

EAGLE COLLEGE PREP

SECTION 504 OF THE REHABILITATION ACT OF 1973 POLICIES AND PROCEDURES

EAGLE College Prep (the “School”) does not discriminate against individuals with disabilities in its policies or practices. It is the responsibility of the School to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need or are believed to need, special education or related services because of a disability in order that such students may receive the required free appropriate education.

For this policy, a student with a disability, within the intent of Section 504, is one who:

- Has a physical or mental impairment that substantially limits one (1) or more major life activities; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities in Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under state and federal laws and regulations.

The School has developed procedural safeguards for actions related to the identification, evaluation, and placement of students entitled to Section 504 protections. For questions regarding Section 504 or to obtain a copy of the School’s procedural safeguards, please contact the School’s Section 504/ADA Coordinator:

Gretchen Larsen, Dean of Students
EAGLE College Prep, Mesa Campus
1619 E. Main Street
Mesa, AZ 85203
Phone: 602-638-0802
Fax: 602-638-0806
Email: gretchen.larsen@eagleprep.org

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SECTION 504 COMPLAINT/GRIEVANCE PROCEDURES

It is the policy of the EAGLE College Prep (the “School”) not to discriminate on the basis of disability in its programs and activities. The School has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or by ADA of the Americans with Disabilities Act.

Section 504 and ADA prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

The School’s Section 504/ADA Coordinator has been designated to coordinate the efforts of the School to comply with Section 504 and ADA. The Section 504/ADA Coordinator can be reached at:

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Any person who believes she or he has been subjected to discrimination, harassment, or retaliation on the basis of disability may file a grievance under this procedure. The School prohibits retaliation against anyone who files a grievance or cooperates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 504/ADA Coordinator within sixty (60) calendar days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint should be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought. If the Complainant is unable to put the complaint in writing, the School shall provide reasonable accommodations to assist the Complainant with submission of his/her complaint. (Note: Please see the attached Complaint form, which may be used to file a complaint in conformance with these procedures).
- The Section 504/ADA Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all

interested persons an opportunity to submit evidence relevant to the complaint, including the opportunity to present witnesses. The Section 504/ADA Coordinator will maintain the files and records of the School relating to such grievances.

- The Section 504/ADA Coordinator will issue a written decision on the grievance no later than thirty (30) school days after its filing, unless extenuating circumstances require an extension of the 30 day timeline. In such a case, the Section 504/ADA Coordinator (or her/his designee) will communicate with the Complainant concerning the need for an extension.
- The person filing the grievance may appeal the decision of the Section 504/ADA Coordinator by writing to the School's Executive Director within fifteen (15) calendar days of receiving the Section 504/ADA Coordinator's decision. The Executive Director shall issue a written decision in response to the appeal no later than thirty (30) school days after its filing.
- The School shall maintain confidentiality as required by the Family Educational Rights and Privacy Act (FERPA).
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights.

The School will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, providing a scribe for submission of the complaint, or assuring a barrier-free location for the proceedings. The Section 504/ADA Coordinator will be responsible for making such arrangements.

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SECTION 504 DUE PROCESS HEARING PROCEDURES

Either Parents or the School may initiate a due process hearing on a matter related to 1) eligibility and related procedures, 2) procedural safeguards, or 3) provision of a free and appropriate public education to the student.

The request for a Section 504 due process hearing must be made within 180 calendar days of the date the parent/guardian or the School knew or should have known about the alleged action that forms the basis of the complaint.

- The request for a due process hearing shall be in writing and include:
 - The name of the student;
 - The address of the residence of the student;
 - The name of the school the student is attending;
 - In the case of a homeless student or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the student is attending;
 - A description of the nature of the problem of the student relating to the problem, including facts relating to the problem; and
 - A proposed resolution of the problem to the extent known and available to the party at the time.
- The request for a due process hearing shall be made to:

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Mesa, AZ 85203
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The School shall provide the Parents/Guardians with written notice within ten (10) school days of receiving the complaint. The notice shall contain:

- A statement of time, place, and nature of the hearing. The hearing will be held at the School. The hearing should be scheduled within thirty (30) school days after the Section 504/ADA Coordinator received the written request for a hearing, whenever possible.

- A statement regarding the exchange of information. At least five (5) working days prior to the hearing, the parties should exchange information regarding the witnesses to be called and the documents to be introduced as evidence at the hearing.
- A statement of the availability of relevant records for examination.
- A statement of the right to be represented by counsel. The parents/guardians and the School have the right to be represented at the hearing by counsel or another representative of their choice and at their own expense.
- A statement regarding the presentation of evidence at the hearing. Parents/guardians and the School have the right to present witnesses and cross-examine witnesses and introduce documentary evidence at the hearing. Reliable hearsay evidence may be permitted into evidence at the discretion of the hearing officer.

All written correspondence shall be provided in English and/or interpreted in the primary language spoken in the home.

Hearing Procedures

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

- Present and cross-examine witnesses.
- Present evidence.
- Produce outside expert testimony.
- Be represented by legal counsel or another representative of their choice and at their own expense.

Parents involved in the hearing will be given the right to:

- Have the student present at the hearing.
- Open the hearing to the public.

In cases where there are language differences, an interpreter shall be provided.

Decision of the Hearing Officer

A copy of the hearing officer's written decision shall be delivered to the School and the parent, guardian, or surrogate within ten (10) working days following completion of the hearing. The

decision shall include the hearing officer's findings of fact and conclusions and a statement that either party may appeal the decision.

Record of Hearing

A written or electronic verbatim recording of the Section 504 due process hearing shall be on file at the School office and will be available for review upon request to the parents and/or any of the involved parties.