

Naytahwaush Community Charter School



Section 504 Process for Students

It is the intent of the Naytahwaush Community Charter School to protect the civil rights of persons with disabilities who qualify within the definition of Section 504 and the Rehabilitation Act of 1973.

What is Section 504?

Section 504 is a civil rights law that prohibits discrimination against persons with disabilities.

Who has to comply with Section 504?

Agencies receiving federal dollars must comply with Section 504. At Naytahwaush Community Charter School this includes:

- All programs offered for students K-6
- Before and after school programs
- Field trips or other activities

Definitions

Students: Students are defined as learners in the district of any age, including children participating in K-12 classes and extra-curricular activities. Students may be considered to be disabled under Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). All students who are disabled under IDEA are also considered to be protected under Section 504.

A person with a disabling condition is anyone who: 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such an impairment; or 3) is regarded as having such an impairment.

Physical or mental impairment: 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; genitourinary; hemic and lymphatic, skin and endocrine; any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

Major life activities:

| | | |
|--------------------|-------------------------|----------|
| Caring for oneself | Performing Manual Tasks | Bending |
| Seeing | Speaking | Walking |
| Hearing | Breathing | Standing |
| Learning | Concentrating | Lifting |
| Thinking | Eating | Sleeping |
| Reading | Communicating | Working |

The list of major bodily functions that are not considered major life activities includes, but is not limited to: functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

504 Team: The student's building administrator or designee, the student's regular classroom teacher and at least one other school employee with knowledge of the student, as determined by the building administrator, as well as the parent/guardian or adult student.

Identification Process

Evaluation Request: A request for student evaluation under 504 may be made to the school administrator by:

- The student's parent/guardian or the adult student
- The student's teacher or another knowledgeable staff member such as the school nurse

Upon receipt of this request, the building 504 Coordinator will:

- Complete the district's 504 Student Referral form, seeking input from the student's teacher and/or other knowledgeable staff or persons as needed
- Seek parent/guardian or adult student permission by sending a copy of the district's Parental Consent to Initial Section 504 Evaluation form and a copy of the district's Notice of Procedural Safeguards form

Evaluation: After receiving written permission for Section 504 evaluation from the student's parent or guardian or the adult student, the district will evaluate the student's needs.

- The evaluation will be sufficient to accurately and completely assess the nature and extent of the disability, and how it affects the student's education.
- Evaluation data will be gathered by the 504 Team from a variety of sources and may include, but would not be limited to the following formal and informal data:
 - o *Informal data:* health information/records, observations, anecdotal records, attendance records, parent information, medical records, records of classroom interventions, discipline records, grades, achievement tests and cumulative record information and/or;
 - o *Formal data:* valid, non-discriminatory psycho-educational assessments, adaptive behavior

What are the possible results of the evaluation?

1. The student **does not** have a physical or mental impairment which substantially limits one or more major life activities or major bodily functions. *No accommodation is needed.* Or,
2. The student has a physical or mental impairment which substantially limits one or more major life activities or major bodily functions and a 504 Plan will be developed. Or,
3. Referral of the student is recommended to the Child Study/IDEA process (special education evaluation).

504 Plan Process

If the student is determined eligible for 504 protections, the 504 Team determines if the student needs a 504 Plan.

- The 504 Team will consider the nature of the disabling condition, how it affects the student's education, and the nature of the educational program and related aids/services needed.
 - o The 504 Plan will include accommodations that provide for equal access to the educational setting.
 - o A free and appropriate public education must be assured; including the right to be educated with non-disabled peers to the maximum extent possible.

- The Section 504 Plan will be written and a copy will be given to the parent or guardian, or the adult student for review prior to implementation. A copy of the Notice of Procedural Safeguards form will be included. Staff who will be responsible for implementing any portion(s) or the plan, including, but not limited to instructional, clerical, transportation and/or food services staff, will be informed of their responsibilities under the plan and given a copy of the plan (or relevant portions of the plan). The plan will then be implemented as written.
- The 504 Plan will be reviewed annually.

504 Plan Exit

The district's 504 Plan Exit form shall be completed and sent to the student's parent/guardian or the adult student for signature when:

- The student has been re-evaluated; and
- After meeting and considering all pertinent information, the 504 Team determines the student no longer qualifies to receive a 504 Plan, both presently and in the foreseeable future.

If the student's parent/guardian or the adult student does not agree that the student should exit the 504 Plan, the 504 Team will meet with the parent/guardian or adult student to attempt to reach a mutually-agreeable resolution.

Grievance Process

Naytahwaush Community Charter School urges that all grievances be resolved with the individual closest to the issue, usually the building 504 Coordinator or building administrator. If these attempts are unsuccessful:

- The grievance may be submitted in writing and signed by the individual making the complaint, to the District Section 504 Coordinator, Ty Nelson, within thirty (30) calendar days. A grievance that is submitted beyond thirty (30) calendar days may not be considered.
- The District Section 504 Coordinator will promptly attempt to resolve the matter among the affected parties. After investigation and within thirty (30) school days of receipt of the appeal, the District Section 504 Coordinator shall notify the grievant in writing of the decision.
- If the grievant wishes to appeal the decision of the District Section 504 Coordinator for Naytahwaush Community Charter School, the grievant may submit a signed statement of appeal to the Executive Director within five (5) school days after receiving the District Section 504 Coordinator's response. The superintendent shall communicate with all parties involved, and respond in writing to affirm, reverse or modify the decision of the District Section 504 Coordinator within thirty (3) days of the completion of the meeting.

District Section 504 Coordinator

Ty Nelson, Academic Interventionist
 242 Church St.
 Naytahwaush, MN 56566
 1(218)935-5025
tyn@ntwschool.org

District Alternate Section 504 Coordinator

Terri Anderson, Director
 242 Church St.
 Naytahwaush.org, MN 56566
 1(218)935-5025
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A parent has the right to file a grievance at any time, either through the District Section 504 Coordinator, the District Alternate Section 504 Coordinator, or the Office of Civil Rights or the Minnesota Department of Human Rights.

Federal complaints can be addressed to:

ATTN: OCR Regional Manager

Office for Civil Rights

U.S. Department of Health and Human Services

233 North Michigan Avenue, Suite 240

Chicago, IL 60601

Telephone: 312-886-2359, Fax: 312-866-1807, or TDD: 312-353-5693

<http://www.hhs.gov/ocr.civilrights/complaints/index.html>

State complaints can be addressed to:

Minnesota Department of Human Rights

Freeman Building

625 Robert Street North

St. Paul, MN 55155

Telephone: 651-539-1100, Toll Free: 1-800-657-3704, Fax: 651-293-9042, or TTY: 651-296-1283

Email: info.MDHR@state.mn.us or <http://www.humanrights.state.mn.us/intake/index.html>

Right to Alternative Appeal Procedures

This procedure does not deny the right of the grievant to file a formal complaint in federal court or with the U.S. Department of Education. Changes in the law, including timelines for filing a complaint, may affect your rights.

The person in this school district who is responsible for assuring that the school district is in compliance with Section 504 is the Director of Special Education.

This document is not to be a substitute for legal advice. It contains portions of the Section 504 regulations. For a complete compilation of the law, see 34 C.F.R. Part 104.

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794
- Public Law 101-476, Individuals with Disabilities Act
- Minnesota Department of Education