



**CAREER
ACADEMY**
OF UTAH

POWERED BY STRIDE K12

Career Academy of Utah

Section 504 Policies and Procedures

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Table of Contents

Contents

INTRODUCTION.....	2
OVERVIEW.....	2
ASSURANCES.....	3
Maintenance of Records.....	3
Identification.....	4
Referral.....	4
Evaluation.....	5
Section 504 Committee Meeting.....	6
Eligibility.....	6
Re-Evaluation.....	8
504 Plans and Services.....	8
Progress Monitoring.....	9
Exiting and Parent Revocation.....	9
Discipline.....	9
Due Process.....	10
Parents with Disabilities.....	13
Staff Responsibilities.....	13
Section 504 Procedures Flow Charts.....	15
Procedural Safeguards.....	19
Forms.....	21

INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 is a federal anti-discrimination statute that impacts schools and other entities that receive federal funding. The Act is a civil rights statute designed to eliminate discrimination against individuals in schools and the workplace because of disability. The regulations are very broadly written and intended to cover a wide range of public entities to prohibit discrimination based on disability.

Taken together, Section 504 and the ADA prohibit discrimination by school districts against persons with disabilities, including students, their parents who have disabilities, staff members, and members of the public. Included are all programs or activities of the school district receiving federal funds, regardless of whether the specific program or activity involved is a direct recipient of those funds. There is no state or federal funding provided to help schools comply with the requirements of Section 504.

Individuals who are disabled under the Individuals with Disabilities Education Improvement Act (IDEA) are also protected under Section 504/ADA. While Section 504 provides for services similar to those available through special education, the intent and requirements of the acts are different. IDEA is a mandate to provide special education and related services to students who meet specific eligibility criteria for one or more of thirteen categories of disability and need special education and related services to access and make progress in the general school curriculum. Section 504 provides broader and different coverage than does the IDEA with a focus on providing FAPE to all students. Section 504 also prohibits discrimination based on disability and retaliation. If a student does not meet the eligibility requirements of IDEA but the school district suspects that the student has a disability, the district should request consent from the student's parent or guardian to evaluate the student to determine if the student qualifies under Section 504.

OVERVIEW

There are two primary requirements under Section 504: nondiscrimination and the provision of a free and appropriate public education (FAPE). The regulations require identification, evaluation, appropriate services, and procedural safeguards.

Nondiscrimination

LEA does not discriminate on the basis of race, sex, color, national origin, age, or disability.

Free and Appropriate Education (FAPE)

Every student in a school must receive equal opportunity. This does not mean that every student receives the same services or accommodations. Each student must be considered as an individual.

What does “disability” mean?

Under Section 504, a disability is any physical or mental condition that substantially limits one or more major life activities.-Although not an exhaustive list, major life activities include taking care of yourself, working with your hands, walking, seeing, hearing, speaking, breathing, learning, and working. The meaning of "disability" under Section 504 is broader than the meaning of "disability" under the Individuals with Disabilities Education Act (IDEA). Furthermore, OCR has specifically stated that learning is not the only major life activity that a school must consider in determining if a student has a disability under Section 504.

ASSURANCES

Section 504 regulations concerning the provision of FAPE closely mirror the procedural requirements of special education, including the Child Find duty of identifying students with disabilities to determine any support that may be needed in the educational environment. Students being considered for Section 504 services will be referred, evaluated, and if determined to be a student with a disability under Section 504, will be provided services in accordance with Section 504 regulations. Students that are newly enrolled with CAU will have the same rights to a Section 504 Plan as students that are considered current students. If the student has a current 504 Plan in place, the team will adopt and/or adapt the plan to fit the student’s current environment with CAU.

CAU’s Section 504 Coordinator, will work closely with the Special Programs Manager to assure compliance and appropriate services for all students. In all required Section 504 notices, the 504 Coordinator, should be identified by name, address, phone number, and email address.

Maintenance of Records

All 504 plans will remain in a secure location with all student records as outlined by the maintenance of record policy written by the Utah State Department of Education.

Identification

The identification process will be coordinated with the school's special education child-find process. At least annually, CAU will provide notice of the opportunity for referrals in (a) school forms; (b) school publications; and (c) school handbook. Evidence of this annual notification will be documented to ensure compliance. Students who may be disabled under Section 504 may be referred by a concerned teacher, administrator, parent, or private/public agency. Staff will be trained in all relevant identification procedures. The student may need accommodations or related services to receive a free appropriate public education.

CAU teachers will learn of possible disability-related concerns when working directly with parents or students. If a teacher learns of any medical- or disability-related information that may require consideration for 504 Plan eligibility, the teacher will notify the 504 Coordinator via an established internal process.

CAU will collect information from the student enrollment process or receive records from previous schools that indicate a student's 504 Plan history. All team members who may be tasked with receiving and filing student records are trained to recognize a 504 Plan and to notify the 504 Coordinator upon receipt. The 504 Coordinator will then initiate further records requests for student-specific files and will initiate the CAU 504 process immediately. The 504 Coordinator will document records request attempts and makes every effort to gather historical and current documentation in order to aid in evaluating if the student is an individual with a disability under Section 504. (*See Evaluation section*)

Referral

When the decision is made to initiate a Section 504 referral, the parent(s) or guardian(s) will be notified. Parents should already be aware of any intervention efforts of the building-based team. A Section 504 Referral Form will be completed by the student's teacher(s), or individuals referring for an initial 504 evaluation, with input from others who work with the student, including the parent.

Once a referral is made, an evaluation will follow within 60 calendar days from CAU's receipt of parental consent unless there is no reasonable basis to suspect a disability. If CAU elects not to evaluate a referred student, a prior written notice will be provided to the parents giving them the opportunity to challenge the decision pursuant to Section 504 procedure. Section 504 Prior

Written Notice should be modeled after IDEA’s requirements. Also, if a parent refuses to grant permission for an initial evaluation, the school will only evaluate the student by initiating a due process hearing and getting an order from an independent hearing officer.

Evaluation

There are no specific evaluation requirements for Section 504; however, the evaluation must be sufficient to accurately and completely assess the nature and extent of the disability and the impact of the disability on a specific major life activity. The 504 regulations require a school to “draw upon information from a variety of sources” when conducting a 504 evaluation. This includes ensuring that the evaluation methods and materials are:

- (a) in the native language of the student;
- (b) nondiscriminatory; and
- (c) empirically appropriate to test for the suspected disabilities.

Evaluations that are more limited than a full comprehensive evaluation under IDEA may be sufficient; however, it is important to ensure that all data used for disability determination is documented and carefully considered by the 504 team.

Also:

- a) The staff at CAU will evaluate, without unreasonable delay, any student suspected of having a disability as defined by Section 504, regardless of whether the student’s parent has requested such an evaluation
- b) Parents cannot be required to submit medical or other evaluation information
- c) While CAU is permitted to request medical information from the parents, if the parents do not have or refuse to provide the information, and the school determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to make an appropriate evaluation consistent with 34 C.F.R 104.35, the school must ensure that the child receives this assessment at no cost to the parents.

Possible sources of existing evaluation information include, but are not limited to:

- Current psycho-educational evaluations;
- Standardized achievement data;
- Curriculum-based assessments;
- Medical information;
- Grades;
- Attendance records;
- Discipline records;
- Adaptive behavior;

- Physical condition;
- Teacher or parent observation notes.
- Information from the parent/guardian, including information regarding the student's ability to complete homework in an equivalent time period to the student's non-disabled peers

Section 504 Committee Meeting

Evaluation and placement decisions will be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The 504 Coordinator will work with the parent to determine if it is appropriate for the student to attend. If the student is 18 years of age or older, they will be invited to attend. When the evaluation is completed, a Section 504 meeting will be convened. Not all persons who provided information for the evaluation and placement decisions are required to be present at the committee meeting. Notification of the meeting will be distributed in writing, and the parent will receive written notice. CAU will include a notice of procedural safeguards with the notification of meeting.

Eligibility

The first task of the meeting is to review the evaluation information, which includes all information submitted to the committee. The committee compares the information presented with the Section 504 definition of a person with a disability. An individual has a disability if they:

1. Has a physical or mental impairment which substantially limits one or more major life activities. The term does not cover children primarily disadvantaged by cultural, environmental, or economic factors.
 - Section 504 defines physical or mental impairment as “any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems:
 - (a) neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic, lymphatic, and endocrine system, or
 - (b) any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disability.

2. Has a record or history of such an impairment (e.g., a student with a learning disability who is no longer eligible or has been misclassified to receive special education under IDEA; a student in recovery from drug abuse).

3. Is regarded as having such impairment. A person can be found eligible under this section if they:

- Has a physical or mental impairment that does not substantially limit a major life activity but is treated by persons in the district as having such a limitation (e.g., a student who has scarring or walks with a limp);
- Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment (e.g., a student who is obese); or
- Has no physical or mental impairment but is treated by persons in the district as having such impairment (e.g., a student who tests positive for HIV, but the virus does not substantially limit any major life activities).

Note: the last two factors come into play only when there is a record or history of an impairment which has resulted in discrimination. This rarely occurs in school situations.

In addition to the presence of a disability, the condition must “substantially limit” one or more major life functions. Per the 2008 ADA amendments, this determination must be made without consideration of the ameliorative effects of mitigating measures (e.g., medication, hearing aids, use of assistive technology, behavioral therapy, physical therapy). The only exception is that the ameliorative effects of eyeglasses or contact lenses may be considered in determining if an impairment substantially limits a major life activity. Substantial limitation necessitates a material effect on one's ability to perform a major life activity as opposed to a minor limitation. Under the ADA, substantial limitation is when the individual's important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people.

Major life functions include but are not limited to self-care, walking, seeing, breathing, learning, performing manual tasks, hearing, speaking, and working. When a condition does not substantially limit a major life activity or impact education, the student does not have a disability under Section 504 and does not qualify for services under Section 504. If a student has a disability under Section 504 but does not need services to receive a free appropriate public education or to have an opportunity to participate in the school's educational program, including nonacademic services, the student does not need a Section 504 plan. In such determinations, the

committee may wish to discuss possible accommodations outside the Section 504 process or refer the child for additional support through the multi-tiered system of support.

Disabling conditions may include, but are not limited to, the following:

AIDS; Allergies; Asthma; ADHD; Recovering Chemical Dependency; Congenital Defects; Diabetes; Formerly Disabled; Hepatitis B; Hemophilia; Obesity; Pregnancy with Medical Problems; Schizophrenia; Retinitis-Pigmentosa; Temporary Conditions; Tourette's syndrome; Tuberculosis; Dwarfism; Epilepsy; Communicable Diseases.

As a final note, a student must be "otherwise qualified" to be considered eligible for Section 504. The most common "otherwise qualified" factors are:

- (1) age; and
- (2) legal settlement.

The student must be old or young enough to attend public school per state law and must have legal settlement in the district to be considered otherwise qualified.

Re-Evaluation

Any student that qualifies for a 504 plan will be reevaluated at least every three years.

In addition, the committee will consider reevaluation:

- (a) if the student transitions to a new school;
- (b) if the student's behavior/academic achievement shifts;
- (c) if the committee believes that the student is no longer disabled;
- (d) before any significant change in placement;
- (e) if the current services are not providing FAPE and/or an equal opportunity to participate in nonacademic and extracurricular programs.

504 Plans and Services

If the committee determines that a student is disabled as defined by Section 504, the committee will determine what services or accommodations are required to enable the student to receive an appropriate education. The Section 504 committee will determine what services and accommodations are necessary to provide the student with a FAPE and with an equal opportunity to participate in nonacademic and extracurricular activities. Every case will be considered individually. Decisions concerning Section 504 eligibility will be documented in the student's confidential file, and if services are provided, eligibility and the plan for services will be reviewed periodically.

The Section 504 committee will ensure that qualified students with disabilities are evaluated and provided access to meaningful educational services without unreasonable delay; this includes the development of a written 504 Plan. The plan will also include specific services or accommodations the student will receive, when the services or accommodations will be provided and by whom, as well as how the proposed plan will be evaluated. Evaluation data must be observable and measurable.

Parents are asked to give consent for the identified services and will be offered an explanation for any or all of the documentation.

The 504 Coordinator, or designee, is then responsible for informing all staff who work with the student of the services/accommodations that are required under the Section 504 Plan. Teachers and staff will review the information, either in writing or verbally, and provide written verification that indicates that they have been informed. Furthermore, the 504 Coordinator, or designee, will enter all state testing accommodations into the assessment database, Testing Nirvana, and will periodically check on the child and monitor the effectiveness of the Section 504 plan. The plan can be reviewed and/or revised at any time via the Section 504 committee. If any changes to the plan would result in a significant change in placement, the student's parent/guardian will be provided with a meaningful opportunity to provide input into the placement decisions.

Progress Monitoring

Progress will be monitored quarterly by reviewing running records, including but not limited to; grades, curriculum-based assessments, attendance, and 504 team members' concerns.

Exiting and Parent Revocation

Students may no longer qualify for a 504 plan after re-evaluation; documentation will be clear as to how the 504 Team made the determination through a prior written notice. In addition, students preparing to graduate will be supported in their transition. The school will utilize a Transition to Post-secondary form for all graduating students with active 504 Plans.

Parents may revoke their consent for the 504 Plan. Upon the school's receipt of the parent's written request, the student's 504 Plan will be end-dated and relevant parties will be notified. All accommodations and supplemental services will be discontinued.

Discipline

Section 504 requires that a school district evaluate a student believed to have a disability before making an initial placement of the child and before any subsequent, significant change in placement. The permanent exclusion of a student with a disability, the exclusion of a student for an indefinite period, or the exclusion of a student for more than 10 consecutive school days constitutes a significant change in placement under Section 504.

A series of suspensions, each of which is ten or fewer days in duration, but that creates a pattern of exclusions, may also constitute a significant change in placement. The determination of whether a series of suspensions create a pattern is made on a case-by-case basis. Among the factors considered in determining whether a series of suspensions has resulted in a significant change in placement are the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school. The Office of Civil Rights does not consider a series of suspensions that, in the aggregate, is for 10 or fewer days to be a significant change in placement.

Before implementing a suspension or expulsion that constitutes a significant change in the placement of a student with a disability, the student's 504 team will conduct a manifestation determination meeting to determine whether the misconduct in question is caused by or has a direct and substantial relationship to the student's disability, and if so, whether the misconduct was a direct result of the school's failure to implement the 504 plan. If it is determined that the misconduct is not caused by the student's disability or the school's failure to implement the 504 plan, the student may be excluded from school in the same manner as are similarly situated students who do not have disabilities.

If, after reevaluation of an initial placement decision, the parent disagrees with the manifestation determination regarding the relationship of the behavior to the disability or with the subsequent placement proposal where the behavior is determined to be caused by the disability, the parent may request an impartial hearing.

Due Process

Parents and students have due process rights under Section 504. These include the following:

- Right to be informed by the district of specific due process rights;
- Right for the child to be provided with FAPE and have an equal opportunity to participate in non-academic school activities;
- Right for the child to have an appropriate education in the least restrictive setting, which includes accommodations, modifications, and related services;
- Right to notice regarding referral, evaluation, and placement;
- Right for the child to have a fair evaluation conducted by knowledgeable person(s);
- Right to an administrative hearing and appeals process;
- Right to examine and obtain copies of all school records; and
- Right to provide consent prior to evaluation or placement for Section 504 services.

The list of rights above is non-exhaustive, but it is important to note that the crux of a parent's due process rights is:

- (a) the right to prior written notice;
- (b) the right to inspect educational records;
- (c) the right to an impartial hearing to dispute a school's decision; and
- (d) the right to appeal the impartial hearing officer's decision.

Despite the school's best efforts, there are times when Section 504 actions lead to conflict. The best way to avoid conflict is to involve parents throughout the process; parents will be provided with a meaningful opportunity to provide input. Seek their input, document it, and be sure to consider their perspectives and requests. When conflicts arise, the parent will be encouraged to talk with the 504 Coordinator.

There is also a due process hearing option for students under Section 504. The due process hearing is intended to resolve differences involving the education of Section 504 qualified students when differences cannot be settled using a less formal procedure.

Working with Parent Concerns, Complaints, and Due Process Hearings

The best solutions to parent concerns occur at the school level. Therefore, the first step in resolving a complaint will involve the 504 Coordinator working with the parent to a mutually acceptable resolution of the parent's concern(s). If the concern(s) cannot be resolved informally, the parent may seek formal resolution under the complaint process or an impartial due process hearing. Notice of these procedures will be provided on CAU's website. The parent can file a complaint through the complaint resolution process:

1. The parent should complete and submit a complaint in writing.
2. The school 504 Coordinator will notify the Special Programs Manager of the complaint and review it to determine whether to seek to mediate the dispute between the parent and school or refer the matter for either an investigation or an impartial due process hearing. The 504 Coordinator has a responsibility to meet with the parent to hear the parent's concerns.

If a parent does not agree to mediation, the matter will be referred for investigation or due process. Mediation may not be used to deny a parent the right to due process.

If the complaint asserts allegations of discrimination carried out by employees, other students, or third parties, the complaint will be investigated as provided by CAU's policies and procedures.

If the complaint challenges a 504 Team determination regarding eligibility, evaluation, or the content of the 504 Plan, the complaint will be referred for a due process hearing.

CAU will take steps to prevent the recurrence of any harassment or other discrimination and to correct discriminatory effects on the complainant and others, if appropriate. CAU prohibits retaliation against any complainant.

(A) Complaint.

File a written complaint with the school when you believe your child's rights have been violated. You must submit this complaint to the building level 504 coordinator.

Upon receipt, the building level coordinator or their designee will conduct an adequate, reliable, and impartial investigation of complaints, including an opportunity for the complainant to present witnesses and other evidence. The building level coordinator or their designee will submit a written report of findings to the complainant(s) and any person who is accused of discriminating or retaliating or otherwise violating Section 504 and/or Title II within ten (10)

instructional days. The complainant may then submit a letter of appeal to the Special Education Manager. Within ten (10) instructional days from receipt of the letter, the Special Education Manager will submit a response letter to the complainant and any person who is accused of discriminating or retaliating, or otherwise violating Section 504 and/or Title II. If the complainant would like to appeal the Special Education Manager's response, any appeal will be submitted in writing to the Executive Director. The Executive Director will reply within ten (10) instructional days.

A complainant may always file a written complaint with the U.S. Department of Education, Office for Civil Rights.

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

(B) Due Process.

If the complainant challenges a 504 Team determination regarding the evaluation, eligibility, or content of a student's 504 Plan, the 504 Team will do the following:

- Provide the family with the results of the decision in writing.
- The written decision will include all documentation that served as evidence to make the final decision.
- The 504 Team will then advise the family of their right to file a complaint for due process with the Utah Department of Education, Office of Special Education.
250 E 500 S PO Box 144200 Salt Lake City, UT 84114-4200

Either party may refer the complaint for a due process hearing conducted by an impartial hearing officer. Request for a Section 504 due process hearing will be made in writing to the Special Education Manager. Upon receipt of such a request, the necessary arrangements will be made by the Special Education Manager, including the selection of a hearing officer. A person who is an employee of CAU, or any person having a personal or professional interest that would conflict with their objectivity in the hearing, may not be appointed as a hearing officer. The hearing officer will have knowledge of a Section 504 Plan and will not be an employee of the school. A due process hearing will occur in a timeframe that is reasonable for the parent and school, generally not more than 30 calendar days following receipt of the written request. The parent and/or the school may be represented by legal counsel at the hearing. The parent or attorney may present evidence and/or testimony supporting the parent's challenge to the 504 Team determination. The school may respond by presenting evidence and/or testimony to support the 504 Team determination. Parents will be provided with access to any evidence prior to the hearing. The hearing officer will issue a written decision and provide a copy of the decision to both parties no later than 30 calendar days after the hearing. Either party has a right to seek judicial review of a hearing officer's decision. In the absence of an appeal, CAU will implement the decision of the hearing officer within 15 calendar days of CAU's receipt of the decision.

CAU will provide notice to parents/guardians about this procedure by providing them with a copy of the Procedural Safeguards whenever a request for an evaluation or reevaluation is made, whenever an evaluation or reevaluation occurs, prior to every 504 Team meeting, or whenever there is a significant change in placement.

Parents with Disabilities

Providing accommodations also applies to parents with disabilities. If needed to allow for parental participation, accommodations for parents with disabilities will be provided; thus, enabling parental involvement throughout the 504 processes. The school will take appropriate steps to ensure that communications with parents with disabilities are as effective as communications with others.

Staff Responsibilities

504 Coordinator Responsibilities:

- Coordinate the district/school efforts to comply with Section 504 regulations including training of administrative staff;
- Establishes school 504 Team(s) and serves as chairperson;
- Guides 504 referral, evaluation, and service delivery process;
- Reviews 504 evaluation information if proposed accommodations require resources beyond the school level;
- Receives and reviews copies of all Section 504 Plans;
- Maintains a master list of those students with 504 Plans, including name, grade, accommodations, annual review date, and projected reevaluation date;
- Accepts and reviews Section 504 complaints, organizes and conducts investigations, and attempts to resolve any concerns or complaints;
- Organizes district response to any complaint filed with the Office of Civil Rights.
- Holds professional development annually on the 504 processes including Child Find, 504 plan implementation, and other 504 related matters.
- Assures publication of Child Find Notice and distributes copy for posting at all school websites

Certified/Educational Staff

- Attend Section 504 training at the school level;
- Complete a referral for 504 assistance as needed;
- Serve as a 504 team member when appropriate as determined by the 504 Coordinator or designee;
- Implement 504 Plan(s) as appropriate.

Section 504 Procedures Flow Charts

<p style="text-align: center;">Referral</p>	<ul style="list-style-type: none"> • Referring staff completes Section 504 Referral form. • Schedule an initial meeting and offer Section 504 Procedural Safeguards. • Information gathering and a determination regarding eligibility and placement will be completed within 60 calendar days of the date parental consent was received by the school for the initial evaluation.
<p style="text-align: center;">Parent Notification</p>	<ul style="list-style-type: none"> • Send Parent Notice of Section 504 Referral with completed Section 504 Referral form and Section 504 Procedural Safeguards. • If there is no reasonable basis to suspect a disability, the school may elect not to evaluate but must provide the parent with prior written notice (including Section 504 Procedural Safeguards), giving them an opportunity to challenge through an impartial hearing.
<p style="text-align: center;">Initial Meeting</p>	<ul style="list-style-type: none"> • Discuss the Section 504 Notice and Permission for Evaluation along with Section 504 Procedural Safeguards. • Obtain permission for evaluation. If parent refuses to give consent to evaluate, school may, but is not required to, initiate a due process hearing. CAU will only evaluate without parental permission with an order from an independent hearing officer. • Ask parents to complete Section 504 Release of Information if applicable.
<p style="text-align: center;">Transfer from another District</p>	<ul style="list-style-type: none"> • Request the 504 plan and evaluations from the previous District. • Review previous school documents. • If the records are current <ul style="list-style-type: none"> ○ Draft CAU Section 504 Plan. ○ Send Section 504 Parent Invitation along with Section 504 Procedural Safeguards. ○ Invite all participants to the 504 Committee Meeting. ○ Review and update Section 504 Plan. ○ Obtain signatures. • If the documents are expired or there is not enough information to determine 504 eligibility, treat as an initial referral

<p style="text-align: center;">Evaluation</p>	<ul style="list-style-type: none"> • Review the current educational record and complete Student Record Review. • Gather or request supplemental evaluation information as needed. • Gather formal reports if necessary--request information from private providers by sending Physician’s Letter and Questionnaire Regarding Medical Concerns as applicable and include a copy of signed Section 504 Release of Information. • Use additional questionnaires to gather information from staff or parents as needed. • While CAU is permitted to request medical information from the parents, if the parents do not have or refuse to provide the information, and the school determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to make an appropriate evaluation consistent with 34 C.F.R 104.35, the school must ensure that the child receives this assessment at no cost to the parents. • Ameliorative effects of mitigating measures, with the exception of ordinary eyeglasses and contact lenses, will not be considered in making an eligibility determination (e.g., when evaluating a student who is taking medication as a mitigating measure, CAU will evaluate the "substantially limits" prong as if the student were not taking medication; typically, relevant information can be obtained from the parent or the student’s physician). • Review Section 504 eligibility criteria in preparation for the initial conference.
<p style="text-align: center;">Initial Conference</p>	<ul style="list-style-type: none"> • Send Notice of Section 504 Conference with Section 504 Procedural Safeguards. (Will be scheduled within 60 calendar days from the date parental consent was received). • Invite participants—building administrator or designee, parent/guardian, child (when appropriate, will attend if 18 or older), teacher(s), school nurse (medical issues), counselor, and others familiar with the student as appropriate. • Offer another copy of Section 504 Procedural Safeguards • Review all evaluative data and carefully consider the input of all team members. • The team will need to make the following determinations:

<p>Initial Conference (continued)</p>	<ul style="list-style-type: none"> ○ Does the student have a disability under Section 504? ○ If so, does the student need related aids, and in what setting should the student receive them?
<p>Develop the Plan</p>	<ul style="list-style-type: none"> ● If found eligible, develop the Section 504 Plan. The plan will be developed within 60 calendar days from the date parental consent was received. ● Obtain signatures. ● Provide copies of Section 504 Plan to parents.
<p>Implement the Plan</p>	<ul style="list-style-type: none"> ● 504 Coordinator will inform all employees involved with the student of the existence and content of the Section 504 plan. ● 504 Coordinator will ensure that all employees receive appropriate training to execute responsibilities under the plan.
<p>Review the Plan</p>	<ul style="list-style-type: none"> ● Plan will be reviewed at least once a year. ● Progress will be monitored quarterly through reviewing running records, including but not limited to; grades, curriculum-based assessments, attendance, and 504 team members' concerns. ● With every review conference, a Section 504 Procedural Safeguards is sent to the parents. ● Invite all participants. ● If the student continues to be eligible, the Section 504 Plan is revised accordingly. ● Obtain signatures ● Provide copies of Section 504 Plan to parents.
<p>Re-evaluation</p> <p>Re-evaluation</p>	<ul style="list-style-type: none"> ● The student will be reevaluated every three years or: a) whenever there is a question of eligibility; b) whenever there are significant shifts in student behavior or academic achievement; c) whenever there is transition to a new school; d) before any significant change in placement; or e) whenever the current services are not providing a FAPE and/or equal opportunity to participate in nonacademic and extracurricular programs. ● Send Section 504 Parent Invitation along with Section 504 Procedural Safeguards. ● If a formal evaluation is needed, follow all evaluation procedures (see the previous section on evaluation).

(continued)	<ul style="list-style-type: none"> • At the meeting, if the student continues to be eligible, complete an updated Section 504 Plan. • Obtain signatures. • Provide copies of Section 504 Plan to parents.
Exiting/ Discontinuation of 504 Plans	<ul style="list-style-type: none"> • Upon graduation • Exiting of 504 services, after the 504 team’s re-evaluation determines the student no longer qualifies as being eligible. • Parent Revocation • Transition to Post-Secondary form for students that are graduating.
Transition	<ul style="list-style-type: none"> • When a student with a Section 504 Plan intends to graduate or complete high school, a Transition to Post-Secondary form will be completed.
Discipline	<ul style="list-style-type: none"> • Before a student can be suspended for more than 10 consecutive days or expelled, a Manifestation Determination Meeting will be held. • Send the Section 504 Parent Invitation and Section 504 Procedural Safeguards to notify the parent of the conference. • Review placement data. Is current evaluation information sufficient to make a determination? If placement occurred over a year ago, additional evaluation may be warranted. • At the conference, offer Section 504 Procedural Safeguards and complete the Manifestation Determination Review. If the Section 504 Plan is appropriate/implemented to fidelity and there is no causal or substantial relationship between the student’s behavior and disability, a possible change of placement may continue.

Procedural Safeguards

Career Academy of Utah

Procedural Safeguards under Section 504

The Rehabilitation Act of 1973, 29 USC 794, commonly referred to as "Section 504," is a non-discrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination, to ensure that students with disabilities receive a free appropriate public education, and to ensure that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities.¹

An eligible student under Section 504 is a student who has, or has a record of having, or is regarded as having, a physical or mental impairment which substantially limits one or more major life activities such as learning, concentrating, thinking, eating, self-care, walking, standing, lifting, bending, seeing, hearing, speaking, communicating, breathing, working, and performing manual tasks. If a student has a physical or mental impairment which substantially limits one or more major life activities, such student is entitled to receive a free appropriate public education.

The enabling regulations for Section 504 as set out in 34 C.F.R. Part 104 provide parents and/or eligible students with the following rights:

- (1) You have the right to be informed by CAU of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) (34 C.F.R. 104.32)
- (2) Your child has the right to a free appropriate public education (FAPE) designed to meet their individual needs as adequately as the needs of non-disabled students are met. (34 C.F.R. 104.33)
- (3) Your child has a right to placement with students without disabilities to the maximum extent appropriate to your child's needs (least restrictive environment). (34 C.F.R. 104.34)
- (4) Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. (34 C.F.R. 104.35)
- (5) Testing and other evaluation procedures must conform to the requirements (34 C.F.R. 104.35) as to validation, administration, areas of evaluation, etc. CAU shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 C.F.R. 104.35)
- (6) Placement decisions must be made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for the least restrictive environment and comparable facilities. (34 C.F.R. 104.35)

¹ Equal educational benefits and opportunities does not mean the "same" benefits and/or opportunities.

- (7) If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 C.F.R. 104.35)

Procedural Safeguards:

- (8) You have the right to examine relevant records. (34 C.F.R. 104.36)
- (9) You have a right to notice of any action by CAU regarding the identification, evaluation, or placement of your child. (34 C.F.R. 104.36)
- (10) You have a right to an impartial hearing with respect to CAU's actions regarding your child's identification, evaluation, or educational placement, with the opportunity for parental participation in the hearing and representation by an attorney. (34 C.F.R. 104.36)
- (11) If you wish to challenge the actions of CAU's 504 Committee in regard to your child's identification, evaluation, and educational placement, you should file a written request for a hearing with CAU's Special Programs Manager. A hearing will be scheduled before an impartial hearing officer, and you will be notified in writing of the date, time, and place for the hearing. Notice of these procedures is provided through Procedural Safeguards
- (12) Within 30 calendar days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact, conclusions of law, and order, if necessary, which will be binding on all parties. The decision shall be sent by mail to the parent/guardian and the Executive Director of CAU and shall contain notice of the right to a review of the decision.

Grievance Procedure:

- (13) On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a discrimination complaint as described in the Complaint and Due Process outlined in this manual.

You have the right to file a complaint with the Office for Civil Rights, Office for Civil Rights:

U.S. Department of Health and Human Services

200 Independence Avenue, SW

Room 509F, HHH Building

Washington, D.C. 20201

Additionally, you may contact us at:

Toll-free: (800) 368-1019

TDD toll-free: (800) 537-7697

Forms

Career Academy of Utah

Section 504 Appendix A (Initial Referral)

Career Academy of Utah
SECTION 504 REFERRAL

Personal Information:

Student: Date of Birth:

Parent(s):

Phone: Work:

Address:

City: Zip Code:

Teacher: Grade:

Referred By:

Referral Information:

1. Reason for Referral (Detail the areas of concern, including grades, scores, behaviors, discipline records, etc. and attach documentation):

2. Strategies/Interventions initiated, if applicable (Attach copies of any relevant intervention documentation.) Detail any prior attempts to address educational needs:

504 Coordinator/ Designee

Date

cc: Parent(s)

504 Coordinator

Teacher

Educational Record

Career Academy of Utah
PARENT NOTICE OF SECTION 504 REFERRAL

Date:

Dear *(Parent)*:

A Section 504 Referral (attached) has been initiated for your student. This correspondence serves as notification that I would like to gather information from a variety of sources to assist your student:

Time:

Date:

Location:

The purpose of this meeting will be to:

1. discuss the referral;
2. consider the information needed (testing may be necessary);
3. gain a release of information, if necessary;
4. gain permission to test, if necessary; and
5. explain your rights and options.

If this date and time are not convenient or if you have any questions in this regard, please contact me at **[enter name, email, and/or phone number here]**.

Thank you.

Sincerely,

(Name and Title)

Enclosure: Procedural Safeguards
cc: Educational Record 504 Record

Career Academy of Utah
PARENT NOTICE
PERMISSION FOR SECTION 504 EVALUATION

STUDENT: DATE OF BIRTH:

ADDRESS:

PARENT: PHONE:

GRADE: TEACHER:

In an effort to serve the needs of your child, we are seeking permission to conduct an evaluation. Specific information regarding the evaluation process and your rights and options as detailed below. As always, we request and value your support and consideration.

Notice:

- a. A referral for a 504 evaluation has been initiated in order to determine the cause, extent, or possible support needed for a suspected physical or mental impairment. The reasons for this referral are:

- b. Other options considered and general education intervention procedures employed:

- c. Other factors relevant to the proposed evaluation:

- d. Was an evaluation recommended? Yes No

Explain:

If no, explain and offer Rights and Options (#3 below)

Assessment Area	Evaluation Technique	Consultation Personnel

Date/Time of Section 504 Conference Committee Meeting:
(Refer to Notice of Section 504 Conference Committee Meeting.)

Permission:

The evaluation will be conducted within 60 calendar days of parent permission (which begins the date the signed form is received by the administrator or Section 504 Coordinator). A 504 Conference will be held to discuss the evaluation and any educational program recommendations. I understand the reasons for the referral and the description of the evaluation process and have checked the appropriate box below:

- Permission is given voluntarily to conduct the evaluation process as described.
- Permission is denied.
- Interpreter needed (Please specify):

3. Rights and Options (Procedural Safeguards):

I have received a written copy of the Procedural Safeguards under Section 504 of the Rehabilitation Act of 1973 which was explained to me by:

Parent Signature

Date

504 Coordinator

Date

Other

Date

cc: Parent(s)
504 Coordinator
Educational Record

Career Academy of Utah

SECTION 504 RELEASE OF INFORMATION

To provide the most appropriate instruction and assistance in school, I give permission for a mutual exchange of psycho-educational evaluations, psychosocial evaluations, and medical evaluations concerning:

STUDENT: DATE OF BIRTH:

SCHOOL WHERE ENROLLED: GRADE:

Between CAU and the following:

(Hospital, Clinic, Physician, Institution, Association, or School)

(Address of Above)

CONTACT PERSON: PHONE:

Release all information

Release the checked information

- General Identifying Data (Name, Address, Birth Date, Grade Level Completed, Grades, Class Standing, Attendance Record)
- Standardized Achievement and Aptitude Test Scores
- Personality and Interest Scores
- Teacher Ratings
- Record of Extra-Curricular Activities
- Individualized Education Programs
- Psychological Reports
- Medical Reports
- Psychiatric Reports
- Other: (Specify)

I give my permission for the mutual exchange of information as described above. I understand that I may revoke this in writing at any time.

Parent Signature: Date:

Acquire student signature if of the age of consent

cc: Parent(s) 504 Coordinator Above-Named Institution Educational Record

Career Academy of Utah

Section 504 Appendix B (Evaluation, Eligibility, 504 Plan)

Career Academy of Utah

STUDENT RECORD REVIEW

Student: **Birthdate:**

Grade: **# Years in School District:** **Teacher:**

1. Current Concern: (check all that apply)

- | | |
|------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Excessive absences | <input type="checkbox"/> At risk; potential for dropping out |
| <input type="checkbox"/> Consideration for expulsion | <input type="checkbox"/> Consideration for retention |
| <input type="checkbox"/> Physical injury | <input type="checkbox"/> Pattern of not benefiting from instruction |
| <input type="checkbox"/> Chronic health condition | <input type="checkbox"/> Pattern of suspensions from school |
| <input type="checkbox"/> Substance abuse | |
| <input type="checkbox"/> Other: | <input style="width: 650px; height: 25px;" type="text"/> |

2. Attendance: Identify number of hours in the curriculum to average grade and age peers.

Last school year: Current school year:

Identify any attendance patterns:

Grades repeated (indicate # of times):

3. Attach copies of relevant standardized tests and/or benchmarks. Describe any significant changes in scores over time:

4. Attach current and previous year's grades. Discuss any patterns or evident problems:

5. Are there any comprehensive educational/psychological evaluations available?

- Yes No

If yes, describe:

	Current year	Last year
# Days in-school suspension		
# Days out of school suspension		

7. Discuss student involvement with other agencies (state agencies, medical, counseling, courts):

8. Have any health factors been identified which may contribute to student's school problems?

9. Are there references to substance abuse?

10. List and give dates of any past modifications in instruction or behavior management (e.g., tutoring, Title I, instructional modifications, 504 Plan, IEP):

11. Anticipated action at this time:

Person Conducting this Review:

Date this Review Completed:

cc: 504 Coordinator Educational Record

Career Academy of Utah
PHYSICIAN'S LETTER REGARDING MEDICAL CONCERNS

Date:

Dear *(name)*:

A Referral has been initiated for

(student's name) *(date of birth)*, of

(address) through Section 504 of the Rehabilitation Act of 1973. The reason for the Referral is as follows: *(Type Reason Here)*

Since the questions presented are related to medical concerns and it appears that these concerns are affecting a "major life activity" (e.g., education), we would appreciate your input by completing the attached questionnaire. A *Release of Information* signed by the parent is attached for your convenience. I would appreciate your input within 7 calendar days.

If you have any questions in this regard, please do not hesitate to contact me at *(phone number)*.

Thank you for your assistance.

Sincerely,

(Name and Title)

cc: Parent(s)
Educational Record

Career Academy of Utah
PHYSICIAN'S QUESTIONNAIRE FOR MEDICAL CONCERNS

STUDENT:	<input type="text"/>	DATE OF BIRTH:	<input type="text"/>
ADDRESS:	<input type="text"/>	GRADE:	<input type="text"/>
PARENT:	<input type="text"/>	:	<input type="text"/>

1. Detail available medical background including a written diagnostic statement and copies of any/all reports.

2. In your opinion, how do these difficulties "substantially limit" (see below *) this student's ability to receive and benefit from an education?

Recommendations for consideration at an upcoming conference.

Please attach any reports pertinent to the medical/educational needs of this child.

Please forward this copy to

(name and address)

by:

(date)

Thank you.

cc: Parent(s)
504 Coordinator
Educational Record

* "Substantially limits" is defined as: An inability to perform a major life activity that the average person in the general population can perform or is significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity (as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity). (29 CFR 1630.2 (j).1(i and ii))

Career Academy of Utah
SCHOOL STAFF QUESTIONNAIRE FOR MEDICAL CONCERNS

STUDENT: DATE OF BIRTH:

ADDRESS: GRADE:

PARENT: PHONE:

1. Detail available medical background including a written diagnostic statement and copies of any/all reports.

2. In your opinion, how do these difficulties "substantially limit" (see below *) this student's ability to receive and benefit from an education?

Recommendations for consideration at an upcoming conference:

Other comments you wish to offer:

Please attach any reports pertinent to the medical/educational needs of this child.

Please forward this copy to:

By:

(Name and address)

(Date)

* "Substantially limits" is defined as: An inability to perform a major life activity that the average person in the general population can perform or is significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity (as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity). (29 CFR 1630.2 (j).1(i and ii)

Career Academy of Utah
Section 504
NOTICE OF CONFERENCE

Initial Conference Annual Review Manifestation Determination

This is to confirm our previous contact with you to establish the 504 Conference Committee meeting. The meeting was mutually agreed upon by the school and parents to be held:

Student: Date:

Location: Date:

A. The purpose of this meeting:

- | | |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Discuss results of evaluation/
Section 504 eligibility | <input type="checkbox"/> Discuss misconduct/infraction of
school rules as it relates to disability |
| <input type="checkbox"/> Review instructional progress | <input type="checkbox"/> Other (specify) <input type="text"/> |
| <input type="checkbox"/> Review of placement | |

The following/records data will be discussed:

B. The following people will be included in the meeting:

Executive Director

Guidance Counselor

Evaluation Specialist(s)

General Education Teacher (s)

Parent (s)

Student

Other

SECTION 504 NOTICE OF CONFERENCE (CONTINUED)

Please complete this page and return in the enclosed envelope by:

Date:

- I will attend the Section 504 Conference Committee meeting.
- I will not attend the Section 504 Conference Committee meeting, but I would like you to continue the process and send the paperwork to my home address.
- I would like my child to attend the Section 504 Conference Committee meeting.
- I do not want my child to attend the Section 504 Conference Committee meeting.

Please indicate if there are additional school personnel you would like to attend the Conference Committee Meeting.

You may also bring any additional persons to the Section 504 Conference Committee meeting.

Please contact the 504 Coordinator at

with the name(s) of individual(s) you intend to bring to this conference.

Parent Signature: Date:

cc: Parent(s)
504 Coordinator
Teacher
Educational Record

Career Academy of Utah
SECTION 504 CONFERENCE COMMITTEE REPORT

Personal Information

Student Name: Birthdate:

Grade:

Parent Name:

Cell: Work Phone:

Address:

School: Teacher:

Initial Conference: Review:

Date of Conference:

Conference Deliberations

1. The following data was presented:

2. Is there a physical or mental impairment? Yes No Specify:

3. If yes, is it substantially limiting one or more major life activities? Yes No

Specify:

4. Is there a history of impairment? Yes No Specify:

5. Does the Committee have sufficient data to consider the determination of disability?

Yes No Specify:

7. Options Discussed:

8. Were options accepted? If not, describe reasons options were rejected:

9. Alternative educational opportunities available on a temporary or permanent basis and other factors relevant to the options/decisions:

Recommendations:

On the basis of the data presented, the following decision was made:

Student is not disabled.

Student is disabled and qualifies for Section 504 services (refer to "504 Plan").

Program Recommended:

Conference Participation:

1. Parent(s):

a. I have been given the opportunity to participate in the Section 504 deliberations and understand the contents and reasons for the program recommended.

b. I have been informed verbally and in writing of my rights and options under

Section 504 by:

(Staff)

(Date)

c. Permission for the program to begin is: granted denied

Parent Signature

Date

Comments:

Any party to this referral may submit a written opinion to be attached to this report.

Other Participants:

Head of School Guidance

General Class Teacher School

General Class Teacher

Other

Counselor

Nurse

Other

Other

cc: Parent(s)
504 Coordinator
Teacher
Educational Record

Career Academy of Utah

504 PLAN

AS PER SECTION 504 OF THE REHABILITATION ACT OF 1973

STUDENT: SCHOOL:

GRADE: DATE OF IMPLEMENTATION:

TERMINATION: REVIEW:

STATEMENT OF STUDENT'S PERFORMANCE AS IT RELATES TO THIS "PLAN":

Intervention/Strategy/ Accommodations	Setting/Location	Implementer(s)	Monitoring/Timeline

Participation in State Assessments

Participate without accommodations

Participate with accommodations (refer to DOE website for approve Accommodations)

Specify:

Cc: Parent(s)
504 Coordinator
Teacher
Educational Record

Career Academy of Utah

Revocation of Consent for Section 504 Plan

This form enables the parent/guardian or adult student aged 18 or older to revoke consent in writing.

If you (parent/guardian or adult student aged 18 or older) revoke consent in writing, the school district:

- Is not required to convene a meeting or develop a 504 Plan
- Will not be considered to be in violation of the requirement to make a Free and Appropriate Public Education (FAPE) available to the child because of the failure to provide 504 Plan accommodations and supplemental services
- Will not continue to provide 504 Plan accommodations and supplemental services
- Is not required to amend the child’s education records to remove any references to the child’s receipt of Section 504 Plan accommodations, supplemental services, and supports due to the revocation of consent.

I **revoke** my consent for my child to continue to receive **all** 504 Plan accommodations and supplemental services.

I am an adult student aged 18 or older and I **revoke** my consent for **all** 504 Plan accommodations and supplemental services.

Parent/Guardian/Adult Student Signature

Date

Administrative Representative or 504 Coordinator Signature

Date

An additional copy of Procedural Safeguards under Section 504 will be provided upon receipt of this notice

Career Academy of Utah

Section 504 Appendix C (Transition)

Career Academy of Utah

Transition to Post-Secondary Form

This is a summary of academic and functional performance provided for a student who had a 504 Plan and is graduating or completing high school. This summary includes recommendations for assisting the student to meet post-secondary goals.

Student: Exit/Grad Date:

Disability: Served by a 504

High School: Date of Initial Placement:

Date of Last Evaluation:

Past Testing Results (Standard Scores)

State Assessment Scores	Year	Standard Score	Pass
			Yes No
			Yes No
			Yes No

Other assessment information (how eligibility was determined):

Review current academic achievement and functional performance (attach transcript):

Recommendations for assisting student to meet post-secondary goals (suggest accommodations student will require to successfully complete post-secondary options):

Student Signature

Date

Counselor Signature

cc: Parent(s) 504 File

Career Academy of Utah

Section 504 Appendix D (Discipline)

Career Academy of Utah

SECTION 504

MANIFESTATION DETERMINATION CONFERENCE REPORT

Personal Information

Student Name: Birthdate:

Grade:

Parent Name:

Cell: Work Phone:

Address:

School: Teacher:

Referred By:

Describe the alleged infraction(s):

Is the current 504 Plan appropriate? Yes No

If no, please revise the plan and attach the revised plan.

Please list previous suspensions/expulsions/exclusions if any:

Was the conduct in question caused by or does it have a direct and substantial relationship to the student's disability? Yes No

Was the conduct in question a direct result of the school's failure to implement the 504 Plan? Yes No

If yes, please provide an overview of the discussion:

Is the conduct in question a manifestation of the student's disability? Yes No

Are there any dissenting opinions? Yes No

If yes, please describe (attach extra sheets if necessary):

I have been given the opportunity to participate in this conference and understand that if no causal relationship exists; my child is entitled to the due process rights afforded to all students. I have also been informed in writing of parent/student due process rights.

Parent signature

Date

Other Participants:

Head of School

Date

Counselor Date

Teacher

Date

Teacher

Date

Other

Date

cc. Parent(s), 504 Coordinator, Educational Record