



# Section 504 of the Rehabilitation Act of 1973

## Parent Information

### What is Section 504?

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The purpose of Section 504 is to ensure that individuals with disabilities are given the same opportunity to participate in programs and activities as their nondisabled peers.

Section 504 defines a person with a disability as anyone who:

Has a mental or physical impairment which substantially limits one or more major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sleeping, standing, lifting, reading, concentrating, thinking, communicating, helping, eating, bending, or operation of a bodily function. (This is not an exhaustive list of major life activities, which means even if an activity or function is not listed it can, nonetheless, be a major life activity.)

### Who is eligible under Section 504?

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.

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

### What services are available for students with disabilities under Section 504?

Section 504 requires recipients to provide students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. This could consist of education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services.

### Who makes up a Section 504 Team?

The Section 504 Team consists 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.

### For more information:

[CSD Policy 500.3 Section 504 of the Rehabilitation Act](#)

A copy of [A Parent Guide to Section 504 of the Rehabilitation Act of 1973](#) is available at your child's school.

Parents seeking information regarding their child's personal 504 plan and relevant records may contact the school principal to schedule a review of records and/or additional copies.

*The Canyons School District does not discriminate on the basis of race, color, religion, sex, age, national origin, sexual orientation, gender identity, or disability in admission, treatment, or employment in its programs, services, and activities.*

Any person with concerns regarding the District's compliance with the regulations implementing Section 504 and ADA is directed to contact:

Name: Colleen Smith

Position: Responsive Services Program Administrator

Address: 9150 S. 500 W., Sandy, UT 84070

Phone Number: 801-826-5149

E-mail: [colleen.smith@canyonsdistrict.org](mailto:colleen.smith@canyonsdistrict.org)



# Section 504 of the Rehabilitation Act of 1973

## Parent Information

### Does Section 504 require evaluations?

Section 504 requires that a school evaluate any student who, because of a disability, needs accommodations that would assist in keeping the child in the general education classroom. An evaluation is also required prior to any significant change in placement. Most evaluations under Section 504 only involve considering information that has already been gathered, such as by a medical doctor.

### What is a physical or mental impairment that substantially limits a major life activity?

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

### What is meant by “substantial limitation?”

The determination of substantial limitation must be made on a case-by-case basis with respect to each individual student. The Section 504 regulatory provision at 34 C.F.R. 104.35(c) requires that a group of knowledgeable persons draw upon information from a variety of sources in making this determination. Neither the ADA nor Section 504 provide a definition of this critical term. The ADA amendments simply state the term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendment Act of 2008 (42 U.S.C. 12102(4)(a)(4)(B)).

	IEP	504
<b>Purpose</b>	Provides individualized special education and related services to meet the unique needs of the child.	Provides services and changes to the learning environment to meet the needs of the child as adequately as other students.
<b>Law</b>	The Individuals with Disabilities Education Act (IDEA)	Section 504 of the Rehabilitation Act of 1973
<b>Eligibility</b>	A student with a disability, that adversely impacts learning and requires “specialized instruction” to make progress. The student’s disability is identified as one of the 13 categories outlined in IDEA.	A student with a disability that “substantially limits a major life activity” and requires accommodation.
<b>Team</b>	The IEP team must include: the child’s parent, at least one of the child’s general education teachers, at least one special education teacher, School psychologist or other specialist who can interpret evaluation results, a district representative with authority over special education services	The 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
<b>Plan</b>	An IEP sets annual learning goals for a child and describes the services, accommodations, modifications, and any other supports the school will provide.	A 504 plan identifies accommodations to ensure equal access in the learning environment.
<b>Review</b>	The IEP team must review the IEP at least once a year. The student must be reevaluated every three years to determine whether services are still needed.	Plan and eligibility reviewed “periodically” or when a major change of service is requested. Plans should be reviewed at least once per year.



## Public Notice of Rights, Procedural Protections, and Grievance Procedure Under Section 504 and the Americans with Disabilities Act

The Canyons School District does not discriminate on the basis of race, color, religion, sex, age, national origin, sexual orientation, gender identity, or disability in admission, treatment, or employment in its programs, services, and activities.

### 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.

### Programs for Students with Disabilities under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The purpose of Section 504 is to ensure that individuals with disabilities are given the same opportunity to participate in programs and activities as their nondisabled peers.

Section 504 defines a person with a disability as anyone who:

Has a mental or physical impairment which substantially limits one or more major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sleeping, standing, lifting, reading, concentrating, thinking, communicating, helping, eating, bending, or operation of a bodily function. (This is not an exhaustive list of major life activities, which means even if an activity or function is not listed it can, nonetheless, be a major life activity.)

Canyons School District shall provide accommodations and services to eligible individuals with disabilities.

Any person with concerns regarding the District's compliance with the regulations implementing Section 504 and ADA is directed to contact:

Name: Colleen Smith

Position: Responsive Services Program Administrator

Address: 9150 S. 500 W., Sandy, UT 84070

Phone Number: 801-826-5149

E-mail: [colleen.smith@canyonsdistrict.org](mailto:colleen.smith@canyonsdistrict.org)



## Public Notice of Rights, Procedural Protections, and Grievance Procedure Under Section 504 and the Americans with Disabilities Act

The Canyons School District does not discriminate on the basis of race, color, religion, sex, age, national origin, sexual orientation, gender identity, or disability in admission, treatment, or employment in its programs, services, and activities.

If you feel your child is being discriminated against because of his/her disability, the following dispute resolution processes are available to you:

### **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. 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.
3. The District's 504 Coordinator will review the grievance and meet with the parent/legal guardian to hear their concerns.
4. 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.
5. The District's 504 Coordinator will respond, in writing, to a parent/legal guardian's grievance within ten (10) business days.
6. 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: 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.
2. 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.
3. The District's 504 Coordinator shall schedule a hearing before the District's 504 Hearing Panel or a non-District Hearing Officer.
4. At the hearing a parent/legal guardian may be represented by legal counsel.
5. The parent/legal guardian and District 504 Coordinator may make statements and present evidence relevant to the issues.
6. The Hearing Panel shall be provided a copy of the grievance and the School's 504 Coordinator's written response; and
7. The decision of the District's 504 Hearing Panel or Hearing Officer shall constitute the final administrative decision on the Section 504 matter.
8. The determination of the District 504 Hearing Panel or Hearing Officer shall be communicated to the parent/legal guardian within ten (10) business days.

At any time a formal complaint may be filed with the Office of Civil Rights. Contact information for the regional office of Civil Rights is:

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