

IDENTIFICATION AND EDUCATION UNDER SECTION 504

The Board of Education recognizes the need to identify and evaluate children with disabilities in order to provide them with a free, appropriate public education. Under Section 504 of the federal Rehabilitation Act of 1973, individuals with a physical or mental impairment that substantially limits one or more major life activities, including learning, are eligible to receive services and aids designed to meet their needs as adequately as the needs of nondisabled students are met.

The Superintendent or designee shall establish screening and evaluation procedures to be used whenever there is reason to believe that a student has a disability that limits his/her ability to attend or function at school.

To evaluate the student's eligibility under Section 504, the Superintendent or designee shall convene a school site committee of professionals knowledgeable about the student's individual needs and school history, the meaning of evaluation data, and accommodation options. The student's parent/guardian shall be invited to participate on this committee.

If the student is found to have a disability that requires services under Section 504, the school site committee shall develop a written accommodation plan for the student. Upon reviewing the nature of the disability and how it affects the student's education, the committee shall determine what modifications and/or special services and aids are needed. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs.

The school site committee shall provide the parent/guardian with a written copy of the accommodation plan and notice of procedural safeguards guaranteed by law.

If after evaluation, the school site committee determines that the student does not have a disability under Section 504, the committee shall document this determination. If appropriate, the student study team or school site committee shall develop a plan to assist the student. Students who have been assigned for special education and found by the IEP team not eligible for special education, shall also be considered for eligibility under Section 504.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5144.2 - Suspension and Expulsion/Due Process [Students with Disabilities])

(cf. 6164.5 - Student Study Teams)

(cf. 6164.4 - Identification of Individuals for Special Education)

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6145.5 - Student Organizations and Equal Access)

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

The district's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Superintendent or designee shall assess the district's progress in attaining the goals established for students with disabilities and shall report these results to the Board. (Education Code 52052, 52060)

(cf. 0460 - Local Control and Accountability Plan)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

*Legal References:*EDUCATION CODE~~49423.5 Specialized physical health care services~~CODE OF REGULATIONS, TITLE 5~~3051.12 Health and Nursing Services~~UNITED STATES CODE, TITLE 20~~1232g Family Educational Rights and Privacy Act of 1974~~~~1400-1487 Individuals with Disabilities Education Act~~UNITED STATES CODE, TITLE 29~~701 et seq. Rehabilitation Act of 1973~~~~794 Rehabilitation Act of 1973, Section 504~~CODE OF FEDERAL REGULATIONS, TITLE 34~~104.1-104.61 Nondiscrimination on the basis of handicap, especially~~~~104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973~~~~104.3 Definitions~~~~104.33 Free appropriate public education~~~~104.35 Evaluation and placement~~~~104.36 Procedural safeguard~~*Legal References:*EDUCATION CODE

49423.5 Specialized physical health care services

52052 Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

56043 Special education, timelines

56321 Assessment; development of IEP; parental notifications, consent

CODE OF REGULATIONS, TITLE 5

3051.12 Health and Nursing Services

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

IDENTIFICATION AND EDUCATION UNDER SECTION 504 (continued)

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

705 Definitions; Vocational Rehabilitation Act

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF REGULATIONS, TITLE 28

35.101-35.190 Nondiscrimination on the basis of disability in state and local government services

CODE OF FEDERAL REGULATIONS, TITLE 34

104.1-104.61 Nondiscrimination on the basis of handicap, especially:

104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973

104.3 Definitions

104.32 Location and notification

104.33 Free appropriate public education

104.34 Educational setting

104.35 Evaluation and placement

104.36 Procedural safeguards

104.37 Nonacademic services

104.7 Responsible employee; grievance procedures

COURT DECISIONS

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205