

Section 504/ADA Policy

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. The Americans with Disabilities Act (“ADA”) prohibits discrimination on the basis of disability in public accommodations and employment. For the purposes of this policy, a person with a disability is defined as an otherwise qualified individual whom:

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

In order to fulfill its obligations under Section 504 and ADA, the Board of Directors of the School recognizes its responsibility: to avoid discrimination in policies and practices regarding its personnel and students; to provide equal opportunity for employment; and to make accessible to persons with disabilities its facilities, programs and activities. No discrimination against any individual with a disability will be knowingly permitted on the basis of that disability in any of the programs, activities, policies and/or practices in the District. This nondiscrimination obligation shall apply to admission or access to, participation in, or treatment or employment in, the School’s programs and activities.

It is the intent of the Board of Directors to ensure that students within its jurisdiction who are disabled within the definition of Section 504 are identified, evaluated and provided a free appropriate public education (FAPE) regardless of the nature or severity of their disabilities. Students may be disabled and eligible for services under Section 504 and this Policy even though they do not qualify for or require services pursuant to the Individuals with Disabilities Education Act (IDEA). A student eligible for services under IDEA shall be served according to that student’s Individual Education Plan (IEP). If a student has a physical or mental impairment that substantially limits a major life activity, does not require specially designed instruction to benefit educationally, but does require reasonable but more than standard modifications of the regular classroom or curriculum in order to have the same access to an education as a student without disabilities, then s/he may, if appropriate, be deemed a person with a disability and a Section 504 Plan would be developed and implemented in compliance with the applicable law and its implementing regulations. If a student has a physical or mental impairment, but it does not significantly limit his/her learning or other major life activity or s/he does not need modifications to the regular classroom or curriculum greater than what is normally provided to all students, then s/he is not a student with a disability within the definition of Section 504. However, if deemed appropriate, s/he may still be eligible for an Intervention Assistance Team (IAT) Plan.

Under Section 504, the School has the specific responsibility to identify, evaluate, and, if the student is determined to be eligible under Section 504, to afford access to appropriate educational services. Parents/guardian/custodian (“parents”) may participate fully in the evaluation process. If the parents disagree with the determination made by the professional staff of the School, they have the right to file a complaint as described in the administrative guidelines developed by the School Leader or to request a due process hearing with an impartial hearing officer.