
Board Policy

Identification and Education Under Section 504

BP 6164.6

Instruction

The Board of Trustees 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"). 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.

References:

BP 0410 - Nondiscrimination in District Programs and Activities
BP/AR 0430 - Comprehensive Local Plan for Special Education
BP/AR 0460 - Local Control and Accountability Plan
BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions
BP/AR 5141.22 - Infectious Diseases
BP/AR 5141.23 - Asthma Management
BP/AR 5141.24 - Specialized Health Care Services
AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)
BP/AR 6145 - Extracurricular and Cocurricular Activities
BP/AR 6145.2 - Athletic Competition
BP/AR 6145.5 - Student Organizations and Equal Access
BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education

Legal References:

EDUCATION CODE

49423.5 Specialized physical health care services
52052 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

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



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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

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Replaces: 11/18