

Instruction

Identification and Education Under Section 504

The Board of Education believes that all children, including children with disabilities, should have an opportunity to learn in a safe and nurturing environment. The Superintendent or designee shall work to identify children with disabilities who reside within 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 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)

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.

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Legal Reference: Education Code, Sections 49423.5; 52052; 52060-52077; 56043; 56321
Code of Regulations, Title 5, Section 3051.12
United States Code, Title 20, Sections 1232g; 1400-1482
United States Code, Title 29, Sections 705; 794
United States Code, Title 42, Sections 12101-12213
Code of Regulations, Title 28, Sections 35.101-35.190
Code of Federal Regulations, Title 34, Sections 104.1-104.61;
104.1;104.3; 104.32; 104.33; 104.34; 104.35; 104.36; 104.37; 104.7
Court Decisions:
Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d
1205

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