

## **Da Vinci Schools Policy and Procedures**

### **SECTION 504**

The Board of Trustees believes that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. Da Vinci Schools shall ensure that no qualified person with a disability shall, 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 Da Vinci Schools' basic education program, including nonacademic and extracurricular services and activities. (34 CFR 104.37)

The Chief Executive Officer or designee shall ensure that parents/guardians are appropriately notified of Da Vinci Schools' duty under Section 504 of the federal Rehabilitation Act of 1973, and shall work to identify and evaluate students with disabilities in order to provide them with a free appropriate public education. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. (34 CFR 104.32, 104.33)

Da Vinci Schools' local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Chief Executive Officer or designee shall assess Da Vinci Schools' progress in attaining the goals established for students with disabilities and shall report these results to the Board. (Education Code 52052, 52060)

#### Section 504 Coordinator

The Chief Executive Officer designates the following position as Da Vinci Schools' 504 Coordinator: (34 CFR 104.7)

Title: School Psychologist  
Address: 201 N. Douglas Street, El Segundo, California 90245  
Phone: (310) 725-5800 x 1093  
Email: [lrodriguez@davincischools.org](mailto:lrodriguez@davincischools.org)

The Chief Executive Officer or designee shall ensure that the 504 Coordinator receive training and is knowledgeable about the laws related to Section 504.

The 504 Coordinator may develop and disseminate awareness materials and conduct training for staff to ensure their understanding of the requirements and obligations under Section 504.

#### 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 student with

disabilities as adequately as the needs of students without disabilities are met, at no cost to the student or his/her parent/guardian except when a fee is specifically authorized by law for all students. (34 CFR 104.33)

“Student with a disability” means a student who has a physical or mental impairment which substantially limits one or more major life activities. (28 CFR 35.108)

“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. (28 CFR 35.108)

“Mental impairment” means any mental or psychological disorder such as mental retardation, 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. (28 CFR 35.108)

“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. (42 USC 12102; 28 CFR 35.108)

“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 student’s major life activities shall be made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. (42 USC 12102; 28 CFR 35.108)

### Referral and Identification

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

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.
2. Upon receipt of any such referral, the principal or 504 Coordinator shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a

review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

- a. If the principal or 504 Coordinator determines that an evaluation is unnecessary, he/she shall inform the parent/guardian in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.
- b. If the principal or 504 Coordinator determines that the student needs or is believed to need special education and related services under Section 504, an evaluation of the student shall be conducted prior to his/her initial placement. (34 CFR 104.35)

### Evaluation for Services and Placement

Prior to conducting an initial evaluation of a student for eligibility under Section 504, Da Vinci Schools shall obtain written parent/guardian consent.

Once parent/guardian consent has been obtained, and within a reasonable time frame, the 504 Coordinator shall convene a multidisciplinary team – comprised of individuals knowledgeable about the student, the meaning of the evaluation data, and the placement options – to review the evaluation data to make decisions on services and placement. The team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

Da Vinci Schools' evaluation procedures shall ensure that the tests and other evaluation materials: (34 CFR 104.35)

1. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
2. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient
3. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

If the team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a person with a disability under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

If the student is determined to be eligible for services under Section 504, the team shall develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE. The student shall be placed in the regular educational environment, unless Da Vinci Schools can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

### Transfer Students

When a student with an existing 504 services plan enrolls in Da Vinci Schools, the 504 Coordinator shall ensure that the school of enrollment continues to provide services comparable to those described in the previous school's 504 services plan. Within a reasonable time frame, the 504 Coordinator shall, in consultation with the student's parents/guardians, adopt the previous school's 504 services plan or shall develop, adopt, and implement a new 504 services plan to meet the student's needs.

### Review and Reevaluation

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of students without disabilities are met.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement, including, but not limited to: (34 CFR 104.35)

1. Suspensions that exceed 10 school days within a school year
2. Removal from a fully integrated curriculum to home instruction, independent study, or on-line instruction
3. Expulsion
4. Discontinuation of services

### Procedural Safeguards

The Chief Executive Officer or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by Da Vinci Schools regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with Da Vinci Schools' action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)

If a parent/guardian disagrees with any Da Vinci Schools' action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of Da Vinci Schools' action or decision, request an administrative review of the action or decision. The 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent's/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, he/she may request a Section 504 due process hearing.

The Chief Executive Officer or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with Da Vinci Schools in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

A Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the 504 Coordinator within 30 days of receiving Da Vinci Schools' decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
  - a. The specific nature of the decision with which he/she disagrees
  - b. The specific relief he/she seeks
  - c. Any other information he/she believes is pertinent to resolving the disagreement
2. Within 30 days of receiving the parent's/guardian's request, the Chief Executive Officer or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 days of the selection of the hearing officer, the Section 504 due process 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.
4. 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 students with disabilities under Section 504
  - b. Present written and oral evidence
  - c. Question and cross-examine witnesses

- 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.

#### Student Records

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

If a student transfers to another school, the 504 Coordinator shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

#### Legal Reference:

##### EDUCATION CODE

49423.5 Specialized physical health care services  
52052 Numerically significant student subgroups  
52060-52077 Local control and accountability plan  
56043 Special education, timelines  
56321 Assessment; development of IEP; parental notifications, consent

##### CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

##### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974  
1400-1482 Individuals with Disabilities Education Act

##### CODE OF REGULATIONS, TITLE 28

35.101-35.190 Nondiscrimination on the basis of disability

##### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

##### CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap

Adopted: February 20, 2019