



TCSA Model Board Policy Series

400.110. Section 504 of the Rehabilitation Act of 1973
*Charter Board Policy for CEDARS INTERNATIONAL
ACADEMY*

INTRODUCTION

The Model Board Policies for Charter Schools is a series of publications by the Texas Charter Schools Association (TCSA). These publications are an educational tool for charter school leaders to aid in the operation and management of open-enrollment charter schools in Texas.

Overall Policy Framework

Each module in the Board Policy Series provides a summary of federal and state statutes, regulations, and related materials applicable to open enrollment charter schools. Citations to these materials are provided throughout the module and many contain a hyperlink so the actual statutory or regulatory provision can be accessed on the Internet. The summary is designated by the LEGAL AUTHORITY tab on the right edge of each page.

After the LEGAL AUTHORITY portion of the module you will find the model policy section designed to comply with current statutory and regulatory requirements described in the LEGAL AUTHORITY summaries. These policies are designated by the red CHARTER BOARD POLICY tab on the right edge of each page.

These are suggested policies to address the requirements set forth in this Module. Prior to adoption of the model policies by the Board of a charter school, each policy should be customized by including the school's name and by tailoring the language, if appropriate, to fit the specific needs, culture and requirements of the school. TCSA recommends that the Board of a charter school consult with and obtain the advice of the school's legal counsel in connection with adopting policies to comply with laws governing charter schools.

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

Scope of Service & Copyright Notice

This policy module prepared by the TCSA is designed and intended as a resource of information for charter schools and is not to be construed as legal advice. It should be used in connection with consulting and obtaining the advice of the school's legal counsel to ensure compliance with applicable legal requirements.

This policy module and all updates are copyrighted publications of the TCSA. All rights are reserved and will be enforced to the fullest extent of the law. The policy modules are for the sole use of the purchaser. Duplication and distribution in whole or in part are prohibited unless otherwise specifically authorized in writing by TCSA. Inquiries should be directed to TCSA, 700 Lavaca, Suite 930, Austin, TX 78701.

For questions concerning the Model Board Policies for Charter Schools contact:

Christine Nishimura, Texas Charter Schools Association_
cnishimura@txcharterschools.org
512.584.8272

Module 400: Students

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

Module 100: Financial Operations

Module 200: Charter School Governance & Organization

Module 300: General School Operations

Module 500: Open Government

Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

Atty. Gen. Op.	Attorney General Opinion
C.F.R	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

400.110 SECTION 504

Section 1. Policy of Nondiscrimination

It is a policy of CEDARS INTERNATIONAL ACADEMY not to discriminate based on disability in its educational programs as required by Section 504 of the Rehabilitation Act of 1973 (Section 504).

Section 2. Section 504 Coordinator

The following position is designated as Section 504 compliance coordinator:

Mark Diaz

Superintendent

CEDARS INTERNATIONAL ACADEMY

8416 N IH 35, Austin, TX 78753

512-419-1551 ext 332

Section 3. Section 504 Committee

The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

Section 4. Training

The Section 504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities but who are not in need of special education in accordance with IDEA.

Section 5. Notice of Nondiscrimination Policy

SECTION 5.1. Notification of Nondiscrimination. The CEDARS INTERNATIONAL ACADEMY shall take appropriate steps to notify the parents or guardian of students and students seeking enrollment, and employees of CEDARS INTERNATIONAL ACADEMY, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

SECTION 5.2. Contents of Notice. The notice shall state that the school does not discriminate in its educational programs and activities and the identity of the school's 504 coordinator.

SECTION 5.3. Methods of Notification. Methods of initial and continuing notification shall include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in school publications; and
4. Distributing memoranda or other written communications.

If the school publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

Section 6. Identification of Students with Disabilities under Section 504 (Child Find)

SECTION 6.1. School Responsibility. The CEDARS INTERNATIONAL ACADEMY will undertake to annually identify every student with a disability qualifying under Section 504 who is enrolled in the school or has contacted the school about enrollment. Identification will occur through routine and periodic screening as well as other means. The school will take appropriate steps to notify the parents or guardians of such students of the school's duty under Section 504.

SECTION 6.2. Referrals. A student may be referred by parents, teachers, counselors, administrators, or any other school employee for evaluation to determine if the student has disabilities and is in need of special instruction or services. In accordance with SECTION 10.1, parents shall be given written notice of the school's refusal to evaluate a student or to provide specific aids and services the parents have requested.

Section 7. Free and Appropriate Public Education

SECTION 7.1. School Responsibility. The CEDARS INTERNATIONAL ACADEMY shall provide a free appropriate public education to each student with a disability who enrolls in the school or program regardless of the nature or severity of the student's disability.

SECTION 7.2. Appropriate Education.

1. For the purpose of compliance with this policy, the provision of an appropriate education is the provision of regular or special education and related aids and services that are:
 - a. Designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met; and
 - b. Based upon adherence to procedures that satisfy the requirements of Section 9.
2. The CEDARS INTERNATIONAL ACADEMY may implement an Individualized Education Program or Individualized Section 504 Plan developed in accordance with Section 504 as a means of meeting the standard established in SECTION 7.2(a).
3. The CEDARS INTERNATIONAL ACADEMY may place a student with a disability or refer such a student for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of Section 504.
4. The Superintendent or designee shall facilitate accommodations for a Section 504 student taking the state-mandated assessments when the accommodations have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.

SECTION 7.3. Free Education. For the purpose of compliance with this policy, the provision of a free education means the provision of educational and related services without cost to the student with a disability or to his or her parents or guardian, except for those fees that are imposed on students without disabilities or their parents or guardians.

Section 8. Education Setting

SECTION 8.1. Academic Setting. The CEDARS INTERNATIONAL ACADEMY shall provide for the education of each enrolled disabled student, within the meaning Section 504, in the same setting with students who are not disabled to the maximum extent appropriate to the needs of the disabled student. A disabled student shall be placed in the regular educational environment operated by the school unless it is demonstrated by the school that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever the school places a student in a setting other than the regular educational environment pursuant to this paragraph, the Superintendent or designee shall take into account the proximity of the alternate setting to the student's home.

SECTION 8.2. Nonacademic Settings. The CEDARS INTERNATIONAL ACADEMY shall ensure that students with disabilities participate with students who are not disabled in nonacademic activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

SECTION 8.3. Comparable Facilities. If the CEDARS INTERNATIONAL ACADEMY, in compliance with SECTION 8.1, operates a facility that is identifiable as being for handicapped persons, the school shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the school.

Section 9. Evaluation and Placement

SECTION 9.1. Preplacement Evaluation. The CEDARS INTERNATIONAL ACADEMY shall conduct an evaluation in accordance with the requirements of SECTION 9.2 and SECTION 9.3 of any student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement.

SECTION 9.2. Parental Consent. In accordance with SECTION 10.1, the Section 504 Committee chairperson shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.

SECTION 9.3. Evaluation Procedures. The Superintendent or designee shall establish standards and procedures for the evaluation and placement of students who, because of disability need or are believed to need special education or related services that ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

SECTION 9.4. Placement Procedures. In interpreting evaluation data and in making placement decisions, the Section 504 Committee shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision is made in conformity with specifications for educational settings in Section 8.

SECTION 9.5. Reevaluation. The Superintendent or designee shall establish procedures, in accordance with SECTION 9.3, for periodic reevaluation of students who have been provided special education and related services. Periodic reevaluation for a student eligible for services under Section 504 may be conducted in accordance with the IDEA regulations.

Section 10. Procedural Safeguards

SECTION 10.1. Notification Requirements.

1. **Prior to Evaluation.** The Section 504 Committee chairperson shall notify parents in writing prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student.
2. **Determination of Eligibility/Ineligibility.** The Section 504 Committee chairperson shall notify parents in writing when a student has been determined to be eligible or ineligible for services under Section 504.
3. **Significant Change in Services.** The Section 504 Committee chairperson shall notify parents in writing prior to a significant change in a student's status or services.

4. Refusal of Parental Request. The Section 504 Committee chairperson shall notify parents in writing if the school has determined that it will not evaluate a student or to provide specific aids and services the parents have requested.
5. Right to Impartial Hearing. The Section 504 Committee chairperson shall notify in writing parents of all students with disabilities of their right to an impartial hearing under SECTION 10.3.

SECTION 10.2. Parental Review of Records. The Section 504 Coordinator or designee shall ensure that a parent or guardian is able to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement upon request.

SECTION 10.3. Impartial Hearing.

1. Right to a Hearing. The Superintendent or designee shall establish a process that ensures that a parent or guardian has the opportunity for an impartial hearing if they have a concern or complaint about the school's actions regarding the identification, evaluation, or educational placement of a student with disabilities.
2. Impartial Hearing Officer. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the school or related to a member of the Board in a degree that would be prohibited under state laws and rules relating to nepotism. The impartial hearing officer is not required to be an attorney.
3. Timeline. The CEDARS INTERNATIONAL ACADEMY shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.
4. Appeal. If a parent or guardian is dissatisfied with the outcome of the hearing and requests an appeal, the parent or guardian must specify the objections in writing and file them with the Superintendent and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The Superintendent shall appoint an independent appeals officer to conduct a review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.

SECTION 10.4. Complaint to Office of Civil Rights. Nothing in this policy shall be construed to deny the right of a parent or guardian to file a formal complaint with the Office of Civil Rights at the U.S. Department of Education.

Section 11 Students with Diabetes

Open Charter Schools are not Subject to this policy.

Section 12 Website Accessibility

It is the policy of CEDARS INTERNATIONAL ACADEMY to provide access to all programs, benefits, and services to all members of the community.

Section 12.1. Website Guidelines: CEDARS INTERNATIONAL ACADEMY requires all website content to follow the Section 508 of the Rehabilitation Act guidelines, including but not limited to:

1. A text equivalent for every non-text element shall be provided (e.g., via "alt", "longdesc", or in element content)
2. Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.
3. Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.
4. Documents shall be organized so they are readable without requiring an associated style sheet.
5. A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of these standards, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes.

Additional guidelines can be found on the [Section 508 Website:](https://www.section508.gov/summary-section508-standards)
<https://www.section508.gov/summary-section508-standards>

Section 12.2. Assistance: If a member of the community is having difficulty accessing information on the website, inquiries and requests should go to the Technology Coordinator. This information will also be posted on the homepage of CEDARS INTERNATIONAL ACADEMY's website and the parents manual.

Section 12.3. Annual Review: CEDARS INTERNATIONAL ACADEMY will complete a technology review each year using wave.webaim.org or similar program to ensure the school's website and internet programs are accessible and in compliance with Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.