

POLICY—500.3—SECTION 504 OF THE REHABILITATION ACT

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| | <i>DISTRICT CODE:</i> 500.3 | <i>ADOPTED:</i> 8.2.2016 |
| | <i>RESCINDS:</i> IHB | <i>ADOPTED:</i> 9.21.10 |

BOARD POLICY

1. The Board recognizes that students with special needs are entitled to public education. Therefore, the Board delegates to the Administration responsibility for developing guidelines to provide necessary special services for students with special 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.)
2. 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 District program or activity.
3. 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 District 504 Coordinator:

District 504 Coordinator: Director of Responsive Services—BJ Weller
Canyons School District
9150 S. 500 W.
Sandy, UT 84070
Telephone No.: (801) 826-5148
Office: (801) 826-5021
Fax: (801) 826-5054

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| | <i>ADMIN-REG:</i> 500.3-1 | <i>APPROVED:</i> 8.2.2016 |
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ADMINISTRATIVE REGULATION—500.3-1:

1. The Administration may provide accommodations to students with special needs who require special services/interventions by Canyons School District 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 regulations:

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| | ADMIN-REG: 500.3-2 | APPROVED: 8.2.2016 |
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ADMINISTRATIVE REGULATION—500.3-2: (Definition of a Student Eligible for Accommodations under Section 504)

1. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment, or (3) be regarded as having such an impairment.
2. Major life activities include functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
3. The District will **NOT** consider the ameliorating effects of any mitigating measures that the student is using for his/her impairment.

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| | ADMIN-REG: 500.3-3 | APPROVED: 8.2.2016 |
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ADMINISTRATIVE REGULATION—500.3-3: (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 may fill out a “Referral Form,” or an administrator, upon receiving a complaint, may fill out one on the individual’s behalf, 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 an Early Intervening Team (EIT) to discuss and evaluate the student’s difficulties. The EIT may evaluate the student’s difficulties unless it is obvious that the disability is at issue.
 - 2.1. The school’s 504 Coordinator determines which individuals are to serve on the EIT which may include, but is not limited to: a parent/legal guardian, a school administrator, a school psychologist or counselor, a school nurse, or other school staff that is knowledgeable about the student.
 - 2.2. The formation of the EIT 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 EIT 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 EIT 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 EIT should make a referral for evaluation under Section 504, special education, Title I, or other appropriate school

program. The EIT may also recommend a significant change in placement and include timeframes to evaluate progress.

4. If the EIT makes a referral for evaluation under Section 504, the school's 504 Coordinator will send the "Section 504 Notification Letter to Parents," "CSD Parental Authorization for Release of Information," and "Public Notice: Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act" 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 Notification Letter to Parents" and "CSD Parental Authorization for Release of Information" forms, the 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 EIT 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.
 - 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 Section 504 Team Leader will complete the "Section 504 Eligibility Determination Report" and provide a copy to both the parent/legal guardian of the student and the District's Section 504 Coordinator.
 - 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 Team Leader 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 Team Leader will provide a copy of the Section 504 Accommodation Plan to the parent/legal guardian of the student and the District's Section 504 Coordinator.

ADMIN-REG:
500.3-4

APPROVED:
8.2.16

ADMINISTRATIVE REGULATION—500.3-4: (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.

ADMIN-REG:
500.3-5

APPROVED:
8.2.2016

ADMINISTRATIVE REGULATION—500.3-5: (District Review and Right of Appeal)

Procedural Safeguards:

The following is a listing of basic procedural safeguards available under Section 504, Americans with Disabilities Act, Americans with Disabilities Amendments Act of 2009 and Family Education and Rights to Privacy Act. Parents have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Be advised of your rights under federal law.
3. Receive notice with respect to identification, evaluation, program or placement of your child.
4. Have evaluations, educational, and placement decisions made based upon a variety of information sources, and by individuals who know the student, disability, evaluation data, and placement options.
5. Have your child receive a free appropriate public education. This includes the right to be educated with other students to the maximum extent appropriate. It also includes the right to have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
6. Have your child educated in facilities and receive services comparable to those provided to students without disabilities.
7. Have your child receive reasonable accommodations under Section 504 of the Rehabilitation Act of 1973.
8. Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the school.
9. Examine all pertinent records and/or data relating to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Parents have the right to request a hearing regarding identification, evaluation, or educational placement of individuals with disabilities and to be represented by counsel at the hearing.

Grievance Procedures:

A: Step One: District 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 District's Section 504 Coordinator.
2. The types of complaints covered by the grievance procedures include:
 - 2.1. If a parent/legal guardian believes the school or any of its staff have not followed the regulations of Section 504;
 - 2.2. Section 504 Eligibility Determination, including identification and evaluation;
 - 2.3. Section 504 Accommodation Plan, including educational placement; or
 - 2.4. Termination of 504 Status
3. Upon request, the District's 504 Coordinator will provide a copy of the District's grievance procedures and investigate all complaints in accordance with Section 504 of the rehabilitation Act and Title II of the Americans with Disabilities Act.
4. The District's 504 Coordinator will review the grievance and meet with the parent/legal guardian to hear their concerns.
5. The District's 504 Coordinator will decide whether to seek to mediate the dispute between the parent/legal guardian and school or render a decision regarding the grievance and submit it in writing to the parent/legal guardian.
6. The District's 504 Coordinator will respond, in writing, to a parent/legal guardian's grievance within ten (10) business days.
7. The board encourages students, parents and guardians to seek informal resolution of their concerns, even after the process has been initiated. If concerns are resolved, the formal grievance can be withdrawn at any time.

B. Step Two: Impartial Due Process Hearing:

1. If the District's 504 Coordinator's mediation effort or written response fails to resolve a parent/legal guardian's concern, a parent/legal guardian may request an impartial due process hearing.
 - 1.1. A request for a District hearing must be filed with the District's 504 Coordinator within ten (10) business days of receiving a response from the District's 504 Coordinator or the date of mediation.
 - 1.2. The District's 504 Coordinator shall schedule a hearing before the District's 504 Hearing Panel or a non-District Hearing Officer.
2. District 504 Hearing:
 - 2.1. At the hearing a parent/legal guardian may be represented by legal counsel.
 - 2.2. The parent/legal guardian and District 504 Coordinator may make statements and present evidence relevant to the issues.
 - 2.3. The District's 504 Hearing Panel shall consist of a School Performance Director, a school 504 Coordinator (from another school), and a school nurse (that is not part

- of the student's 504 team). The School Performance Director shall chair and conduct the hearing.
- 2.4. The hearing officers will be selected by the District. The hearing officer shall meet the following criteria:
 - 2.5. Must be knowledgeable about Section 504;
 - 2.6. Must not be an employee of the District;
 - 2.7. Must not have a personal or professional conflict of interest.
 - 2.8. The Hearing Panel shall be provided a copy of the grievance and the School's 504 Coordinator's written response; and
3. The decision of the District's 504 Hearing Panel or Hearing Officer shall constitute the final administrative decision on the Section 504 matter.
 4. The determination of the District 504 Hearing Panel or Hearing Officer shall be communicated to the parent/legal guardian within ten (10) business days.

The parent may file a complaint with the Office for Civil Rights (OCR) at any time before, during, or after the District'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

EXHIBITS

None

REFERENCES

None

FORMS

CANYONS BOARD OF EDUCATION

This online presentation is an electronic representation of the Canyons School District's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent located at 9361 South 300 East Sandy, UT 84070.