

**Compton Unified School District
Identification and Education under Section 504**

Administrative Regulation (AR) 6164.6

The Superintendent designates the following position as the district's Section 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

District 504 Coordinator
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Definitions

For the purpose of implementing Section 504 of the Rehabilitation Act of 1973, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services, designed to meet the individual educational needs of a student with disabilities as adequately as the needs of nondisabled students are met, without cost to the student or his/her parent/guardian, except when a fee is imposed on nondisabled students. (34 CFR 104.33)

(cf. 3260 – Fees and Charges)

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.3)

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine. (34 CFR 104.3)

Mental impairment means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. (34 CFR 104.3)

Substantially limits major life activities means limiting a person's ability to perform functions such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also includes major bodily functions such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Substantially limits shall be determined without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures include, but are not limited to, medications, prosthetic devices, assistive devices, learned behavioral, or adaptive neurological modifications which an individual may use to eliminate or reduce the effects of an impairment. (42 USC 12102; 34 CFR 104.3)

Section 504 Site Leads are site administrators who convene Section 504 meetings, ensure that teachers receive Section 504 Plans, respond to parent inquiries, and support and coordinate the implementation of Section 504 Plans. A list of Section 504 Site Leads can be found at: <https://www.pausd.org/programs/section-504#504Leads>

Referral, Identification, and Evaluation

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, **or** community agency, may refer a student to the principal or Section 504 Site Lead for identification as a student with a disability under Section 504.

(cf. 6164.5 – Student Success Teams)

2. Upon receipt of any such referral, the principal, Section 504 Site Lead, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs. Interim classroom supports may be provided on a temporary basis and as needed based on the emergency nature of the student's impairment and pending completion of the Section 504 assessment.

If it is determined that an evaluation is unnecessary, the principal or **Section 504 Site** Lead shall inform the parents/guardians in writing of this decision and of the procedural safeguards, as described in the "Procedural Safeguards" section below.

3. If it is determined that a student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to **his/her** initial placement. (34 CFR 104.35)

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

The district's evaluation procedures shall ensure that tests and other evaluation materials: (34 CFR 104.35)

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient
- c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure.

Section 504 Services Plan and Placement

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multi-disciplinary Section 504 Team shall be convened to review the evaluation data in order to make placement decisions.

The Section 504 Team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the **Section** 504 Team shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The Section 504 Team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

(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. 5141.26 – Tuberculosis Testing)
(cf. 5141.27 – Food Allergies/Special Dietary Needs)

3. If the Section 504 Team determines that no services are necessary for the student, the record of the Section 504 Team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.
4. The student shall be placed in the regular educational environment, unless the District can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)
5. The District shall complete the identification, evaluation, and placement process within a reasonable time frame.
6. A copy of the student's Section 504 Services Plan shall be kept in his/her student record.

The student's teacher(s) and any other staff who provide services to the student shall be informed of the Plan's requirements. A proposed Permission for 504 Evaluation Plan shall be developed within 15 school days of the Site 504 Lead receiving a request to evaluate. A parent or guardian shall have 15 school days from the receipt of the proposed Permission for 504 Evaluation Plan to arrive at a decision regarding signing of the plan. Once a child has been referred for an initial evaluation to determine eligibility for 504, a 504 meeting shall occur within 60 days of receiving parental consents for the evaluation.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the student's Section 504 Service Plan prior to the student's enrollment in the new school.

(cf. 5125 – Student Records)

Review and Reevaluation

The Section 504 Team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 Service Plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

(cf. 5144.1 – Suspension and Expulsion/Due Process)

(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities)) _

Procedural Safeguards

The Superintendent or Section 504 Coordinator shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36) He/She shall also ensure that the parent/guardian shall receive all information and documents in a language easily understood by the general public and in the parent/guardian's native language or other mode of communication used by the parent/guardian, unless to do so is clearly not feasible.

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 school days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, he/she may request a Section 504 due process hearing.

Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Section 504 Coordinator within 30 school days of receiving the district's decision or, if an administrative review is held, within 14 school days of the completion of the review. A parent/guardian making an oral request may be assisted by the District in making a written request. The request for the due process hearing shall include:
 - (a) The specific nature of the decision with which he/she disagrees
 - (b) The specific relief he/she seeks
 - (c) Any other information he/she believes is pertinent to resolving the disagreement
2. Within 30 school days of receiving the parent/guardian's request, the Superintendent or Section 504 Coordinator shall select an impartial hearing officer. This 30-school day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 school days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted, and a written decision mailed to all parties. This 45-school day deadline may be extended for good cause or by mutual agreement of the parties.
4. The parties to the hearing shall be afforded the right to:
 - a. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
 - b. Present written and oral evidence
 - c. Question and cross-examine witnesses
 - d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or Section 504 Coordinator shall ensure that the district has taken appropriate steps to notify students and parents/guardians of the District's duty under Section 504. (34 CFR 104.32)

(cf. 5145.6 – Parental Notifications)

Parents/guardians have the right to file a complaint regarding an alleged violation of Section 504 with the Office for Civil Rights (“OCR”). Additional information regarding OCR’s complaint process is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Legal Reference:

EDUCATION CODE

Regulation [School District Name] SCHOOL DISTRICT

Adopted: [Date], [City], [State]

Revised: [Date]

Policy Section: 5000 Students