



## INSTRUCTION

### **ADMINISTRATIVE REGULATION – IDENTIFICATION AND EDUCATION**    AR 6164.6 **UNDER SECTION 504**

The County Superintendent of Schools (County Superintendent) designate the following position as the Santa Barbara County Education Office (SBCEO) county-operated programs' 504 County Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

Director, Student and Community Services  
4400 Cathedral Oaks Road  
Santa Barbara, CA 93160  
805-964-4711

### **Definitions**

For the purpose of implementing Section 504, 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 students without disabilities are met, at no cost to the student or their parent/guardian except when a fee is specifically authorized by law for all students. (34 CFR 104.33)

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (28 CFR 35.108)

Physical impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, immune, hemic, lymphatic, skin, and endocrine. (28 CFR 35.108)

Mental impairment means any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability. (28 CFR 35.108)

Substantially limits major life activities means limiting a person's ability to perform functions, as compared to most people in the general population, such as caring for themself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing,

communicating, and working. Major life activities also include major bodily functions such as functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions, as well as the operation of an individual organ within a body system. The determination of whether an impairment substantially limits a student's major life activities shall be made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures are measures that an individual may use to eliminate or reduce the effects of an impairment, including, but not limited to, medications, medical supplies or equipment, prosthetic devices, assistive devices, reasonable modifications or auxiliary aids or services, learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy. (42 USC 12102; 28 CFR 35.108)

### **Request, Identification, and Evaluation**

Any action or decision to be taken by the SBCEO county-operated programs involving the request, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the program manager or 504 Site Coordinator for identification as a student with a disability under Section 504.
2. Upon receipt of any such request, the program manager, 504 Site Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the request 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.

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

3. If the student needs or is believed to need special education or related services under Section 504, the SBCEO county-operated programs shall conduct an evaluation of the student prior to their initial placement. (34 CFR 104.35)
4. Prior to conducting an initial evaluation of a student for eligibility under Section 504, the SBCEO county-operated programs shall obtain written parent/guardian consent.

5. The SBCEO county-operated programs's evaluation procedures shall ensure that the tests from outside sources 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 their 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 multidisciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 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 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 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 Service Plan which shall specify the types of services, accommodations, and supplementary aids 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.

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a person with a disability under Section 504 and shall state the basis for the determination that no special services are presently needed. The

student's parent/guardian shall be informed in writing of their 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 SBCEO county-operated programs 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 their individual needs. (34 CFR 104.34)
5. The SBCEO county-operated programs shall complete the identification, evaluation, and placement process within a reasonable time frame. The SBCEO county-operated programs shall adhere to this time frame regardless of any extended school breaks or times that school is otherwise not in session.
6. A copy of the student's Section 504 Service Plan shall be kept in the student's record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within SBCEO, the program manager or designee at the school from which the student is transferring shall ensure that the program manager or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

### **Review and Reevaluation**

The 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 students without disabilities are met. 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)

### **Procedural Safeguards**

The County Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by SBCEO regarding the identification, evaluation, or educational placement of their children. The County Superintendent or designee also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the SBCEO'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)

If a parent/guardian disagrees with any SBCEO action or decision regarding the identification, evaluation, or educational placement of their child under Section 504, they 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 their discretion, but within 30 days of SBCEO's action or decision, request an administrative review of the action or decision. The 504 Site 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 days of receiving the parent/guardian's request. If the parent/guardian is not satisfied with the resolution of the issue, or if the parent/guardian did not request an administrative review, they may request a Section 504 due process hearing.

A 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 504 County Coordinator within 30 days of receiving SBCEO's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
  - a. The specific nature of the decision with which they disagree.
  - b. The specific relief they seek.
  - c. Any other information they believe is pertinent to resolving the disagreement.
2. Within 30 days of receiving the parent/guardian's request, the County Superintendent or designee shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 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-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 legal 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.

**Notifications**

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

**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.

<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
29 USC 705	Definitions; Vocational Rehabilitation Act
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 104.1	Purpose to effectuate Section 504 of the Rehabilitation Act of 1973
34 CFR 104.1-104.61	Nondiscrimination on the basis of disability
34 CFR 104.3	Definitions
34 CFR 104.32	Location and notification
34 CFR 104.33	Free appropriate public education
34 CFR 104.34	Educational setting
34 CFR 104.35	Evaluation and placement
34 CFR 104.36	Procedural safeguards
34 CFR 104.37	Nonacademic services
34 CFR 104.7	Designation of responsible employee for Section 504
42 USC 12101-12213	Equal opportunity for individuals with disabilities
<b>Management Resources</b>	<b>Description</b>
California Department of Education Legal Advisory Court Decision	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
CSBA Publication	Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, December 2007
U.S Dept of Ed Office for Civil Rights Publication	Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015
U.S Dept of Ed Office for Civil Rights Publication	Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007
U.S Dept of Ed Office for Civil Rights Publication	Dear Colleague Letter, January 2013

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

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

APPROVED BY COUNTY SUPERINTENDENT:

December 13, 2024