where the services, aids and/or accommodations are provided.

- Generally, with or without a complete 504 team meeting, Parent/Guardian should sign a written Service Agreement before it is implemented; and, the Agreement must contain:

- It is advisable that the 504 Team, including Parent/Guardian, meet periodically, and no less than an annual basis, to review Student progress or to meet within the School year if Student not demonstrating progress per teacher observation/assessments;

The CEO and/or Section 504 Coordinator shall develop procedures necessary to implement this policy in a school setting.

Some students may be found eligible Under Section 504, however, the Section 504 team may ultimately determine that a 504 Service Agreement is not necessary. Such students may not require a 504 Service Agreement because:

- No accommodations needed in classroom or by School Nurse; or
- As result of mitigation measures, do not require accommodations with such measures including, but not limited to:
 - Medication, medical equipment, hearing aids, low vision devices but NOT eyeglasses or contacts, Assistive Technology, auxiliary aids, or services (interpreters, taped texts, and other means of delivery of aural or visual material) or learned behavioral or adaptive neurological modifications.

Evaluation and Related Periodic Review and Dispute Protocols

The 504 Coordinator must have in effect procedural safeguards regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. Parents must be told about these procedures. In addition, parents or guardians must be notified of any evaluation or placement actions and must be allowed to examine the student's records. The due process procedures must allow the parents or guardians of students to challenge evaluation and placement procedures and decisions.

Legal Rights under Section 504 of the Rehabilitation Act:

- **Written Notice:** Parents/Guardians must receive prior written notice before the school initiates, changes, or refuses to initiate any action regarding the identification, evaluation, or educational placement of the student.
- **Inspection of Records:** Parents/Guardians can examine and review all relevant educational records and request corrections if the records are inaccurate.
- **Parental/Guardian Consent:** Parental/Guardian consent is required before conducting an initial 504 evaluation and in developing and implementing a 504 plan.
- **Participation:** Parents/Guardians shall be invited to and afforded active participation in meetings concerning their child;
- **Dispute Resolution:**
 - Parents/Guardians may request an impartial hearing regarding decisions related to identification, evaluation, or educational placement;
 - The family may be represented by counsel at their own expense;
 - Parents/Guardians may raise complaints with the Charter School's Section 504 Coordinator; and/or
 - Parents/Guardians may file complaints with the federal Office for Civil Rights.

If parents or guardians disagree with the school's decisions, they must be afforded an impartial hearing. A review procedure also must be available to parents or guardians who disagree with the hearing decision. Section 504 neither prohibits nor requires the Charter School to initiate a due process hearing to override a parental refusal to consent with respect to the initial provision of special education and related services. Nonetheless, the Charter School should consider that IDEA no longer permits schools to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

Non-discrimination

The quality of education services provided to students with disabilities must equal the quality of services provided to nondisabled students. Teachers of students with disabilities must be trained in the instruction of individuals with

disabilities. Facilities and classrooms must be comparable, and appropriate materials and equipment must be available.

Students with disabilities may not be excluded from participating in nonacademic services and extracurricular activities on the basis of disability. Persons with disabilities must be provided an opportunity to participate in nonacademic services that are equal to those provided to persons without disabilities. These services may include physical education and recreational athletics, transportation, health services, recreational activities, special interest groups, or clubs sponsored by the school, and referrals to agencies that provide assistance to persons with disabilities and employment of students. In sum, eligible students shall receive equal access to educational programs, services, and activities.

Students with disabilities and students without disabilities must be placed in the same setting, to the maximum extent appropriate to the education needs of students with disabilities.

A person with a disability must be placed in the regular education environment, unless it is demonstrated that the student's needs cannot be met satisfactorily with the use of supplementary aids and services. Students with disabilities must participate with nondisabled students in both academic and nonacademic services to the maximum extent appropriate to their individual needs.

As necessary, specific related aids and services must be provided for students with disabilities to ensure an appropriate education setting. Supplementary aids may include interpreters for students who are deaf, readers for students who are blind, and equipment to make physical accommodations for students with mobility impairments to the extent required in a cyber setting.

Nonacademic and Extracurricular Activities

Qualified students with disabilities shall be afforded an equal opportunity to participate in nonacademic and extracurricular services and activities, including athletics, clubs, field trips, counseling services, transportation, and school-sponsored events.

Discipline

As part of the protections of not being subjected to discrimination or denied benefits of Charter School programs, the Student is afforded protections applicable to eligible special education students pertaining to exclusionary discipline. Such protections include holding a Manifestation Determination to decide if the misconduct is related to the disability, and Informal and Formal Hearings, with the latter having all due process protections pursuant to 22 Pa. Code §12.6.

Grievance Procedure

If a Parent/Guardian believes that the school or any of its staff or schools have inadequately applied the regulations of Section 504, Parent/Guardian may initiate a grievance with the school's CEO, Section 504 Coordinator or person designated per School Complaint Policy or in Parent/Student Handbook. The grievance procedures must explicitly state and make clear to the individual(s) involved that a complaint can be made to the regional office of U. S. Department of Education's Office for Civil Rights ("OCR") without going through the school's grievance procedures. However, the 504 Coordinator should attempt to resolve the matter initially through the Charter School in accordance with the Charter School's Parent/Student Complaint process and it is advisable for Charter School to convene a conference with Parent/Guardian within ten (10) days of receipt of complaint. During this time, the Charter School must investigate the concerns raised and issue a subsequent written determination.

PORTIONS OF THIS POLICY HAVE BEEN EXCERPTED FROM OCR’S WEB GUIDANCE ON SECTION 504 STUDENTS.

US Department of Education - Office of Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/504faq.html>

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL’S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.

ADOPTED this day _____ of _____, 2026

President

Secretary