



BOARD POLICY ON SECTION 504

Scholar services at **John Adams Academies, Inc. ("JAA")**, including services covered by the 504 Coordinator, shall be implemented with the mission and vision of JAA as its core focus – to Restore America’s Heritage by Developing Servant Leaders®. The Board of Directors of John Adams Academies, Inc. believes that all children, including children with disabilities, have the ability to progress and develop into servant leaders, are scholars, and should have the opportunity and ability to learn in a safe and nurturing environment. Scholar services should strive to help all scholars look beyond labels and see their potential as servant leaders. JAA shall ensure that no scholar, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activities that are integral components of JAA’s basic education program, including nonacademic and extracurricular services and activities.

The Principal or designee shall work to identify and evaluate every scholar enrolled at JAA who may have a disability under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulations ("Section 504"), inform Parents of their rights under Section 504, and provide all qualifying scholars with a free appropriate public education (FAPE) as required under Section 504.

Section 504 Coordinator

The Superintendent shall designate JAA’s 504 Coordinator.

The Superintendent or designee shall ensure that the 504 Coordinator receives training and is knowledgeable about the laws related to Section 504.

The 504 Coordinator will develop conduct training for staff to ensure their understanding of the requirements and obligations under Section 504. The 504 Coordinator’s responsibilities hereunder may be designated by the Superintendent or 504 Coordinator to other qualified individuals at each school (e.g., Principal, Academic Dean, Assistant Principal or a 504 Coordinator)

Definitions For the purpose of implementing Section 504, the following terms and

phrases shall have only the meanings specified below:

“Free appropriate public education” (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a scholar with disabilities as adequately as the needs of scholars without disabilities are met, at no cost to the scholar or his/her parent/ guardian except when a fee is specifically authorized by law for all scholars. (34 CFR 104.33)

“Scholar with a disability” means a scholar who has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.3)

“Physical impairment” means 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. (34 CFR 104.3)

“Mental impairment” means any mental or psychological disorder such as , intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities. A physical or mental impairment does not constitute a disability unless its severity is such that it results in a substantial limitation of one or more major life activities. (34 CFR 104.3)

“Substantially limits major life activities” means limiting a person’s ability to perform functions, as compared to most people in the general population, such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, and working. Major life activities also include major bodily functions such as functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, as well as the operation of an individual organ within a body system. (28 CFR 35.108; 34 CFR 104.3)

“Mitigating measures” are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but not limited to, medications, medical supplies or equipment, prosthetic devices, assistive devices, reasonable modifications or auxiliary aids or services, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy. The determination of whether an impairment substantially limits a scholar’s major life activities shall be made without regard to the ameliorative effects of mitigating measures other than ordinary

eyeglasses or contact lenses. (28 CFR 35.108)

Referral and Identification

Any action or decision to be taken by JAA involving the referral, identification, or evaluation of a scholar with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, scholar success team, or community agency may refer a scholar to the administrator or 504 Coordinator for identification as a scholar with a disability under Section 504.
2. Upon receipt of any such referral, the 504 Coordinator shall schedule a 504 meeting – comprised of individuals knowledgeable about the scholar to consider the referral. The team's determination shall be based on: analysis of the scholar's needs, which may include evaluation data and information after receipt of consent from parent/guardian; a review of the scholar's school records, including those in academic and nonacademic areas of the school program; and, consultation with the scholar's teacher(s), other professionals, and the parent/guardian, as appropriate.
 - a. If the team determines that a scholar is not eligible for a 504 Plan, the parent/guardian shall be informed in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.
 - b. If the 504 team determines that the scholar is, or is believed to be eligible for a 504 Plan, a 504 Plan will be prepared and implemented.

Transfer Students

When a scholar with an existing 504 Plan enrolls in JAA, the 504 Coordinator shall ensure that the school of enrollment continues to provide accommodations comparable to those described in the existing 504 Plan. Within a reasonable time frame, the 504 Coordinator shall, in consultation with the scholar's parents/guardians, adopt the existing 504 Plan or shall develop, adopt, and implement a new 504 Plan to meet the scholar's needs.

Review

The 504 Team shall periodically review the scholar's Section 504 Plan and the information available regarding the scholar's needs to determine whether the accommodations and/or interventions remain appropriate and necessary. The Team shall also consider whether the scholar's educational needs are being met as adequately as the needs of nondisabled scholars. The Section 504 Plan may be revised

whenever the Team determines that changes are needed based on the scholar's current needs.

Procedural Safeguards

The Superintendent, designee, or 504 Coordinator shall notify the parent/guardian of any JAA action or decision regarding the identification, eligibility determination, accommodations, or educational placement of that parent's/guardian's scholar under Section 504. The parent/guardian shall also be provided notice of the procedural safeguards available under Section 504, including the right to examine relevant records, participate in meetings regarding the scholar, and request an impartial hearing. (34 CFR §104.36)

If a parent/guardian disagrees with a JAA action or decision regarding the identification, eligibility determination, accommodations, or educational placement of the parent's/guardian's scholar under Section 504, the parent/guardian may request an impartial hearing in accordance with JAA procedures.

Prior to requesting an impartial hearing, a parent/guardian may voluntarily request an administrative review of the disputed action or decision. Upon receipt of such a request, the 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian in an effort to resolve the concern. The administrative review shall be conducted within 14 calendar days of the request, unless otherwise agreed upon by the parties. Participation in an administrative review is voluntary and shall not impair, delay, or waive the parent's/guardian's right to request an impartial hearing.

1. The Superintendent, designee, or 504 Coordinator shall ensure that requested hearings are conducted by an impartial hearing officer who is not an employee of JAA in any capacity that would create a conflict of interest or otherwise impair the individual's impartiality or objectivity in the matter.
2. A parent/guardian may request an impartial hearing by submitting a written request to the 504 Coordinator. The request shall include a description of the disagreement and the relief sought.
3. Upon receipt of a request for an impartial hearing, the Superintendent, designee, or 504 Coordinator shall promptly appoint or secure an impartial hearing officer to conduct the hearing. The hearing shall be scheduled and conducted within a reasonable timeframe, unless otherwise agreed upon by the parties or extended for good cause.

4. Within 45 days of the selection of the hearing officer, the impartial hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.
5. The parties to the hearing shall be afforded the right to:
 - a. Be accompanied and advised by legal counsel and/or by individuals with special knowledge or training related to the problems of scholars with disabilities under Section 504;
 - b. Present written and oral evidence;
 - c. Question and cross-examine witnesses; and,
 - d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision.

Either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Complaints alleging disability discrimination, harassment, intimidation, retaliation, or bullying may be filed pursuant to JAA's Uniform Complaint Procedures ("UCP"). Nothing in the UCP limits the rights of parents/guardians or scholars to utilize the procedural safeguards and impartial hearing procedures available under Section 504, or the ability to file a complaint with the U.S. Department of Education, Office of Civil Rights ("OCR").

Scholar Records

A copy of the scholar's 504 Plan shall be kept in his/her scholar record. The scholar's teacher(s) and any other staff who serve the scholar shall be informed of the plan's requirements.

If a scholar transfers to another school, the scholar's Section 504 Plan is part of the scholar's educational record. The 504 Coordinator shall ensure that the Section 504 Plan is provided to the receiving school upon receipt of a valid records request, consistent with applicable laws governing the transfer and confidentiality of student records.