

Purpose

The purpose of this policy is to provide disabled students with the opportunity to fully participate in, and benefit from, educational opportunities and to comply with federal law Section 504 of the Rehabilitation Act of 1973.

General Statement of Policy

T.R.U.T.H Preparatory Academy is committed to providing disabled students with the opportunity to fully participate in, and benefit from, educational opportunities. In compliance with its obligations under section 504, T.R.U.T.H. does not discriminate against otherwise qualified disabled students in the provision of its educational programs and activities.

T.R.U.T.H. will make reasonable accommodations to its programs and activities to accommodate otherwise qualified disabled students, unless such accommodations would impose an undue burden on the operation of the particular program, or would alter the fundamental nature or purpose of the program.

T.R.U.T.H. will provide a free appropriate education in the least restrictive environment including reasonable accommodations and services to qualified 504 students who reside within or are invited to attend T.R.U.T.H. 504 Plans will be designed to meet the individualized educational needs of these students.

T.R.U.T.H. will seek to assure that the educational services provided to otherwise qualified disabled students are reasonably calculated to afford such students an equal opportunity to achieve educational benefit as is provided to non-disabled students.

What is a 504 Plan?

As part of the Rehabilitation Act of 1973, the federal government requires that appropriate accommodations are made for disabled students. *This is not the same as an individual Education Plan(IEP) for students identified as disabled through Special Education.*

As part of the Rehabilitation Act of 1973, Congress passed Section 504, a civil rights law to protect people with disabilities by eliminating barriers and allowing full participation. While the law doesn't provide any new money for programs and agencies that comply, it carries the threat of withholding federal funds from those that don't.

The process for 504 development and review includes assessment and establishment of eligibility. A meeting will be held regarding eligibility and plan development and review. Parent(s) or guardians will be notified of all assessments, meetings and plan development. The law does not require parent participation in the meeting, permission to assess, or agreement with the plan.

Who qualifies as a “Disabled Student?”

A disabled student is a student who either:

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a record of having an impairment that substantially limits one or more major life activities
- Regarded as having an impairment that substantially limits one or more major life activity. Examples of major life activities include, but are not limited to, walking, breathing, learning, seeing, speaking, working, performing manual tasks, hearing, disfigurement, asthma, allergies, and attention deficit disorder.

Section 504 specifically excludes certain sexual disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from current use of illegal drugs. All students with individualized Education Programs (IEP) are covered automatically under Section 504.

Roughly 10-12 percent of the nation's students currently receive special education services, with a little more than half of them identified as "specific learning disability." Because necessary accommodations are included in the IEP, there's no need to write a separate 504 plan for them.

School Process

Referral

A referral must be made in writing to the 504 team coordinator/principal. Students, parents, teachers, counselors or other school personnel can make a referral if they suspect that a student has a disability. If parents require assistance with a written referral, school staff members are mandated by T.R.U.T.H.'s policy to assist with the referral.

504 Team

Within 15 school days of receiving a written request, the 504 team will convene to review and consider all data concerning the student; aptitude and achievement test scores, teacher recommendations, physical condition, social and cultural background, adaptive behavior, and reports collected from school and /or parents. All evaluations will be nondiscriminatory. Parent(s) and others with knowledge of the student will be invited to attend.

If after reviewing and considering the data, the 504 team finds evidence of a disability that meets guidelines under Section 504, an assessment will be generated. If there is no evidence of a disability, a letter will be sent to the parent indicating the reasons.

Rights

The law requires that parents be notified prior to any evaluation or change of placement. The law does not require that parents participate in the meeting or agree with the plan. Rights are provided when the parent(s) or guardians are notified of the assessment.

Assessment

The evaluation plan indicates the participants of the assessment team. The team members will vary based on the area of disability. The assessment must be completed in 60 days. The assessment must include an evaluation/observation by school staff.

Meeting

A meeting must be held following assessment. A meeting notice will be sent to parents and a report will be generated by the assessment team. Eligibility and non-eligibility will be established at the meeting. The law doesn't require parent participation in the meeting, permission to assess, or agreement with the plan. Although the law does require that schools notify you when they plan to evaluate your child or make a significant change in his or her educational placement, parents or guardians of students at T.R.U.T.H. will receive notification. The 504 coordinator can give advice about grievance and due process procedures.

Section 504 Accommodation Plans

If the student is found eligible for accommodation under Section 504, the 504 Team (including the parent/guardian if willing) will develop a written plan. The plan will set forth the specific accommodations and /or services that shall be implemented in the least restrictive environment. The developed plan will identify the disability and include reasonable accommodations and/or services determined by the 504 Team. The accommodations and/or services must address the student's needs related to the identified disability. There are no legal requirements for what should be included in the plan.

Section 504 Files

504 files will be part of the master file at the student's current school.

Annual Review

- The 504 plan will be re-evaluated annually.
- A re-evaluation will be held before any significant changes in placement (i.e. individual suspensions exceeding ten cumulative days or expulsion) are made.
- Information will be gathered annually regarding appropriateness of accommodations and continued student eligibility.
- A suspension of five or more days, the consideration of expulsion, and/or a change of placement require a reevaluation and possible adjustment of the plan.

Notification

The parent or guardian of a qualified disabled student shall be notified in writing of all school decisions concerning the identification, evaluation, or services for their child made under Section 504 regulation.

Records

The parent or guardian of a qualified disabled student has the right to review relevant records regarding the student. Records may be reviewed at the school site. Copies of student records may be obtained pursuant of education code section.

General Notice Regarding Nondiscrimination

T.R.U.T.H. seeks to notify all the students, students' parents or guardians, applicants, and employees of its policy of nondiscrimination on the basis of disability. To achieve this objective, T.R.U.T.H. includes a notice on all applications for employment or admission within the school, collective bargaining proposals, student handbooks, parent/student rights document and other school-wide publications where inclusion of such a notice is appropriate.

Examples of nondiscrimination notices:

- A. **Instructional Philosophy:** T.R.U.T.H. and its employees shall comply with federal and Minnesota laws which outlaw discrimination because of race, sex, color, creed, national origin or ancestry. Selection of instructional materials, school publications, budget allocations, hiring and evaluation procedures and in service training shall be done in such a way as to encourage all children to think and develop as self-respecting individuals and shall not reflect adversely upon persons because of race, sex, color, disability, creed, national origin or ancestry.
- B. **Equal Educational Opportunity:** All children of T.R.U.T.H. are entitled to equal educational opportunities. While minor differences in facilities and presentation are inevitable, course offerings and content should be essentially similar throughout the school. Where special needs exist in the attendance area, supplementary offerings should be provided.
- C. **Equal opportunity:** through affirmative action and compliance with the Americans with Disabilities Act and all other applicable federal, state and local laws.

To coordinate the school's compliance with federal nondiscrimination laws, T.R.U.T.H. has designated T.R.U.T.H. Section 504 coordinator as: Erin Tande.

Grievance and Due Process

Grievances pertain to issues of alleged discrimination or failure to provide appropriate evaluation, identification, and/or services. Anyone having difficulty writing a grievance will be assisted by T.R.U.T.H. staff.

Contact: Erin Tande, Dean of Scholar Support Services, (651-401-5380)

Due process addresses issue of evaluation, identification and services.

Grievance Procedure for 504

If the complainant is not satisfied with the findings of the investigation, an appeal may be made to one or more of the following offices:

Office for Civil Rights, Chicago Office (Region V)
U.S. Department of Education
500 W. Madison Street, Suite 1475
Chicago, Illinois 60661

Minnesota Department of Human Rights
190 5th Street East, #700
St. Paul, MN 55101

Equal Employment Opportunity Commission (EEOC)
Towle Building 330 South Second Avenue, Suite 720
Minneapolis, MN 55401-2224

Legal References

- Section 504, Rehabilitation Act of 1973
- 42 U.S.C. §2000e et seq. (Title VII of the Civil Rights Act)
- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- Public law No. 88-377, The Equal Access Act, effective August 11, 1985
- 20 U.S.C. § § 4071-74 (Equal Access Act)
- 20 U.S.C. §§ 1400-1487 (Individuals with Disabilities Education Improvement Act of 2004)