

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

The Governing Board recognizes the need 'to identify and evaluate students with disabilities in order to provide them with appropriate educational opportunities. Under Section 504 of the Federal Rehabilitation Act of 1973, individuals with a physical or mental impairment that substantially limits one or more major life activities, including learning, are eligible to receive services and aids designed to meet their needs as adequately as the needs of non-disabled student are met.

The District shall provide a free, appropriate, public education for students with disabilities who are not eligible for services under the Individuals with Disabilities Education Act (IDEA). The District shall provide an evaluation and implement a plan for the delivery of needed services for students it has reason to believe are disabled. Parents shall be provided with notice of identification, evaluation or placement of the student and shall be entitled to an impartial hearing if they disagree with the District's decisions in these matters.

The Superintendent or designees shall establish screening and evaluation to be used whenever there is reason to believe that a student has a disability that significantly impairs his/her learning as defined in Section 504 of the Federal Rehabilitation Act of 1973.

A school site committee of knowledgeable professionals of the student's individual needs and school history, the meaning of the evaluation data, and accommodation options, shall meet to evaluate the student's eligibility under Section 504. The student's parent/ guardian shall be invited to participate on this committee.

If the student is found to have a disability that requires services under Section 504 of the Federal Rehabilitation Act of 1973, the school site committee shall develop a written accommodation plan for the student. This plan shall specify the modifications, and/or special services and aids, which are needed for the student to have 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 student shall be educated with non-disabled student to the maximum extent possible.

The school site committee shall provide the parent/guardian with a written copy of the accommodation plan and notice of the procedural safeguards guaranteed under the Code of Federal Regulations, Title 34, Part 104.36

Legal Reference:

EDUCATION CODE

49423.5 Specialized physical health care services

CODE OF REGULATIONS, TITLE 5:

3051.12 Health and Nursing Services

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UNITED STATES CODE, TITLE 20:

1232g Family Educational Rights and Privacy Act of 1974
1400 et seq. Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29:

701 Et. Seq. Rehabilitation Act of 1973
794 Rehabilitation Act of 1973

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
104.35 Evaluation and Placement
104.36 Procedural Safeguards
Southeastern Community College v. Davis (1970) 442 U.S.
397

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Following are the procedures governing identification and services for students with disabilities who are not eligible for Individuals with Disabilities Education Act (IDEA) services. Students with disabilities are those having any physical or mental impairment which substantially limits one or more major life activities, including learning, has a record of such an impairment, or is regarded as having such an impairment, as defined by Section 504 of the Federal Rehabilitation Act of 1973.

Definition of Disability

Pursuant to the Code of Federal Regulations, Title 34, Section 104.3, a student who may need services under Section 504 is one who has a physical or mental impairment that substantially limits one or more .major life activities, including learning, or has a record of such impairment; or is regarded as having such impairment. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Indications of a possible disability 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; and poor or failing grades over a lengthy period of time and even when demonstrating a reasonable effort to learn.

Referral

Any student may be referred by a parent/ guardian, teacher, other certificated school employee or community agency for consideration of eligibility as a disabled student under Section 504. This referral should be made to the school site principal.

The Student Study Team (SST) shall promptly consider the referral and determine whether an evaluation under this procedure is appropriate. This determination shall be based on a review of the student's school records (including academic, social and behavioral records) and the student's needs. Students requiring evaluation shall be referred to appropriate evaluation specialists.

Evaluation

The District will provide an assessment of the nature and extent of the disability. The evaluation may include, but is not limited to, classroom and campus observation, performance-based testing, academic assessment information, data offered by the parent /guardian and/or consultant assessment. The student's adaptive behavior and cultural/ linguistic background will be considered in the evaluation.

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If a request for evaluation is denied, the Student Study Team (SST) shall inform the parents/ guardians of this decision and of their procedural rights as described below.

Eligibility Process

The determination of eligibility or ineligibility and if necessary, appropriate accommodations and for services will be made by the school Student Study Team (SST). The student's counselor, in consultation with the school psychologist, shall be responsible for preparation, presentation and follow-up on the student's case. The SST will review the following:

- the nature of the disability;
- how the disability significantly affects the student's education/ learning
- whether accommodations are needed; and if needed
- the appropriate accommodations

The parent(s) or legal guardian(s) will be invited to attend the SST meeting at which the assessment is reviewed and the qualifying determination made. A parent or guardian who disagrees with the SST's decision shall have the right to appeal the decision through the Uniform Complaint Procedure (see Board Policy 1312.3: Uniform Complaint Procedures).

Plan

If the student is found to have a defined disability that significantly interferes with his/her learning, he/she shall be eligible for reasonable accommodation under Section 504, and the SST shall develop a written accommodation plan for the student. This plan shall specify the modifications which will be made in the general education program in order to ensure the 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 decision about Section 504 eligibility and services will be documented on the Review Form for Students Who May Have a Disability. This form will list the accommodations) and/or services which the student's teachers are expected to make to assist the student. If an accommodation plan is needed for a student, it will be reviewed at least annually by the SST and appropriate modifications will be made, if necessary. A copy of this plan shall be kept in the student's cumulative file. The student's teacher and any -3ther staff .-ho provide services to the student shall be informed of the services necessary for the student, to the extent that they need to be informed in order to provide for the student in the school setting.

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The Student Study Team (SST) shall provide the parent/guardian with a written copy of the accommodation plan. If **the SST determines** that no accommodation is needed, the parent/guardian shall receive a record of the proceedings stating the basis for this decision. Parent(s) /guardian (s) shall also receive a copy of the procedural safeguards guaranteed under the Code of Federal Regulations, Title 34, Part 104.36.

Review the Student's Progress

The school site committee shall monitor the progress of the disabled student and the effectiveness of the student's plan. The committee shall periodically, but not less than annually, determine whether the services are appropriate and necessary and whether the disabled student's needs are being met as adequately as the needs of non disabled students.

A re-evaluation of the student's needs will be conducted before any subsequent significant change in placement.

Procedural Safeguards

Parents/ guardians shall be notified in writing of all district decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:

1. Examine relevant records
2. Have an impartial hearing with an opportunity for participation by the parents/ guardians and their counsel
3. The right of appeal under the District's Uniform Complaint Procedures

PARENT'S RIGHTS FOR ACCOMMODATING A STUDENT WITH DISABILITIES WHO IS UNDER CONSIDERATION FOR EXPULSION

The following are rights of parents of students with mental or physical disabilities which qualify under the Federal Rehabilitation Act of 1973, Section 504 (504) and/ or Americans with Disabilities Act (ADA) Part II and are being considered for expulsion.

Definition

Under Section 504 a person is considered disabled if they have a mental or physical disability, have a history, of such a disability or are thought to have such a disability which interferes with one of basic life activities, which includes learning. If the student is considered disabled under this definition, then an assessment and eligibility meeting will be conducted. The procedures would be as follows.

1. The parent will receive at least 48 hours verbal or written notice of a Student Study Team (SST) meeting, but may waive the 48 hours advance notice if they wish. The parent does not have a right to a postponement. However, the Student Study Team meeting time can be postponed out of courtesy provided the meeting is held on or before the ninth day of a suspension.
2. The meeting may proceed if the parent does not attend. The District will hold a SST meeting for any student who is thought to be disabled under Section 504 or ADA. The SST will conduct an assessment to determine whether a student has a qualifying disability under these laws, and if disabled under these laws, and if the disability was related to the expulsion incident. also, the SST will review if an accommodation plan is needed for the individual if there was an accommodation plan in effect, if it was appropriate.
3. Any accommodation plans which may be developed under the SST process are only for conditions related to the identified disability, non-special education conditions. The parent will receive a copy of the Accommodation Plan.
4. If the parent disagrees with the SST's decision or if the parent disagrees with the information used as a basis for the decision after the parent has presented its issues to the SST, the parent has the right of complaint under the District's Uniform Complaint Procedure. The complaint should be made in writing to the Assistant Superintendent, Educational Services within 10 school days. If the complainant is unable to put a complaint in writing due to illiteracy or other disability, District staff shall help the person file the complaint.
5. When the SST determines that there is no significant relationship between the disability and the expulsion incident, the suspension and expulsion process will continue per district timelines and procedures. If the parent appeals the SST decision, the appeal process will proceed in parallel to the suspension/ expulsion process.

PARENT'S RIGHTS FOR ACCOMMODATING A STUDENT WITH DISABILITIES WHO IS UNDER CONSIDERATION FOR EXPULSION (CONTD.)

- 6. If additional assessment is requested by the SST, the Student shall remain in or be returned to his or her current educational placement within ten school days. However, the parent may consent to a change of educational placement. Additionally, when the student's behavior poses an immediate danger to self or others, the student will, under Education Code 48911(c), be removed from the school.
- 7. Reimbursement for attorney's fees is available only as authorized by law.

[] I have received and read a copy of the Parents' Rights For Accommodating A Student With Disabilities Who Is Under Consideration For Expulsion.

Signature of Parent/ Guardian

Date

PARENTS' RIGHTS FOR ACCOMMODATING STUDENTS WITH DISABILITIES (NON-SPECIAL EDUCATION)

Definition

Under Section 504 of the Federal Rehabilitation Act of 1973, a person is considered disabled if they have a mental or physical disability, have a history of such a disability or are thought to have such a disability which interferes with one of basic life activities, which includes learning. If the student is considered disabled under this definition, then an assessment and eligibility meeting will be conducted. The procedures would be as follows.

Assessment

A parent may request a assessment of a student if they suspect that the student has a disability which may qualify and need accommodation under the Federal Rehabilitation Act of 1973, Section 504 (Section 504) or the Americans Disabilities Act (ADA), Part II. The parent has the right to present assessment data and/or mental or physical evaluations. The assessment results will be discussed with the parent at a Student Study Team (SST) meeting. The parent has the right to submit pertinent data, medical records or professional evaluations.

Student Study Team (SST) Meeting

The parent will be notified verbally and/or in writing to a Student Study Team (SST) meeting, to review the assessment data to determine whether or not a mental or physical disability exists. If a disability under Section 504 exists, and the disability is determined a barrier to the student's education, and if accommodations are needed, a plan will be developed. The parent may attend this meeting, participate by phone conference, or written communication. If the parent is not available, or chooses not to attend the meeting, the meeting may be held in the parent's absence and the results communicated to the parent verbally and/or in writing.

Plan

A plan will be written for those students who need accommodations and a copy of this plan will be given to the parent. The Plan will be reviewed on at least an annual basis.

Complaint

If the parent disagrees with the assessment and/or plan, they may file a complaint through the District's Uniform Complaint Procedure. Reimbursement for attorney's fees is available only as authorized by law.

OXNARD UNION HIGH SCHOOL DISTRICT
STUDENTS WITH DISABILITIES ACCOMMODATION PLAN

Student Name: _____ Student # _____ School _____

Date of Birth: _____ Grade: _____ Date: _____

Recommended classes for accommodation:

Persons responsible for implementing accommodations:

RECOMMENDED ACCOMMODATIONS

ENVIRONMENT

- _____ Preferential seating:

- _____ Limited visual distractions
- _____ Other

MATERIALS

- _____ High interest, low vocabulary
- _____ Reading level no more than
- _____ Taped reading materials
- _____ Multisensory, hands-on materials

EVALUATION PROCEDURES

- _____ Tests given _____ orally
- _____ reading assistance
- _____ individually
- _____ Allow to use notes or text on tests
- _____ Extra time to complete tests

- _____ Daily work and participation in lieu of tests
- _____ Other: _____

TECHNIQUES

- Directions instructions given:
_____ orally _____ in writing _____ individually
- _____ Allow extra time to complete assignments
- _____ Allow extra time for processing
- _____ Allow to _____ write, _____ verbalize answers
- _____ Repeat explanation
- _____ Minimize memory demands
- _____ Consistent expectations and consequences.
- _____ Regular feedback and progress check
- _____ Provide significantly more positive reinforcement
- _____ Vocabulary lists prior to lessons
- _____ Use assignment sheet
- _____ Shorten assignments
 Length of task: _____
- _____ Shorten homework
 Length of task: _____
- _____ Individual contract
- _____ Regular parent contact
- _____ Other: _____

PARENT SUPPORTS: _____

FOLLOW UP MEETING: _____

MONITORING SCHEDULE: _____

SST Committee Chairperson
SST Committee Member
SST Committee Member

Parent
Student
Title

OXNARD UNION HIGH SCHOOL DISTRICT
REVIEW FORM FOR STUDENTS WHO MAY HAVE A DISABILITY

Student: _____ Student Number: _____ Date: _____
Gender: _____ Date of Birth: _____ Age: _____ Credits Complete: _____
Parent/Guardian: _____ Address: _____

Phone: (h) _____ (w) _____

ASSESSMENT MEASURES:

_____ Teacher observations (attached)	_____ Parent information
_____ Health history	_____ Cumulative record review
_____ Achievement measures (specify)	_____ Other (specify)

SUMMARY OF SST FINDINGS (pertaining to existence and nature of a handicap and the effect if any on learning): _____

SST DETERMINATION:

_____ Refer for further non-Special Education assessment	_____ Student does not have disability
_____ Refer for Special Education assessment	_____ Accommodations recommended
_____ Student with disability but not eligible for Special Education	_____ Accommodations NOT necessary

ACCOMMODATIONS TO BE OFFERED BY THE SCHOOL (for student with a disability but not eligible for Special Education): _____

SUPPORT ACCOMMODATIONS TO BE OFFERED BY THE PARENT: _____

ANNUAL REVIEW DATE: _____ **MONITORING SCHEDULE:** _____

_____ SST Committee Chairperson	_____ Parent
_____ SST Committee Member	_____ Student
_____ SST Committee Member	_____ Title