

SUBJECT: Section 504 of the Rehabilitation Act

1. Board Policy

The Board of Trustees recognizes that students with special health care needs are entitled to public education. Therefore, the Board delegates to the Administration responsibility for developing regulations and guidelines to provide necessary health care services for students with special health care needs in accordance with state and federal law. (See Section 504 of the Rehabilitation Act of 1973, the Utah Nurse Practice Act, the Nurse Practice Act Rules, and Individuals with Disabilities Education Act of 1990.) No otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any Summit Academy program or activity. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, et seq., and its implementing regulations, 34 C.F.R. Part 104, et seq. ("Section 504"), prohibits discrimination against students on the basis of their disability. If you have Section 504 questions, please contact the 504 Coordinator:

Section 504 Coordinator
Summit Academy
13200 S. 1225 E.
Draper, UT 84020
Main Office: (801) 572-9007
Fax: (801) 826-572-9875

II. Administrative Regulation

The Administration may provide accommodations to students with special health care needs who require health-related services/interventions by Summit Academy and its personnel to enable their participation in the educational process. Section 504 of the Rehabilitation Act of 1973, commonly referred to as "Section 504," assures that disabled students have educational opportunities and benefits equal to those provided to non-disabled students. This policy shall be administered within health and safety parameters according to the following guidelines:

III. Guidelines

A. Definition of Student Eligibility for Accommodations under Section 504

1. Students shall be considered as qualifying under Section 504 if the following conditions apply:

- 1.1. A physical or mental impairment; (and)

- 1.2. The impairment substantially limits a major life activity and, thereby, creates a significant barrier to the student's ability to access the same educational opportunities afforded to non-disabled students. 29 USC 705 (20)(b).
 - 1.2.1. Major life activities include, but are not limited to: caring for oneself, performing manual tasks, breathing, hearing, learning, seeing, speaking, walking, and working.
 - 1.3. Both sections (1) and (2) must be met before a student qualifies for accommodations under Section 504.
 - 1.4. Summit Academy will **NOT** consider the ameliorating effects of any mitigating measures (other than ordinary eyeglasses or contact lenses) that the student is using for his/her impairment.
2. In addition, a student is protected from discrimination on the basis of a disability under Section 504 if he/she is regarded as having a disability or has a history of a disability. 29 USC 705 (20)(b)(iii).

B. Section 504 Eligibility Determination

1. Any parent or legal guardian, teacher, counselor, or other school staff member who believes that a student needs accommodation for a qualifying disability can request an evaluation. The individual must fill out a "Referral Form" and submit it to the school's 504 Coordinator.
2. In cases where a student is experiencing academic and/or behavioral difficulties, the school's 504 Coordinator should first consider a review by a Response to Intervention (RTI) Team to discuss and evaluate the student's difficulties.
 - 2.1. The school's Administrator determines which individuals are to serve on the RTI Team (parent/legal guardian may be a member of the RTI Team).
 - 2.2. The formation of the RTI Team and the use of early interventions should be clearly communicated, preferably in writing, by the school's 504 Coordinator to the parent/legal guardian of the student.
3. The RTI Team reviews available information and data, suggests appropriate classroom interventions, and proposes appropriate mitigating measures to help correct the difficulties encountered by the student. If the early interventions are successful, the RTI Team will continue to implement any necessary interventions and monitor the student under an informal intervention plan, as may be appropriate under the circumstances. If the early intervention strategies are unsuccessful, the RTI Team should make a referral for evaluation under Section 504, special education, Title I, or other appropriate school program.
4. If the RTI Team makes a referral for evaluation under Section 504, the school's 504 Coordinator will send the "Section 504 Written Prior Notice," "Section 504 Permission

to Evaluate,” and “Procedural Safeguards” forms to the student’s parent(s) or legal guardian(s).

5. After the school’s 504 Coordinator has received a signed copy of the “Section 504 Permission to Evaluate” form, the school 504 Coordinator will determine which individuals are to serve on the Section 504 Team.

- 5.1. The Section 504 Team shall consist of a group of persons knowledgeable about: 1) the student; 2) the disability; 3) interpretation of evaluation data; and 4) someone who can commit school district resources (if applicable) for any required accommodation.
- 5.2. The RTI Team may also be able to serve as the Section 504 Team.
- 5.3. The student’s parent/legal guardian should be a member of the Section 504 Team. While parents are not required members of a Section 504 Team, Summit Academy encourages parental participation.
- 5.4. The Section 504 Team's role is to review the nature of the student's impairment and determine how it affects educational access.

6. After evaluating the applicable information, the school 504 Coordinator, along with the 504 team members, will complete the “Section 504 Eligibility Determination” and provide a copy to the parent/legal guardian of the student.

- 6.1. If the Section 504 Team determines that the impairment does NOT substantially limit a major life activity and, thereby, creates a significant barrier to the student’s ability to access the same educational opportunities afforded to non-disabled students, the school 504 Coordinator will also provide the parent/legal guardian with a copy of the “Internal Grievance Form.”

7. If the Section 504 Team determines that the impairment does substantially limit a major life activity and, thereby, creates a significant barrier to the student’s ability to access the same educational opportunities afforded to non-disabled students, the team will create a Section 504 Accommodation Plan for the student that outlines the appropriate student accommodations.

- 7.1. The school 504 Coordinator will provide a copy of the Section 504 Accommodation Plan to the parent/legal guardian of the student and the Section 504 Coordinator.

C. Notification

Parent(s) or legal guardian(s) will receive a written notification with regard to Section 504 as it applies to his/her student for any:

1. Referral for evaluating or reevaluation;
2. Decisions regarding eligibility;

3. Available accommodations;
4. Placement; and
5. Any significant change in placement.

D. District Review and Right of Appeal

1.Level One:

- 1.1. If the parent/legal guardian disagrees with the 504 Team's identification, evaluation, determination or proposed 504 Accommodation Plan for the student, the parent/legal guardian is encouraged to first meet with the school 504 Coordinator to discuss any concerns. .
- 1.2. If an informal discussion with the school 504 Coordinator fails to resolve the parent or legal guardian's concern, the parent/legal guardian can file a completed Internal Grievance Form with the Section 504 Coordinator. The parent/legal guardian can elect to file a written grievance with the Section 504 Coordinator without first holding the informal discussion. The Section 504 Coordinator will respond, in writing, to the parent/legal guardian's grievance and mail or hand-deliver the completed Internal (School) Grievance Response within ten (10) business days.

2.Level Two:

- 2.1. If the Section 504 Coordinator's response fails to resolve the parent or legal guardian's concern, the parent/legal guardian must file a completed Request For Impartial Hearing with the Director's designee, the Section 504 Coordinator, within ten (10) working days of the date of the receipt of Internal (School) Grievance Response from the Section 504 Coordinator. If the parent/legal guardian fails to meet the ten (10) working day deadline, he or she will have waived any right to appeal the Section 504 Coordinator's decision.
- 2.2. The Section 504 Coordinator shall arrange for an impartial hearing within fifteen (15) working days of receipt of the Request for Impartial Hearing.
- 2.3. A Section 504 Hearing Panel shall be appointed, consisting of (1) the Director; (2) a school principal or school 504 coordinator (other than the principal or coordinator of the student's school); and a school counselor (other than the counselor of the student's school). None of the individuals on the Section 504 Hearing Panel can have served on the student's Section 504 Team.
- 2.4. At the hearing, the parent/legal guardian may be represented by counsel.
- 2.5. The parent/legal guardian will be provided with an opportunity to review any relevant records maintained by Summit Academy pursuant to FERPA and Section 504.
- 2.6. The hearing will be two hours maximum.

- 2.7. At the end of the hearing, the panel may give an oral decision or take the matter under advisement. A written Section 504 Hearing Panel decision shall be provided to the parent/legal guardian within ten (10) working days of the hearing.

3. Level Three:

- 3.1. If the hearing with the Section 504 Hearing Panel fails to resolve the parent or legal guardian's concern, the parent/legal guardian may file a request for review from the Summit Academy Board of Trustees.
 - 3.2. A written request for a Board review must be received by the Director within ten (10) working days of the date the Section 504 Hearing Panel's decision is postmarked. The Director will forward the request to the Board.
 - 3.3. The Board review shall be upon the record made during the hearing before the Section 504 Hearing Panel. If, after reviewing the record, including the Section 504 Hearing Panel's decision and findings of fact, the President of the Board or a designee may issue a written request setting forth the particular need for additional testimony, argument and/or evidence.
 - 3.4. The administration will notify the parent/legal guardian if the Board determines to hear additional testimony or argument and/or evidence. An additional hearing will be two hours maximum.
 - 3.5. The Board shall issue its decision and findings of fact that support its decision or the Board may adopt the findings of fact prepared by the Section 504 Hearing Panel.
 - 3.6. The Decision of the Board is final.
4. The parent/guardian may file a complaint with the Office for Civil Rights (OCR) at any time before, during, or after Summit Academy's grievance procedures. The contact information for the regional office is as follows:

Office for Civil Rights
U.S. Department of Health and Human Services
999 18th Street, Suite 417
Denver, CO 80202
Voice Phone (800) 368-1019
FAX (303) 844-2025
TDD (800) 537-7697