

Sec. 3.3.1. STATEMENT OF NONDISCRIMINATION

Arrow Academy does not exclude from participation in, deny the benefits of, or subject to discrimination on the basis of race, religion, color, national origin, sex, age, disability, or relationship or association with an individual with a disability in providing educational services, activities, and programs, including vocational and career technology programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; the Individuals with Disabilities Education Act, as amended; Title IX of the Educational Amendments of 1972, as amended; the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

Sec. 3.3.2. GRIEVANCE PROCEDURES

Arrow Academy shall adopt public grievance procedures for prompt and equitable resolution of student complaints alleging discrimination under applicable law. *34 CFR 106.8 (Title IX); 34 CFR 104.7 (Section 504).*

Sec. 3.3.2.1. Title IX Coordinator

Arrow Academy designates the following person(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Colby South
Position: Accountant
Address: P.O. Box 12207, College Station, TX 77845
Telephone: 979-703-8820

Sec. 3.3.2.2. ADA/Section 504 Coordinator

Reports of discrimination based on disability may be directed to the ADA/Section 504 Coordinator. **Arrow Academy** designates the following person(s) to coordinate its efforts to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Audrey Sanders
Position: Executive Director
Address: P.O. Box 12207, College Station, TX 77845
Telephone: 979-703-8820

Sec. 3.3.2.3. Superintendent

The Superintendent shall serve as coordinator for purposes of **Arrow Academy's** compliance with all other antidiscrimination laws.

Sec. 3.3.3. EQUAL EDUCATIONAL OPPORTUNITY

Arrow Academy shall provide necessary services and supports to provide students equal access to educational opportunities. Certain instructional or other accommodations, including on state-mandated assessments, may be made when necessary, when allowable, and when these accommodations do not modify the rigor or content expectations of a subject, course, or assessment.

If **Arrow Academy** has reason to believe that a student has a disability that may require additional services and supports in order for the student to receive an appropriate education as this term is defined by law, Section 504 and/or the Individuals with Disabilities Education Act (IDEA) shall govern the evaluation, services, and supports provided by **Arrow Academy**.

Sec. 3.3.4. COMPLAINTS

Except as otherwise provided in Policy or Procedure, allegations of unlawful discrimination, prohibited harassment, or retaliation shall be made under PG-3.9 (Freedom from Discrimination, Harassment, and Retaliation).

Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504 shall be filed under the General Provisions of PG-3.40, except that the deadline for filing an initial Level One grievance shall be twenty (20) school days.

Sec. 3.3.5. RETALIATION

Arrow Academy shall not coerce, intimidate, threaten, retaliate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws.

Sec. 3.3.6. DISABILITY DISCRIMINATION

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of **Arrow Academy**, or be subjected to discrimination by **Arrow Academy**.

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Sec. 3.3.6.1. Student with a Disability

A “student with a disability” is one who has a physical or mental impairment that substantially limits one or more of the student’s major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A student meets the requirement of being “regarded as” having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or fewer.

Sec. 3.3.6.2. Qualified Individual with a Disability

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by **Arrow Academy**.

Sec. 3.3.6.3. Major Life Activities

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. “Major life activity” also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Sec. 3.3.6.4. Reasonable Modification

Arrow Academy shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless **Arrow Academy** can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Sec. 3.3.6.5. Direct Threat

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below.

Arrow Academy is not required to permit an individual to participate in or benefit from the services, programs, or activities of **Arrow Academy** when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, **Arrow Academy** must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Sec. 3.3.6.6. Free Appropriate Public Education (FAPE)

Arrow Academy shall provide a free appropriate public education to each qualified student with a disability within **Arrow Academy**’s jurisdiction, regardless of the nature or severity of the student’s disability. A student with a disability is “qualified” if he or she is between the ages of three and 21. An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student’s individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

Sec. 3.3.6.7. Educational Setting

Arrow Academy shall place a student with a disability in the regular educational environment, unless **Arrow Academy** demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily.

In providing or arranging for nonacademic and extracurricular services and activities, **Arrow Academy** shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Sec. 3.3.6.8. Evaluation and Placement

Arrow Academy shall establish standards and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education and related services. **Arrow Academy** shall conduct an evaluation before the initial placement, or any significant change in placement, of the student.

Sec. 3.3.6.9. Military Dependents

In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–12165), **Arrow Academy** shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude **Arrow Academy** from performing subsequent evaluations to ensure appropriate placement of the student.

Sec. 3.3.6.10. Procedural Safeguards

Arrow Academy shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement.

Sec. 3.3.7. HOMELESS CHILDREN

Arrow Academy shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status.

Sec. 3.3.7.1. Liaison

Arrow Academy shall designate an appropriate staff person as the liaison for homeless children. **Arrow Academy** shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaison.

Sec. 3.3.8. DISCRIMINATION ON THE BASIS OF SEX

No person shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by **Arrow Academy**.

Arrow Academy shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

Sec. 3.3.8.1. Sexual Harassment

Sexual harassment of students is discrimination on the basis of sex under Title IX.

Sec. 3.3.8.2. Separate Facilities

Arrow Academy may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex.

Sec. 3.3.8.3. Human Sexuality Classes

Portions of classes in elementary and secondary school that deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

Sec. 3.3.8.4. Vocal Music Activities

Arrow Academy may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

Sec. 3.3.8.5. Single-Sex Programs

Arrow Academy shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by **Arrow Academy** unless **Arrow Academy** otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities.

Sec. 3.3.8.6. Pregnancy and Marital Status

Arrow Academy shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex.

Sec. 3.3.8.7. Physical Education Classes

Arrow Academy may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

Sec. 3.3.8.8. Contact Sports

Arrow Academy may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

Sec. 3.3.8.9. Athletic Programs

Arrow Academy shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

Sec. 3.3.8.10. Single-Sex Teams

Arrow Academy may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport.

Sec. 3.3.8.11. Equal Athletic Opportunities

Arrow Academy shall provide equal interscholastic and/or intramural athletic opportunity for members of both sexes.

Sec. 3.3.9. SECTION 504 COMMITTEES

Arrow Academy shall form Section 504 committees as necessary. The Section 504 coordinator and members of each Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services and supports to a student who has a disability that results in a substantial limitation of a major life activity.

Each Section 504 committee shall be composed of a group of persons knowledgeable about the student, the meaning of the evaluation data, placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

Sec. 3.3.9.1. Referrals

If a teacher, school counselor, administrator, or other **Arrow Academy** employee has reason to believe that a student may have a disability as defined by Section 504, **Arrow Academy** shall evaluate the student. A student may also be referred for evaluation by the student's parent.

Sec. 3.3.9.2. Notice and Consent

Arrow Academy shall seek written parental consent prior to conducting a formal evaluation. Ordinary observations in the classroom or other school setting shall not require prior parental consent.

Sec. 3.3.9.3. Evaluation and Placement

The results of an evaluation shall be considered before any action is taken to place a student with a disability or make a significant change in placement in an instructional program. The Superintendent shall ensure that **Arrow Academy**'s procedures for tests and other evaluation materials comply with the minimum requirements of law. In interpreting evaluation data and when making decisions related to necessary services and supports, each Section 504 committee shall carefully consider and document information from a variety of sources in accordance with law.

Sec. 3.3.9.4. Review and Reevaluation Procedure

To address the periodic reevaluation requirement of law, **Arrow Academy** shall adhere to the reevaluation timelines in the IDEA regulations.

A parent, teacher, or other **Arrow Academy** employee may request a review of a student's services and supports at any time, but a formal reevaluation shall generally occur no more frequently than once a year.

Sec. 3.3.9.5. Examining Records

A parent shall make any request to review his or her child's education records to the campus principal or other identified custodian of records.

Sec. 3.3.9.6. Right to Impartial Hearing

A parent shall be given written notice of the due process right to an impartial hearing if the parent has a concern or complaint about **Arrow Academy**'s actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing shall be conducted by a person who is knowledgeable about Section 504 issues and who is not employed by **Arrow Academy** or related to a member of the Board in a degree that would be prohibited

under the nepotism statute. The impartial hearing officer is not required to be an attorney. **Arrow Academy** and the parent shall be entitled to legal representation at the impartial hearing.

Sec. 3.3.9.7. Records Retention

Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by **Arrow Academy** in accordance with law and **Arrow Academy**'s local records retention schedules.