Palo Verde USD
Board Policy
Identification and Education Under Section 504

BP 6164.6
Instruction

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

The Superintendent or designee shall provide identified 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 nondisabled students are met. (34 CFR 104.33)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.4 - Identification and Evaluation 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)

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 Reference:~~
~~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~~
~~1400-1482 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 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~~
~~COURT DECISIONS~~
~~Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205~~

~~Management Resources:~~
~~CSBA PUBLICATIONS~~
~~Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, November 2007~~
~~CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES~~
~~Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007~~
~~U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS~~

~~Dear Colleague Letter; January 2013~~
~~Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools; January 2012~~
~~Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007~~
~~WEB SITES~~
~~CSBA: http://www.csba.org~~
~~California Department of Education: http://www.cde.ca.gov~~
~~U.S. Department of Education, Office for Civil Rights: http://www2.ed.gov/about/offices/list/ocr~~

Legal Reference:
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
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

Management Resources:
CSBA PUBLICATIONS

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, December 2007
CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016
Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015
Dear Colleague Letter, January 2013
Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012
Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007
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Policy PALO VERDE UNIFIED SCHOOL DISTRICT
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