



Rehabilitation Act Section 504 Policy

Policy Number: 3502

I. Policy

Summit Academy Schools (Local Education Agency-LEA) prohibits all forms of discrimination. Students with disabilities who qualify under Section 504, the Americans with Disabilities Act, and its corresponding Amendments may receive reasonable accommodations and special services associated with a Free and Appropriate Public Education (FAPE). If you have Section 504 questions, please contact the 504 Coordinator:

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

II. Definitions

- A. LEA: Local Education Agency - are legally responsible for compliance with or assurances regarding the following federal requirements, Utah State law, or Utah State Board of Education (USBE) Board rule. It includes all the schools that are governed by a particular authority.
- B. Director: The Director of Summit Academy Schools is responsible for all major decisions within the LEA.
- C. 504 Director: The 504 Director is responsible for the training and professional development of 504 Coordinators and conducts internal audits to ensure compliance within the LEA.
- D. 504 Coordinator: The 504 Coordinator is responsible for ensuring and facilitating the referral process, evaluations, eligibility determination, plan development and re-evaluations at a specific school
- E. Ameliorating Effects: Medication or devices, other than eyeglasses or contacts, to improve the symptoms related to the disability. This could be medications, braces, inhalers etc.
- F. RTI: Response to Intervention is a tiered process of instruction that allows schools to identify struggling students and provide appropriate instructional interventions, modifications and accommodations.
- G. RTI Team: The RTI Team is a group of educators, administrators and other staff members that are familiar with instructional strategies.



- H. Permission to Evaluate: Permission to Evaluate is written confirmation that the parent, legal guardian or adult student gives permission for formal and informal assessments to be completed.
- I. Evaluation: Assessments used to determine strengths and weaknesses as well as areas of need.
- J. Eligibility: Eligibility determination is the process of reviewing all formal and informal assessments and/or relevant information to determine if a student has a mental or physical impairment that substantially limits one or more major life activities or major bodily functions that creates a significant barrier to the student's ability to access the same education opportunities as their non-disabled peer.
- K. 504 Plan: A 504 plan is developed following eligibility determination to provide reasonable accommodations and/or special services.
- L. Grievance: A grievance is an official statement of a complaint over something believed to be wrong or unfair.
- M. Impartial Hearing: An impartial hearing is a formal process in which the parties present their case and refute evidence before an impartial hearing officer and panel who issue a written decision.
- N. Complainant: The person making the complaint in a hearing.
- O. Hearing Officer: LEA Director who facilitates the hearing
- P. Hearing Panel: A group of neutral members who are knowledgeable about Section 504, are not employed at the school the student is enrolled in, and have no conflict of interest.

III. 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 nondisabled students. This policy shall be administered within health and safety parameters according to the following guidelines:

IV. 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:



- A. The student has a physical or mental impairment that substantially limits any major life activities or major bodily functions and the disability 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). 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. The impairment substantially limits a Major life, 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).
- C. Physical and mental impairments include, but are not limited to, anxiety, depression, attention deficit disorder (ADD), obesity, central auditory processing disorder, heart malfunctions, major concussions, urinary conditions, blood disorders, chronic fatigue syndrome, school phobia, respiratory conditions such as asthma, epilepsy, cancer, birth defects, tuberculosis, diabetes, and food allergies.
- D. Summit Academy will NOT consider the ameliorating effects of medication or devices 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).

V. Referral and Evaluation Procedures for Students with Disabilities

A. Referral

- 1. Any student who is believed to need reasonable accommodations or special services in order to have his/her individual educational needs met to the same degree as the needs of non-disabled peers may be referred by a parent, teacher, administrator, or other certificated school employee for consideration of Section 504 eligibility. Referrals must be submitted in writing to the principal or the school's designated 504 Coordinator. Documentation of evidence that the student may have an impairment that limits access to educational opportunity is required. Evidence may include, but is not limited to, reports from physicians or other health providers, reports from psychologists, therapists or other mental health professionals, or teacher observations.
- 2. In cases where a student is experiencing academic and/or behavioral difficulties, the school's 504 Coordinator should first consider a review by the school Response to



Intervention Team (RTI Team) to discuss and evaluate the student's needs. The RTI Team may evaluate the student's needs unless it is obvious that the disability is at issue.

- A. Members of the RTI Team may include, but are not limited to:
 1. school administrator,
 2. school psychologist
 3. counselor,
 4. school nurse, or
 5. other school staff that are knowledgeable about the student and the disability
 - B. The use of interventions to resolve a student's needs should be clearly communicated, preferably in writing, by the school's RTI Team to the parent/legal guardian or adult student.
 - C. 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.
 - D. The parent, legal guardian or adult student will be given written progress reports.
 - E. The parent, legal guardian or adult student will be given a final progress report no more than 60 days following the implementation of the interventions, modification and/or reasonable accommodations.
 - E. Following the final progress report, the RTI Team will provide the 504 Coordinator with all documented information that will be used as relevant information when determining eligibility.
3. 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 504 Team.
 - A. The 504 Team shall consist of a group of persons knowledgeable about:
 1. The student
 2. The disability
 3. Interpretation of evaluation data
 4. Commitment of school district resources (if applicable) for any required accommodation and/or special services.



- B. The parent/legal guardian or adult student should be a member of the 504 Team. While the parent/legal guardian or adult student are not required members of a 504 Team, Summit Academy encourages their participation.
- C. The 504 Team's role is to review the nature of the student's impairment and determine how it affects educational access.

VI. Notice of Rights and Release of Information

- 1. Upon receipt of a referral from a parent, legal guardian, adult student, teacher, administrator, or other certificated school employee, the 504 Coordinator shall send:
 - A. A written acknowledgment of receipt to the person making the referral; and a copy of the LEA's written "Notice of Parent and Student Rights under Section 504 and the ADA,"
 - B. A "Consent to Evaluate" form. If additional information is needed, the parent, legal guardian or adult student may be asked to:
 - 1. Sign a "Release of Information " form
 - 2. Have their physician or qualified health professional complete the "Section 504 Information Report." This information helps facilitate direct and indirect communication between school personnel and the student's medical or mental health service providers.
 - 3. The parent, legal guardian or adult student may bring relevant medical information directly to the school 504 Coordinator without a medical release.
 - C. A parent, legal guardian or adult student will receive written notification from the 504 Coordinator regarding Section 504 as it applies to the student for any of the following events:
 - 1. Referral for evaluation or reevaluation;
 - 2. Decisions regarding eligibility;
 - 3. Decisions regarding accommodations and/or special services; or
 - 4. Decisions regarding placement; and any significant change in placement.

VII. Evaluation

- 1. Prior to any student receiving reasonable accommodations and/or special services, the LEA requires an appropriate evaluation of any student who, because of their disability, needs or is believed to need reasonable accommodation and/or special services. The evaluation is designed to aid the 504 Team in determining if there is a substantial limitation that 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).

- A. When a student's impairment limits their ability to function in areas other than learning, such as medical impairments such as asthma, cancer, diabetes, etc., breathing, walking, seeing, hearing, and many others, the 504 Team may determine that a review of all relevant data, that may be provided by teachers, parents, and healthcare professionals, is sufficient. The determination will consider the impact of the disability in the educational setting, during extra curricular activities, and the impact of education demands in the home.
 - B. When a student's impairment is a type that may limit learning directly in a substantial way (e.g., ADD, depression, learning disability, etc.), the 504 Team will consider the need for an educational evaluation. The 504 Team may determine that a review of relevant data is sufficient.
2. After the schools receives a parent, legal guardian or adult student Consent to Evaluate and at the request of the principal or 504 Director, appropriate school, LEA or contracted personnel shall initiate a prompt evaluation of the student's disability and the manner in which it affects his/her major life activities and/or educational performance.
 3. An evaluation will occur prior to any decision to significantly change the eligible student's placement.

VII. Eligibility Determination

1. Eligibility

- A. Following the evaluation and gathering of all relevant data, the 504 Team shall meet to determine the student's eligibility for reasonable accommodations and special services under Section 504 and the ADA. The school team shall consider all applicable information and draw upon evidence from a variety of sources, including but not limited to:
 1. Data from aptitude and achievement tests;
 2. Grades and other measures of educational performance;
 3. Teacher and/or school personnel observations and recommendations;
 4. Parent observations and recommendations;
 5. The student's physical condition and medical status, as reported by qualified health care providers;
 6. Health care plan; and/or



7. The student's adaptive behavior (Functional Behavior Assessment - FUBA or Behavior Intervention Plan - BIP).

2. Written Decision

- A. When a full educational evaluation, that may include formal assessments and/or standardized testing, is deemed necessary, the 504 Team will meet within 45 school days of receiving the Consent to Evaluate to consider all relevant information and determine the student's eligibility. The 504 Team shall issue a written decision regarding the student's eligibility for reasonable accommodations and/or special services using the LEA's "Identification Form." The parent, legal guardian, or adult student will be provided with a copy of the document.
- B. When a full educational evaluation is deemed unnecessary and after the collection of all relevant information is completed, the 504 Team will meet within 15 school days to consider all relevant information and determine the student's eligibility. The 504 team shall issue a written decision regarding the student's eligibility for reasonable accommodations and/or special services using the LEA's "Identification Form." The parent, legal guardian, or adult student will be provided with a copy.
- C. . Should the 504 Team determine that the impairment, that limits a major life activity and/or bodily function, does not significantly create a barrier to the student's ability to access the same educational opportunities afforded to non-disabled students, the 504 Team shall document the finding in writing, and provide to the parent, legal guardian or adult student:
 - 1. A copy of the Identification Form
 - 2. A copy of supporting evidence
 - 3. Written notice of the LEA's Section 504 Parent & Student Rights and Safeguards

3. Reevaluation

For students deemed eligible for reasonable accommodations and/or special services under Section 504 and the ADA, the school shall initiate a re-evaluation of the student's needs every 3 years or when a significant change of placement is contemplated.

4. Section 504 Plan

- A. If the 504 Team, including a school administrator that has authorizing



authority, determines that the impairment substantially limits a major life activity and/or bodily function to a degree that it creates a significant barrier to the student's ability to access the same educational opportunities afforded to non-disabled students, the 504 Team will develop a Section 504 Plan using all relevant information. The 504 Plan will include:

1. Description of the student's disability with the possible impacts the disability may have in the educational, extra-curricular or home setting.
2. Subjective information that may include the student's behaviors, class and peers interactions, how particular accommodations and/or services are working.
3. Objective information describing the student's performance in the educational and extra-curricular environments that is evidenced based. (grades, attendance records, time in class/time out of class, assignment and test completion.)
4. Explain how the disability is creating significant barriers in the general education, extra-curricular and home settings.
5. Describe how the 504 Team plans to move forward with the relevant information.

- B. The school 504 Coordinator will provide a copy of the 504 Plan to the parent, legal guardian or adult student and give notification to all staff members that are required to provide and have a need to know they may need to provide, the necessary reasonable accommodations and/or special services as determined by the 504 Team.

5. Concerns and Grievances

- A. The best solutions to parent, legal guardian or adult student concerns occur at the school level. The first step in resolving a complaint should involve the school principal and/or school 504 Coordinator, working with the parent, legal guardian or adult student to find a mutually acceptable resolution of the concern(s). When concern(s) cannot be resolved informally, the parent, legal guardian or adult student may seek formal resolution under the Summit Academy School's 504 grievance process. The parent, legal guardian or adult student will be referred to the following steps in the complaint resolution process.
 - a. LEA Investigation
 1. If any person believes that the school or any of its staff have not followed the regulations of Section 504 of the Rehabilitation Act, he/she may initiate a grievance with the 504 Director by filling out



the “Section 504 Grievance Form” found on the school website.

2. A person filing the complaint must submit the 504 Grievance Form in person or electronically to the 504 Director.
3. The 504 Director will acknowledge the receipt and respond to the complaint, in writing, to the complainant within ten (10) school days.
4. Upon receiving the 504 Grievance Form, the 504 Director will provide a copy of the 504 grievance procedures, to the complainant, and investigate all concerns in accordance with Section 504 of the Rehabilitation Act.
5. The 504 Director will review the grievance and meet with the complainant to hear their concern/s.

b. Mediation

1. If the concern is not resolved at step one, and both parties agree, the 504 Director will coordinate a mediation between the parties involved in an effort to resolve the complaint/s.
2. Should the mediation resolve the complaint, no further action is needed. The results of the meeting will be dated and documented, in writing, then shared with both parties within (10) school days.
3. If the mediation does not resolve the complaint, the 504 Director will inform the complainant of their right to an impartial hearing.

c. Impartial Hearing

1. If the 504 Director’s mediation effort, or written response, fails to resolve a complainant's concern/s, the complainant may request an impartial hearing.
 - a. A written request for an impartial hearing must be filed with the 504 Director within ten (10) school days of receiving a written response from the 504 Director or the date of mediation.
 - b. The LEA Director shall schedule a hearing before the LEA 504 Hearing Panel or a non-LEA Hearing Officer
2. Impartial Hearing



- a. At the hearing the complainant may be represented by legal counsel. Notice of legal counsel attendance must be given, in writing, to the Director (5) days prior to the hearing.
- b. The complainant and 504 Director may make statements and present evidence relevant to the concerns
- c. The Hearing Panel shall consist of impartial members who are not an employee of the school in which the student is enrolled. Hearing Panel members will include:
 - 1) The LEA Director who will act as the hearing officer and conduct the meeting.
 - 2) A school principal
 - 3) 504 Coordinator
 - 4) A general education teacher
 - 5) When appropriate, a school nurse or a person knowledgeable about the disability (that was not part of the student's 504 Team.)
- d. The Hearing Panel will be selected by the LEA and meet the following criteria:
 - 1) Must be knowledgeable about Section 504
 - 2) Must not be an employee at the school the student is enrolled;
 - 3) Must not have a personal or professional conflict of interest.
- e. The Hearing Panel shall be provided a copy of the grievance and the 504 Director's written response.
- f. The decision of the Hearing Panel shall constitute the final administrative decision on the Section 504 matter.
- g. The decision of the Hearing Panel shall be communicated to the parent, legal guardian or adult student, in writing within ten (10) school days.

A complainant may file a complaint with the Office of Civil Rights (OCR) at any time before, during or after the LEA's grievance procedures. The contact information for the regional office is as follows:



U.S. Department of Education
Office for Civil Rights, Region VIII
Federal Building, Suite 310
1244 Speer Boulevard
Denver, Colorado 80204-3582
Phone: 303-844-5695

VII. References

N/A

VIII. Attachments

N/A

IX. Revision History and Approval Dates

Version 1: OCT 2015: Original Date of Approval

Version 2: 22September2022: Policy Rewrite