

IDENTIFICATION AND EDUCATION UNDER SECTION 504

The Board of Education believes that all children should have an opportunity to learn in a safe and nurturing environment. The Board recognizes the need to identify and evaluate students who have, or are perceived to have, or who have a record of having, a physical or mental impairment that substantially limits one or more major life activities, including learning, but who may not qualify under the federal Individuals with Disabilities Education Act (IDEA-20 U.S.C. 1400 et seq.) since such individuals may require reasonable accommodation under Section 504 of the federal Rehabilitation Act of 1973 in order for them to access and receive appropriate educational opportunities.

The Superintendent or designee shall provide identified students with disabilities with a free and appropriate public education, as defined under section 504. Such students shall receive regular or special education and related aids and services designed to meet their individual needs. In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the education program including, but not limited to, extracurricular activities, sports, and/or other nonacademic activities.

Indications of a possible impairment that significantly interferes with learning include, but are not limited to: medical conditions such as severe asthma or heart disease; temporary medical condition due to illness or accident. Individuals with attention deficit disorder or attention deficit hyperactivity disorder may be eligible for modification of their regular program under Section 504 even if they are not eligible for special education.

The Superintendent or designee shall establish procedures whereby parents/guardians or staff may request screening and evaluation for any student they believe to have an impairment that significantly affects his/her learning.

The identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program.

If the student is found to have an impairment that significantly interferes with his/her learning, he/she shall be eligible for reasonable accommodation under Section 504, and the school site committee shall develop a written accommodation plan for the student. This plan shall specify the modifications which will be made in the regular education program in order to ensure the

INSTRUCTION

Board Policy 6164.6(b)

student a free appropriate education; it shall also include a schedule for periodic review of the student's needs and indicate that this review may occur sooner at the request of the parent/guardian or school staff.

The school site committee shall provide the parent/guardian with a written copy of the accommodation plan. If the committee determines that no accommodation is needed, the parent/guardian shall receive a record of the proceedings stating the basis for this decision. Parents/guardians shall also receive a copy of the procedural safeguards guaranteed under the Code of Federal Regulations, Title 34, Part 104.36.

Legal Reference:

EDUCATION CODE

44265.5 Professional preparation for teachers of impaired students

49423.5 Specialized physical health care services

56000-56885 Special education programs, especially:

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56331 Assessment

56333-56338 Eligibility criteria for specific learning disabilities

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56432 Early education for individuals with disabilities

56441.11 Eligibility criteria, children ages 3-5

56445 Transition to grade school; reassessment

56500-56509 Procedural safeguards

GOVERNMENT CODE

95000-95029.5 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, referral and assessment

3030-3031 Eligibility criteria

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 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
104.35 Evaluation and placement

104.33 Free appropriate public education

104.36 Procedural safeguards

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.301-300.306 Evaluations and reevaluations

COURT DECISIONS

Hood v. Encinitas Union School District, (2007) 486 F.3d 1099

COURT DECISIONS:

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

Policy

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HUMBOLDT COUNTY OFFICE OF EDUCATION

Eureka, California