



## TRIAD MATH AND SCIENCE ACADEMY

### SECTION 504 PACKAGE



### SECTION 504 OF THE REHABILITATION ACT OF 1973

Triad Math and Science Academy is committed to compliance with Section 504 of the Rehabilitation Act of 1973, which ensures a free appropriate public education (FAPE) for all qualified handicapped students. Under Section 504, any student who has mental or physical impairment that substantially limits a major life activity may be qualified for a Section 504 plan.

Section 504 accommodations are intended to level the playing field and provide access to qualified students comparable to the access and opportunities afforded to non-handicapped peers. The school has the responsibility to identify, evaluate, and provide appropriate education services for all students who are eligible for reasonable accommodations under Section 504.

### UNDERSTANDING SECTION 504 OF THE REHABILITATION ACT OF 1973

#### THE LAW

*No otherwise qualified handicapped individual in the United States...shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.... 29 U.S.C. §794(a).*

Students protected from discrimination under Section 504:

34 C.F.R. §104.3(j)(1) defines a handicapped person as one who

**1) has a physical or mental impairment which substantially limits one or more major life activities,**



- 2) Has a record of such an impairment, or
- 3) Is regarded as having such impairment.

## **“PHYSICAL OR MENTAL IMPAIRMENT”**

34 C.F.R. §104.3(j)(2)(i) defines physical or mental impairment as

- 1) 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; gennito-urinary; hermic and lymphatic; skin; and endocrine OR
- 2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

## **“HAS A RECORD OF SUCH AN IMPAIRMENT”**

34 C.F.R. §104.3(j)(2)(iii) indicates that “has a record of such impairment” means that the individual has a past history of a mental or physical impairment, such as a student with a past history of a mental disease. This student is protected from discrimination but would not qualify for a Section 504 Accommodation Plan.

## **“IS REGARDED AS HAVING AN IMPAIRMENT”**

34 C.F.R. §104.3(j)(2)(iv) indicates that “is regarded as having an impairment” means that the individual has a physical or mental impairment only as the result of the attitudes and perceptions of others, such as a student with HIV. This student is protected from discrimination but would not qualify for a 504 Accommodation Plan.

## **“SUBSTANTIALLY LIMITS”**

**“Substantially limits” means that the impairment significantly restricts the individual’s ability to perform a major life activity in a manner comparable to that of an average student of approximately the same age and grade, AND the impairment must also be substantial and atypical when compared to the average student.**

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## “MAJOR LIFE ACTIVITY”

34 C.F.R. §104.3(j)(2)(ii) defines “major life activity” as functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Learning includes both the ability to learn and the physical ability to access locations for learning. Americans with Disabilities Act Amendment of 2008 expands “major life activities” to include: communicating, thinking, reading, bending, sleeping and eating. Functions of the body systems are also considered to be major life activities. (Jan.2009)

**NOTE:** When the major life activity substantially limited by the impairment impacts a student’s ability to access the curriculum, i.e., learn, read, think, communicate, see, hear, etc., the students may be more appropriately considered for services under the IDEA (special education).

*The Office for Civil Rights notes that TESTING is NOT a major life activity and students cannot be determined disabled in their ability to take tests. If a disability of another life activity as impairs the student’s ability to complete the tasks required when testing, the child might have accommodations for those tasks.*



## **SECTION 504 PROCEDURES FOR DEVELOPING PLANS FOR QUALIFIED STUDENTS WITH DISABILITIES**

### **REFERRAL**

Referral may be made by parents or teachers by filling out the “Section 504 Referral Form”. All referrals should be made through School 504 Coordinator.

When a referral is made, the parent will be given a copy of the TMSA Section 504 packet which includes but not limited to Referral Form, Parental Consent Form, Student and Parents’ Rights, and Grievance Procedures...

### **ELIGIBILITY DETERMINATION**

Upon completion of evaluations for 504 eligibility, a properly convened 504 team determines whether the student has a physical or mental impairment that substantially limits a major life activity at school based on variety of sources including, as appropriate, aptitude and achievement tests, teacher recommendation, physical condition, social or cultural background, adaptive behavior assessments; psychological evaluations, attendance reports, medical information, observations from teachers and parents, and information from the student’s cumulative records.

Also, parents may bring a current medical diagnosis and/ or an educational evaluation. To be a current evaluation, professional standards generally require that the diagnosis/ evaluation, whether medical, physical, or psychological, is not more than a year old.

TMSA procedures require attendance of the school 504 coordinator; one of the student’s regular education teachers; the parent; school nurse to explain medical needs, if appropriate; school dean, if appropriate, and the student, if appropriate to the Eligibility Determination and 504 Annual Review meetings.

*If parents have received their due process notification, the 504 team may proceed with identification under Section 504 without the parents in attendance. Parental consent, however, is required for placement under Section 504. Parents are strongly encouraged to attend their child’s 504 meetings.*

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## **504 PLAN**

For students determined to be eligible under Section 504, the 504 team will develop a Section 504 Plan based on information gained from variety of sources.

*If the parent is not present at the meeting, the parent's signature is not required prior to implementation of the plan. One copy of the 504 plan will be given to the parent.*

## **REVIEW OF PLAN**

The 504 Plan will specify a suggested annual review date determined by the 504 Team. The 504 Team will review students' 504 plans annually and reevaluate a student's eligibility under Section 504 every three years.

## **ENSURING IMPLEMENTATION**

The School 504 Coordinator provides copies of the Section 504 plan to the parent and to all of the 504 student's teachers. The law requires regular education teachers to provide accommodations indicated in their students' 504 plans.

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## SECTION 504 REFERRAL FORM

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent(s): \_\_\_\_\_ Date: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Reason for Referral

Teacher/Staff Recommendation  Parent  Other

There is reasonable cause to suspect that this student has a handicap, which substantially limits one or more of the following major life activities:

Learning  Social Emotional/Behavioral  Communication  Health  Vision  Hearing  Motor/Movement  Self-Help Skills  Other \_\_\_\_\_

Prior Referrals (explain if any): \_\_\_\_\_

\_\_\_\_\_

Presenting Concerns: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Referred by: \_\_\_\_\_

Relationship to Child: \_\_\_\_\_

**Received by the 504 Coordinator:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

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## PARENTAL CONSENT FOR SECTION 504 EVALUATION

Parent Contact Information:

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Cell phone: \_\_\_\_\_

Home phone: \_\_\_\_\_

Other phone: \_\_\_\_\_

Email: \_\_\_\_\_

I understand that the evaluation will be conducted within 30 school days of receipt of parent consent and that a Section 504 meeting will be held to discuss the evaluation results, eligibility, and any educational program recommendations. I can revoke my consent at any time. I understand the description of the evaluation process and have checked the box below:

Permission is voluntarily given to conduct the evaluation process.

Permission is denied.

**By signing this document I give my consent for an initial Section 504 evaluation for**  
\_\_\_\_\_ (Student's name).

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(Signature of Parent/Guardian)

(Date)



## SECTION 504 STUDENT AND PARENTS' RIGHTS

Triad Math and Science Academy is committed to compliance with Section 504 of the Vocational Rehabilitation Act of 1973, which ensures a free, appropriate public education for all students with disabilities.

Parents/guardians have the right to be fully informed about decisions regarding their child with a disabilities' education and their rights to challenge those decisions if they are not satisfied that their child is receiving an appropriate education. Under Section 504, parents have a right to

- Have your child take part in and receive benefits from public education programs without discrimination based on a disability;
- Have your child receive a free appropriate public education, including being educated with other non-disabled students to the maximum extend appropriate and having the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school related activities.
- Give permission or refuse to give permission for your child to be evaluated for eligibility for reasonable accommodations under Section 504;
- Receive notification that their child is being considered for eligibility for reasonable accommodations as a student with a disability under section 504;
- Receive notification that an accommodations plan is being developed for your child;
- Have evaluation and educational decisions made from a variety of information sources and by people who know their child, the evaluation data, and accommodations and placement options;
- Examine all relevant records;
- Have periodic reviews and re-evaluations, also an evaluation prior to any significant change in your child's educational program that relates to his/her disability;
- Request a grievance hearing related to decisions regarding their child's evaluation, identification, educational plan or placement as described in Section 504 Grievance Procedures.

**I have received a copy of the Triad Math and Science Academy Section 504 Student and Parents' Rights.**

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(Signature of Parent/Guardian)

(Date)



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## **NON DISCRIMINATION POLICY UNDER SECTION 504**

In compliance with its obligations under Section 504, Triad Math and Science Academy will not discriminate against qualified students with disabilities. The school will make reasonable modifications to its programs and activities to accommodate qualified students with disabilities.

Triad Math and Science Academy will not discriminate against qualified students with disabilities in its provision of non-educational programs including extracurricular activities, meals, recess, physical education, transportation, health services, and the employment of students.

Qualified students with disabilities who are enrolled in Triad Math and Science Academy will be provided a free appropriate public education. Instruction will be designed to meet the individualized educational needs of these students.

Triad Math and Science Academy will educate students in the least restrictive environment appropriate to the student's needs; and educate qualified students with disabilities with students without disabilities to the maximum extent appropriate to the needs of the handicapped person. In addition, a Triad Math and science Academy will ensure that qualified handicapped students participate with non-handicapped students in non-academic and extracurricular services to the maximum extent appropriate. If removal of a handicapped student from his/ her non-handicapped peers is required for any reason, the facilities must be comparable to those provided for non-handicapped students.

**I have received a copy of the Triad Math and Science Academy Section 504 Non-Discrimination Policy**

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(Signature of Parent/Guardian)

(Date)



## SECTION 504 GRIEVANCE PROCEDURES

Triad Math and Science Academy Section 504 grievance procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, placement, and/ or provision of educational services and programs to students who, because of their handicaps, need or are believed to need a Section 504 Accommodation Plan.

A parent or guardian disagreeing with the decisions reached by school personnel should first seek an informal resolution of the disagreement by going through the administrative chain of command. All parties are encouraged to reach a resolution at this level.

If a resolution is not reached at the administrative level, parents may appeal the director's decision to the Board of Directors. The parent or guardian also has the right, under certain circumstances, to file a complaint with the Office for Civil Rights or file suit in the federal court system.

### **STEP I - Concerns and questions:**

A student, parent, or guardian who has a concern or question about particular Section 504 evaluations, accommodations, or issues should contact School 504 Coordinator.

### **STEP II – Conference with the Director:**

If the concern or question is not resolved at Step I, the student, parent, or guardian may proceed with the 504 appeals process by making a written request for a conference with the director to discuss the grievance and seek resolution as soon as possible, but not longer than thirty school days after disclosure of the facts giving rise to the grievance. In addition,

- 1) The written request shall fully describe the grievance.
- 2) The principal shall grant the conference within five school days following receipt of the request.

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3) The principal shall state in writing his decision on the issue to the parent or guardian within five school days following the conference.

4) Only the parent, guardian, or someone acting in loco parentis will be permitted to attend or represent the student at the conference with the principal.

### **STEP III -- Appeal to the Board of Directors:**

If the grievance is not resolved at Step II, the student, parent, or guardian may appeal the director's decision in writing to the board of directors. The appeal must be made within five school days following receipt of the appeal. A written response shall be made to the student, parent, guardian, and director from the board of directors within ten school days following the review.

### **STEP IV -- Appeal for a Section 504 Due-Process Hearing:**

If the parent, guardian, or person acting loco parentis for a student is not satisfied with the above remedies, he/she is entitled to appeal to the Office for Civil Rights, Department of Education, Washington, D.C., 20201.

**I have received a copy of the Triad Math and Science Academy Section 504 Grievance Procedure.**

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(Signature of Parent/Guardian)

(Date)