

**SECTION 504 POLICY**

The Board of Directors of Pathways Academy (“Pathways” or the “Charter School”) believes that all students, including students with disabilities, should have the opportunity to learn in a safe and nurturing environment. Pathways does not discriminate on the basis of disability, including in admission or access to, or treatment or employment in, any Pathways program or activity. Pathways recognizes the need to provide students with disabilities a free, appropriate public education (“FAPE”), as defined under Section 504 of the Rehabilitation Act of 1973 (“Section 504”), regardless of the nature or severity of the student’s disability.

**SECTION 504 COORDINATOR**

The following individual is designated as Pathways’ 504 Coordinator:

Shayonna Wattree  
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**SECTION 504 PROCEDURES****A. Definitions**

1. **Academic Setting** – the regular, educational environment operated by Pathways.
2. **Individual with a Disability under Section 504** – An individual who:
  - a. has a physical or mental impairment that substantially limits one or more major life activities;
  - b. has a record of such an impairment; or
  - c. is regarded as having such an impairment.
3. **Evaluation** – procedures used to determine whether a student has a disability as defined within these Procedures, and the nature and extent of the accommodations/services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with all students in a school, grade, or class.
4. **504 Plan** – is a plan developed to identify and document the student’s needs for regular or special education and related aids and services for participation in educational programs, activities, and school–sponsored events.
5. **Free Appropriate Public Education (“FAPE”)** – the provision of free, regular

**SECTION 504 POLICY**

or special education and related aids and services that are designed to meet the individual needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

6. **Major Life Activities** - Functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.
7. **Physical or Mental Impairment** –
  - 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; genitor-urinary; hemic and lymphatic; skin; and endocrine; or
  - b. Any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**B. Referral, Assessment and Evaluation Procedures**

1. Pathways will evaluate any student who, because of disability, needs or is believed to need regular or special education and/or related aids and services.
2. A student may be referred by anyone, including a parent/guardian, teacher, other school employee or community agency, for consideration as to whether the student qualifies as a student with disabilities under Section 504. Requests for evaluation shall be made in writing, and a copy of said request will remain in the student's file regardless of the final determination. This referral should be made to the Section 504 Coordinator who will convene a 504 Team. Any requests made to another School employee will be forwarded to the 504 Coordinator.

**SECTION 504 POLICY**

3. Upon receipt of any referral, the 504 Coordinator will consider the referral and determine whether an evaluation is appropriate. If the 504 Coordinator determines that an evaluation is unnecessary, s/he will inform the parent/guardian in writing of this decision and the procedural safeguards, as described below. If the 504 Coordinator determines that an evaluation is appropriate, an evaluation shall be conducted.
4. Prior to conducting an evaluation, parent/guardian consent shall be obtained. The 504 Coordinator will then convene the 504 Team, composed of the parents/guardians of a minor student and/or other persons knowledgeable about the student (such as the student's regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), and other relevant information.
5. The 504 Team shall determine what assessments are needed in all suspected areas of disability to evaluate whether the student is a student with a disability under Section 504 and what special needs the student may have. Students requiring assessment shall be provided appropriate assessments administered by qualified assessment specialists.
6. The 504 Team will consider the following information in its evaluation of the student:
  - a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel;
  - b. Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
  - c. Tests are selected and administered so as to best 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 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).
7. The evaluation of the student should be sufficient for the 504 Team to accurately

**SECTION 504 POLICY**

and completely describe: (a) the nature and extent of the disabilities; (b) the student's special needs; (c) the impact upon the student's education; and (d) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education.

8. Mitigating measures cannot be considered when evaluating whether or not a student has a substantially limiting impairment. Mitigating measures could include medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications a student uses to eliminate or reduce the effects of an impairment.

**C. 504 Plan**

1. For each identified disabled student, the 504 Team will develop a 504 Plan describing the student's disability and the regular or special education and/or related aids and services needed. The Plan will specify how the special education and/or related aids and services will be provided to the disabled student and by whom. The 504 Plan will also identify the person responsible for ensuring that all the components of the Plan are implemented.
2. The student's teacher and any other staff who are to provide services to the student or who are to make modifications in the classroom for the student shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. A copy of this plan shall be kept in the student's cumulative file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.
3. The adult student or parents/guardians of a minor student shall be notified in writing of the final decision concerning the student's identification as a person with disabilities, the educational program and services to be provided, if any, and of the Section 504 procedural safeguards, as described below.
4. The 504 Plan shall include a schedule for annual review of the student's needs and indicate that this review may occur more frequently at the request of the adult student, parent/guardian of a minor student, or school staff.

**D. Review of the Student's Progress**

1. The 504 Team shall monitor the progress of the disabled student and the

**SECTION 504 POLICY**

effectiveness of the student's 504 Plan. According to the review schedule set out in the student's 504 Plan, the 504 Team shall annually determine whether the services and modifications are appropriate.

2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement.

**PROCEDURAL SAFEGUARDS**

1. Adult students or parents/guardians of a minor student shall be notified in writing of all decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:
  - a. Examine relevant records;
  - b. Have an impartial hearing with an opportunity for participation by the adult student or parents/guardians of a minor student and their counsel;
  - c. Have the right to file a Uniform Complaint pursuant to school policy; and
  - d. Seek review if the adult student or parents/guardians of a minor student disagree with the hearing decision.

**COMPLAINT PROCEDURES**

If a parent/guardian believes that Pathways did not correctly follow the procedures of Section 504 with respect to an action regarding the identification, evaluation, or educational placement of their student, they may bring forward a complaint in any of the following ways.

1. File a formal complaint that will be addressed pursuant to the procedures set forth in Pathways' Uniform Complaint Procedures.
2. Request an impartial hearing:
  - a. The parent/guardian has a right to an impartial hearing with an opportunity for participation by the parent/guardian and representation by counsel.
  - b. The parent/guardian shall set forth in writing to the 504 Coordinator their request for a hearing. A request for hearing should include:
    - i. The specific decision or action with which the parent/guardian disagrees.

**SECTION 504 POLICY**

- ii. The relief that parent/guardian seeks.
    - iii. Any other information the parent/guardian believes is pertinent.
  - c. Within five (5) calendar days of receiving the parent/guardian's request for a hearing, the Charter School may offer the parent/guardian an optional alternative dispute resolution process, such as:
    - i. Mediation by a neutral third party.
    - ii. Review of the 504 Plan by the Executive Director or designee.
  - d. Within thirty (30) calendar days of receiving the parent/guardian's request, the Executive Director or designee shall select an impartial hearing officer. These 30 days may be extended for good cause or by mutual agreement of the parent/guardian and Executive Director.
  - e. Within thirty-five (35) calendar days of the selection of the hearing officer, the due process hearing shall be conducted. These thirty-five (35) calendar days may be extended for good cause or by mutual agreement of the parent/guardian and Executive Director.
  - f. The parent/guardian and the School shall be afforded the rights to:
    - i. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as having a disability under Section 504.
    - ii. Present written and oral evidence.
    - iii. Question and cross-examine witnesses.
    - iv. Receive written findings by the hearing officer
  - g. The hearing officer shall issue a written decision within ten (10) calendar days of the hearing.
- 3. File with the Office for Civil Rights: A parent/guardian may file a complaint with the Office for Civil Rights without going through Pathways' grievance procedures or impartial hearing. At the time this Policy was last reviewed, complaints can be submitted online via the [Office for Civil Rights Discrimination Complaint Form](#) (recommended), or submitted to the address below, in writing, within 180 days after the perceived violation has occurred. If the complaint involves matters that occurred longer ago, you will be asked to show good cause why you did not file your complaint within the 180-day period.

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg

**SECTION 504 POLICY**

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