



INSTRUCTION

BOARD POLICY – IDENTIFICATION AND EDUCATION UNDER SECTION 504

BP 6164.6

The County Board of Education (County Board) and the County Superintendent of Schools (County Superintendent) believe that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The County Superintendent or designee shall work to identify children with disabilities who participate in Santa Barbara County Education Office (SBCEO) county-operated programs in order to ensure that they receive educational and related services required by law.

The County 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 students without disabilities 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 SBCEO county-operated program's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities, as applicable. (34 CFR 104.37)

The SBCEO 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 County Superintendent or designee shall assess SBCEO's progress in attaining the goals established for students with disabilities and shall report these results to the County Board. (Education Code 52052, 52060)

In providing services to students with disabilities under Section 504, the County Superintendent or designee shall ensure SBCEO county-operated programs 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.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

20 USC 1232g
 20 USC 1400-1482
 29 USC 705
 29 USC 794
 34 CFR 104.1

34 CFR 104.1-104.61
 34 CFR 104.3
 34 CFR 104.32
 34 CFR 104.33
 34 CFR 104.34
 34 CFR 104.35
 34 CFR 104.36
 34 CFR 104.37
 34 CFR 104.7
 42 USC 12101-12213

Management Resources

California Department of Education
 Legal Advisory
 Court Decision

CSBA Publication

U.S Dept of Ed Office for Civil Rights
 Publication

U.S Dept of Ed Office for Civil Rights
 Publication

U.S Dept of Ed Office for Civil Rights
 Publication

U.S Dept of Ed Office for Civil Rights
 Publication

U.S DOE, Office for Civil Rights
 Publication

U.S. DOE Office for Civil Rights
 Publication

Website

Website

Website

State

28 CCR 35.101-35.190

5 CCR 3051.12

Ed. Code 49423.5

Ed. Code 52052

Ed. Code 52060-52077

Ed. Code 56043

Ed. Code 56321

Description

Family Educational Rights and Privacy Act (FERPA) of 1974
 Individuals with Disabilities Education Act
 Definitions; Vocational Rehabilitation Act
 Rehabilitation Act of 1973, Section 504
 Purpose to effectuate Section 504 of the Rehabilitation Act of
 1973

Nondiscrimination on the basis of disability

Definitions

Location and notification

Free appropriate public education

Educational setting

Evaluation and placement

Procedural safeguards

Nonacademic services

Designation of responsible employee for Section 504

Equal opportunity for individuals with disabilities

Description

Legal Advisory on Rights of Students with Diabetes in

California's K-12 Public Schools, August 2007

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

Rights of Students with Diabetes Under IDEA and Section 504,
 Policy Brief, December 2007

Protecting Students with Disabilities: Frequently Asked
 Questions About Section 504 and the Education of Children with
 Disabilities, October 2015

Free Appropriate Public Education for Students with Disabilities:
 Requirements under Section 504 of the Rehabilitation Act of
 1973, September 2007

Dear Colleague Letter, January 2013

Dear Colleague Letter and Resource Guide on Students with
 ADHD, July 2016

Dear Colleague Ltr & Questions & Answers on ADA
 Amendments Act of 2008 for Students with Disabilities Attending
 Public Elem & Secondary Schools, 2012

Guidance to America's Schools: Bullying of Students with
 Disabilities, October 2014

[U.S. Department of Education. Office for Civil Rights](#)

[CSBA](#)

[California Department of Education](#)

Description

Nondiscrimination on the basis of disability in state and local
 government services

Health and nursing services

Specialized physical health care services

Accountability; numerically significant student subgroups

Local control and accountability plan

Special education, timelines

Notice of parental rights; consent of parents

ADOPTED BY COUNTY BOARD: February 8, 2024