



PALISADES

CHARTER HIGH SCHOOL

May 10, 2017

MEMORANDUM

TO: Administrators, Faculty & Staff

FROM: Pamela Magee, Ed.D., Executive Director and Principal

RE: Section 504 and Title II Compliance

We have been directed by the Office for Civil Rights to send this memorandum to ensure you are aware of your responsibilities in ensuring that you comply with Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act and the Individuals with Disabilities in Education Act (IDEA). It is our collective responsibility to ensure we are providing the following to our students:

Free and Appropriate Public Education (FAPE)

FAPE is defined as the provision of regular or special education and related aids and services that are designed to meet individual needs of persons with disabilities as well as the needs of persons without disabilities are met and based on adherence to procedural safeguards outlined in the law. Specific needs for students with disabilities are identified in a Section 504 Accommodation Plan or Individualized Education Program (IEP).

Components of FAPE include 1) services and/or accommodations designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met. 2) The education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability; 3) evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided 504 accommodations, special education or related services; and 4) The establishment of due process procedures that enable parents and guardians to receive required notices; review their child's records; and challenge identification, evaluation and placement decisions. Due process procedures must also provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

Accommodations, modifications, and auxiliary aids that are provided to a student with a disability do not give the student an advantage over his or her peers who do not have disabilities and they do not give the student more tools to work with in the classroom than his or her peers without disabilities. Each accommodation, modification, or auxiliary aid is given proper consideration by a Section 504 team or an IEP team prior to its approval and inclusion in an educational support plan and they are designed to provide an equal opportunity to the student with a disability as that provided to students without disabilities. They do not provide a guarantee to pass or fail but merely the same opportunity to pass or fail as students without disabilities have. Without complete implementation of them in the classroom or other academic setting, the student with a disability does not have the same chance at success as his or her peers without disabilities.

Accommodations, Student Supports & Services

Students with disabilities and students without disabilities must be placed in the same setting, to the maximum extent appropriate to the education needs of the students with disabilities. A recipient of state & federal Education Funds must place a person with a disability in the regular education environment, unless it is



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demonstrated by the recipient that the student's needs cannot be met satisfactorily with the use of supplementary aids and services. Students with disabilities must participate with nondisabled students in both academic and nonacademic services, including meals, recess, and physical education, to the maximum extent appropriate to their individual needs.

Determination of Student Needs:

Placement decisions are decisions about the type and amount of regular and special education or related aids and services that are necessary to provide a FAPE to a student with a disability an appropriate education. They may include decisions to reduce or increase, or eliminate or add the general or special education or related aids or services in a student's education plan, decisions regarding transition services, graduation planning, decisions to exclude a student from the classroom for disciplinary reasons, to place a student on a shortened school day, and to place a student in a non-general education setting.

Section 504 requires the use of evaluation and placement procedures that ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials. PCHS must conduct or arrange for an individual evaluation at no cost to the parents before any action is taken with respect to the initial placement of a child who has a disability, or before any significant change in that placement. Recipients of Department of Education funds must establish standards and procedures for initial and continuing evaluations and placement decisions regarding persons who, because of a disability, need or are believed to need special education or related services.

Evaluation procedures are explicitly identified and must be followed. These include that PCHS must draw upon a variety of sources in the evaluation and placement process so that the possibility of error is minimized. All significant factors related to the learning process must be considered. These sources and factors include, for example, aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

Information from all sources must be documented and considered by a group of knowledgeable persons, and procedures must ensure that the student is placed with nondisabled students to the greatest extent appropriate.

PCHS Obligations under the Law

It is the obligation of all employees to recognize and fully implement provisions in a Section 504 plan or an IEP. Failure to fully implement the provisions of a Section 504 plan or IEP can detrimentally impact a student with a disability or the student's receipt of FAPE.

Failure to follow elements identified in a Section 504 Plan or Individualized Education Plan will not be tolerated and all allegations that a plan is not followed will be seriously investigated and appropriate actions taken to ensure student needs are met. Grievance procedures have been established by PCHS to review, investigate and resolve a complaint. Students may file a complaint of harassment or discrimination to a school administrator or the program manager / case carrier. All complaints will be fully investigated and action taken to remedy the situation as appropriate. Complaints may also be filed under our General or Uniform Complaint procedures and/or by contacting our Executive Director or Board of Trustees if an individual has acted against our Policy for Unlawful Harassment. All complaints are taken seriously and will be fully investigated



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Consistent with 34 C.F.R. § 104.61 and 28 C.F.R. § 35.134, PCHS is committed to ensuring that those who complain of any discrimination or harassment or participate in the investigation of any complaint, including parents and family members as well as its own faculty, administrators, staff, employees, and volunteers, will not in any way be subjected to retaliation of any kind or in any form.

These policies can be found on the school website:

http://www.palihigh.org/apps/pages/index.jsp?uREC_ID=658793&type=d&pREC_ID=1111236

Expectations for Faculty and Staff

PCHS is committed to ensuring all individuals on our campus are treated with respect and compassion. We expect all staff and students to implement the Student Bill of Rights and to fulfill the PCHS mission:

PCHS will empower our diverse student population to make positive contributions to the global community by dedicating our resources to ensure educational excellence, civic responsibility, and personal growth.