

Policy 6164.6: Identification And Education Under Section 504

Status: ADOPTED

Original Adopted Date: 11/01/2007 | **Last Revised Date:** 12/01/2016 | **Last Reviewed Date:** 12/01/2016

The Governing Board believes that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The Superintendent or designee shall work to identify children with disabilities who reside within the jurisdiction of the district in order to ensure that they receive educational and related services required by law.

The Superintendent or designee shall provide qualified students with disabilities with a free appropriate public education (FAPE), as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. (34 CFR 104.33)

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)

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)

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.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 3051.12	Health and nursing services
Ed. Code 49423.5	Specialized physical health care services
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 56043	Special education; timelines
Ed. Code 56321	Notice of parental rights; consent of parents
Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 104.1	Purpose to effectuate Section 504 of the Rehabilitation Act of 1973
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 104.3	Definitions
34 CFR 104.32	Location and notification
34 CFR 104.33	Free appropriate public education
34 CFR 104.34	Educational setting
34 CFR 104.35	Evaluation and placement
34 CFR 104.36	Procedural safeguards
34 CFR 104.37	Nonacademic services
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
California Department of Education Legal Advisory	Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
Court Decision	Christopher S. v. Stanislaus County Office of Education

(2004) 384 F.3d 1205

CSBA Publication	Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, December 2007
U.S Dept of Ed Office for Civil Rights Publication	Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015
U.S Dept of Ed Office for Civil Rights Publication	Dear Colleague Letter, January 2013
U.S Dept of Ed Office for Civil Rights Publication	Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007
U.S Dept of Ed Office for Civil Rights Publication	Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016
U.S DOE, Office for Civil Rights Publication	Dear Colleague Ltr & Questions & Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elem & Secondary Schools, 2012
U.S. DOE Office for Civil Rights Publication	Guidance to America's Schools: Bullying of Students with Disabilities, October 2014
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3555	Nutrition Program Compliance

3555-E(1)	<u>Nutrition Program Compliance</u>
4112.23	<u>Special Education Staff</u>
5113.11	<u>Attendance Supervision</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.22	<u>Infectious Diseases</u>
5141.22	<u>Infectious Diseases</u>
5141.23	<u>Asthma Management</u>
5141.23	<u>Asthma Management</u>
5141.24	<u>Specialized Health Care Services</u>
5141.26	<u>Tuberculosis Testing</u>
5141.27	<u>Food Allergies/Special Dietary Needs</u>
5141.27	<u>Food Allergies/Special Dietary Needs</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
5145.71	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
5145.71-E(1)	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>

6000	<u>Concepts And Roles</u>
6112	<u>School Day</u>
6112	<u>School Day</u>
6120	<u>Response To Instruction And Intervention</u>
6141	<u>Curriculum Development And Evaluation</u>
6141	<u>Curriculum Development And Evaluation</u>
6142.7	<u>Physical Education And Activity</u>
6142.7	<u>Physical Education And Activity</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>
6145.5	<u>Student Organizations And Equal Access</u>
6145.5	<u>Student Organizations And Equal Access</u>
6159	<u>Individualized Education Program</u>
6159	<u>Individualized Education Program</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u>
6162.51	<u>State Academic Achievement Tests</u>
6162.51	<u>State Academic Achievement Tests</u>
6163.2	<u>Animals At School</u>
6163.2	<u>Animals At School</u>
6164.4	<u>Identification And Evaluation Of Individuals For Special Education</u>
6164.4	<u>Identification And Evaluation Of Individuals For Special Education</u>
6164.5	<u>Student Success Teams</u>
6164.5	<u>Student Success Teams</u>
6173.1	<u>Education For Foster Youth</u>

6173.1	<u>Education For Foster Youth</u>
6173.2	<u>Education Of Children Of Military Families</u>
6173.2	<u>Education Of Children Of Military Families</u>
6174	<u>Education For English Learners</u>
6174	<u>Education For English Learners</u>
6185	<u>Community Day School</u>
6185	<u>Community Day School</u>
9000	<u>Role Of The Board</u>