

Non-Discrimination Policy

Flagstaff Junior Academy's Non-Discrimination Policy

It is a policy of Flagstaff Junior Academy ("FJA") not to discriminate on the basis of race, color, religion, sex, national origin, age, or disability in its educational programs or employment policies as required by Titles VI and VII of the Civil Rights Act of 1964, the Equal Pay Act of 1973, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act (ADA) of 1991.. Inquiries regarding FJA's compliance with Title VI, Title IX, Section 504, or the ADA should be directed to Jill Paez at 755 N. Bonito Street, Flagstaff, AZ 86001, tel. 928.214.7317, JillianPaez @fjacademy.com, or to the U.S. Department of Education, Office of Civil Rights, Denver, CO.

Non-Discrimination Policy- Section 504

What is Section 504?

Section 504 prohibits discrimination against individuals with disabilities, including both students and staff members, by schools receiving federal financial assistance. Schools comply by providing a qualifying individual with a disability the accommodations necessary to allow him or her to perform employment tasks or, for a student, to receive a free appropriate public education ("FAPE"). Accommodations must also be provided to families who need those accommodations in order to participate in school activities.

Section 504 vs. IDEA

Many aspects of the Section 504 regulations concerning FAPE parallel the requirements of the Individuals with Disabilities Education Act ("IDEA "). In those areas, by fulfilling responsibilities under the IDEA a school may also satisfy Section 504. However, the laws differ in scope. Students who are not eligible for IDEA services may be considered disabled and eligible for services under Section 504.

For the purposes of Section 504, a person may be considered disabled if the individual: (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

Major life activities include functions such as:

- Learning
- Caring for oneself,
- Walking
- Seeing
- Speaking
- Learning
- Performing manual tasks
- Hearing

- Breathing
- Working

This definition is broad and inclusive. It differs significantly from the more restrictive IDEA definitions of disability. Through IDEA, special education services are provided to students at least three but less than 22 years old who have been evaluated and found to have at least one of the following disabilities and who are found to need special education and related services.

Qualifying disabilities for IDEA include:

- Autism
- Emotional Disability
- Hearing Impairment
- Other Health Impairment
- Specific Learning Disability
- Mild, Moderate, or Severe Intellectual Disability
- Multiple Disabilities
- Multiple Disabilities with Severe Sensory Impairment
- Orthopedic Impairment
- Preschool Moderate Delay
- Preschool Severe Delay
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment
- Preschool Speech and Language

An example of someone who may not be covered by IDEA but would be entitled to accommodations under Section 504 is a student with juvenile arthritis, diabetes, mild anxiety or attention deficit disorder (ADD). Such a student has a disability for purposes of Section 504, yet may not be covered by IDEA if he or she does not need placement in a special education program or whose condition does not fall into a specified IDEA category.

What This Means for Your Child

If a school has reason to believe that a student may have a disability and need accommodations in the regular classroom setting in order to participate in school programs, the school must evaluate the student. If the student is determined to be disabled under Section 504, the school must develop and implement a plan for the delivery of any needed services (a "504 plan").

The type of disability believed to be present and the type of services the student may need determines what is required for the Section 504 evaluation and placement process. The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability and the recommended services. Evaluations more limited than a full special education evaluation may be adequate in some circumstances. For example, in the case of a student with juvenile arthritis or diabetes, the evaluation might consist of the school nurse meeting with the parent and reviewing the student's current medical records. An evaluation for a student with ADD may involve review of the student's psychoeducational evaluations and teacher observations. In some cases, additional testing may be necessary.

To determine what accommodations are needed, a group of people knowledgeable about the student, the meaning of the evaluation data, and placement options (the "504 team") will be convened to identify and

agree upon appropriate accommodations. The 504 team will review the nature of the disability, whether special accommodation are needed, and, if so, what those accommodations are. The 504 team may not consider mitigating circumstances relating to the student's disability such as medications or aids when determining if a student has a disability. The decision about Section 504 eligibility and accommodation will be documented in the student's file and reviewed periodically. The 504 team will not consider how the student's disability impacts their education, but rather how the disability impacts a major life activity.

Accommodations vary to address the specific disability. For the student with juvenile arthritis, Section 504 accommodations might include the use of a laptop to improve writing speed and allow a less painful means of writing. For a student with diabetes, Section 504 accommodations might include administration and monitoring of medication and a class schedule modified to address the student's stamina or food needs. For a student with ADD, accommodations might include modification of classroom seating arrangements, a behavior plan, and monitoring of medication. Each student's 504 team will determine which accommodations are appropriate for each individual student (i.e., accommodations are not "one size fits all").

Under Section 504, parents or guardians must be provided with notice of actions affecting the identification, evaluation, or placement of the student. They are entitled to an impartial hearing if they disagree with school's decisions in these areas. This process is explained in more detail below.

Remember, some students who have physical or mental conditions that impair their ability to perform a major life activity may be entitled to accommodations under Section 504 even though they may not be covered a specific IDEA category.

Section 504 Compliance Plan

The Compliance Plan serves students, parents, employees, applicants for employment, and programs within FJA. FJA assures students, parents, job applicants, and employees that it will not discriminate against any individual with disabilities.

The following person is designated as Section 504 Coordinator:

Jill Paez
755 N. Bonito Street
Flagstaff, AZ 86001,
tel. 928.214.7317
JillianPaez@fjacademy.com

Notice to students, parents, employees, and the general public of nondiscrimination assurances and parent/student rights and identification, evaluation, and placement will be disseminated in the following manner:

- Announcement in the central office.
- Posted notice in each public school building.
- Notice will be included on FJA 's website, in the Policy Manual, and in the parent/student handbook.

FJA will inform individuals with disabilities and their parents/guardians of the school's responsibilities and procedural safeguards under Section 504 and the IDEA.

Hearing and Appeals Process

FJA has established the following procedures to resolve complaints of discrimination on the basis of disability. Any employee, parent/guardian of a student enrolled, or student 18 years of age or older may file a complaint if she or he believes there has been a violation of Section 504.

Step One: A complaint of discrimination must be in writing and submitted to the Section 504 Coordinator within 10 days after the alleged violation occurred. The complaint should fully state the facts of the alleged violation and the remedy that is being sought. The Section 504 Coordinator will investigate the circumstances of the alleged violation and make a written report of his or her findings of fact and conclusions within 10 school days.

Step Two: If the complaint has not been resolved to the satisfaction of the complainant, he or she may appeal the report of the Section 504 Coordinator to FJA's Executive Director within five school days of receipt of the report. After investigation and within 10 school days of receipt of the appeal, the Executive Director will issue a written decision affirming, reversing, or modifying the report.

Step Three: If the complaint has not been resolved in Step Two to the satisfaction of the complainant, he or she may appeal to the school board within five school days of receipt of the Executive Director's decision. The school board will conduct an informal hearing in an closed meeting to review the alleged violation. The board will give each party at least 10 days' notice of its meeting. The complainant may be represented at the board hearing by an attorney or another designated individual, at the complainant's expense. The board will affirm, reverse, or modify the decision issued under Step Two within 15 school days of the hearing.

To the extent a report or decision in any of these steps calls for implementing additional accommodations or changes in existing services, those changes will be made no later than 15 school days following the date of the decision, unless the decision is appealed.

Definitions Used in Section 504 Regulations

34 C.F.R. § 104.3U)(1)

An individual with disabilities is one who:

- has a physical or mental impairment which substantially limits one or more major life activities;
- had a record of such an impairment; or
- is regarded as having such an impairment.

34 C.F.R. § 104.30(2)(i)

A physical or mental impairment is:

- 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; genital; urinary; hemic; lymphatic; skin; endocrine; or
- any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

34 C.F.R. § 104.3(j)(2)(ii)

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

34 C.F.R. § 104.3(j)(2)(iii)

Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

34 C.F.R. § 104.3(j)(2)(iv)

Is regarded as having an impairment means:

- has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;
- has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- has none of the impairments defined above but is treated by a recipient as having such an impairment.

34 C.F.R. § 104.3(1)

Qualified person with disabilities means:

In an education context, a student (a) of an age during which individuals without disabilities are provided such [educational] services, (b) of an age during which it is mandatory under state law to provide such services to individuals with disabilities, or (c) to whom a state is required to provide a free appropriate public education under IDEA.

In an employment context, an individual who, with reasonable accommodation, can perform the essential functions of the job in question.

For any student who is an individual with disabilities as defined above, a public school must provide a free appropriate public education. For any employee of a public school that is an individual with disabilities as defined above, a public school must make reasonable accommodations to the known physical or mental limitations of the employee.

Flagstaff Junior Academy is an Equal Opportunity Employer.

If you would like to contact the U.S. Department of Education, Office for Civil Rights, they may be reached at:

Office for Civil Rights

Denver Office
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Blvd., Suite 310
Denver, CO 80204-3582
tel. 303.844.5695