

Instruction

Identification and Education Under Section 504

The Governing Board believes that all children, including children with disabilities, should have an opportunity to learn in a safe and nurturing environment. The district 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, 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)

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)

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 Sections: 49423.5
Code of Regulations, Title 5; 3051.12
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, 794 Rehabilitation Act of 1973,
Section 504
United States Code, Title 42; 12101-12213
Code of Federal regulations, Title 34; 104.1-104.61
104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973
104.3; 104.32; 104.33; 104.34; 104.35; 104.36

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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>

Policy Adopted: