

RANCHO SANTA FE SCHOOL DISTRICT

Board Policy No. 6018: PUPILS WITH DISABILITIES UNDER SECTION 504 OF THE FEDERAL REHABILITATION ACT OF 1973

A. Identification and Evaluation under Section 504

1. The Board recognizes the need to identify and evaluate children with disabilities in order to provide them with a free, appropriate public education. Many of these students may not qualify for special education services under state or federal law, but they do qualify for services in regular education programs 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, but not limited to, learning are eligible to receive services and aids designed to meet their needs as adequately as the needs of nondisabled students are met. (Section B, below)
2. The Superintendent or designee shall establish screening and evaluation procedures to be used whenever there is reason to believe that a student has a disability that limits his/her ability to attend or function at school. (Sections C & D, below)
3. To evaluate the student's eligibility under Section 504, the Superintendent or designee shall convene a 504 Team of professionals knowledgeable about the student's individual needs and school history, the meaning of evaluation data and accommodation options. The student's parent/guardian/surrogate shall be invited to participate on this 504 Team. (Section D, below)
4. If the student is found to have a disability that requires services under Section 504, the 504 Team shall develop a written accommodation plan for the student. Upon reviewing the nature of the disability and how it affects the student's education, the 504 Team shall determine what accommodations will be made in the regular education program to ensure student a free appropriate education and/or special services and aids that are needed. The plan shall include a schedule for periodic review of the student's needs. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs. (Sections E & F, below)
5. The 504 Team shall provide the parent/guardian/surrogate with a written copy of the accommodation plan and notice of procedural safeguards guaranteed by law. (Section G, below)
6. The Superintendent or designee is the District Coordinator for implementation of Section 504.

B. Eligibility

1. A disabled student eligible for services under Section 504 is one who (a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment because the student:
 - a. Has a physical or mental impairment that does not substantially limit a major life activity but is treated by the District as having such impairment, such as a student who walks with a limp;
 - b. Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such impairment;
 - c. Has no physical or mental impairment but is treated by the District as having such an impairment, such as a student who has tested positive with the HIV virus but has not physical effects from it.
2. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
3. A student may be disabled under Section 504 and this policy even if he does not require services pursuant to the Individuals with Disabilities Education Act (IDEA).

C. Referral and Identification Procedure

1. Any student may be referred by a parent/guardian/surrogate, 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 Principal or the 504 Coordinator using the 504 Referral Form.
2. The 504 Team 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.
3. The 504 Team will be composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the options for placement and services.
4. The 504 Team will consider the referral and, based upon a review of the student's existing records, including academic, social and behavioral records, consultation with the student's teacher(s), other professionals, and the parent/guardian, an analysis of the student's needs, and the parent/guardian, as appropriate to determine whether a more formal assessment under this procedure is appropriate.

D. Evaluation

Evaluation of qualified disabled students within the meaning of Section 504 and formulation of a plan for services will be carried out by the 504 Team according to the following procedures:

- a. Section 504 requires informed parental permission for initial evaluations. Prior to conducting an initial evaluation, the 504 Team shall obtain written consent from the student's parent/guardian.
- b. The 504 Team will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age or grade level) for participation in the educational program and/or activities. The 504 Team will consider the information provided by the student's classroom teacher and/or obtained through classroom observations and Student Inventions, where appropriate.
- c. The 504 Team will consider the referral and, based upon a review of the student's existing records, including academic, social and behavioral records, make a decision as to whether a more formal assessment under this procedure is appropriate. In those cases in which additional assessment is required, the additional assessments will be approved by the parent/guardian/surrogate in writing and will be conducted. If the parent/guardian/surrogate does not agree to additional assessments, the 504 Team will make its determinations based upon existing information. If a parent/guardian/surrogate request for formal assessment is denied, the 504 Team will inform the parents/guardians/surrogates of this decision and of the Procedural Safeguards as described herein. The parents/guardians/surrogates will be provided a copy of Section 504 Procedural Safeguards, which will notify the parent/guardian/surrogate of their right to request an impartial hearing related to any decision or actions regarding their child's identification, evaluation, educational program, or placement.
- d. No final determination of whether the student will or will not be identified as a qualified disabled person within the meaning of Section 504 will be made by the 504 Team without first inviting the student's parents/guardians/surrogates to participate in a meeting concerning such determination.
 - a. Prior to the 504 Team meeting, Parents/Guardian/Surrogates will be sent a Notice of 504 Team Meeting. A final decision of eligibility under Section 504 will be made by the 504 Team in writing. The 504 Team will notify the student's parents/guardian/surrogates of the procedural safeguards available to them, including the right to an impartial hearing and review, as described below, under Procedural Safeguards.

E. Accommodation plan

1. When a student is identified as disabled within the meaning of Section 504, the 504 Team shall determine what services, if any, are necessary to ensure that the

student's individual education needs are met, through adherence to nondiscriminatory practices, as adequately as are the needs of nondisabled students. The 504 Team will develop a written 504 Student Identification Report and Accommodation Plan.

2. For students who have been identified as disabled within the meaning of Section 504 and in need of reasonable modification of regular education or special education and related aids and services, the 504 Team will determine the placement of aids and services necessary to ensure that the students receive a free, appropriate education. In making this determination, the 504 Team will consider all available relevant information, drawing upon a variety of sources including, but not limited to, comprehensive assessments conducted by the District's professional staff.
3. The parents/guardians/surrogates of a qualified disabled student will be invited to participate in the 504 Team meeting where services for the student will be determined and will be given an opportunity to examine all relevant records concerning the student.
4. For each identified qualified 504 disabled student, the 504 Team will develop a written plan describing the student's disability and the reasonable accommodations that will be provided to the student to ensure their equal access to their education. The plan will specify how the modifications of regular education or special education and related aids and services will be provided to the qualified disabled student, and by whom.
5. In interpreting evaluation data and making placement decisions, the 504 Team shall draw upon a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The 504 Team shall also ensure that information obtained from all such sources is documented and carefully considered and that placement decisions are made in conformity with 34 C.F.R. section 104.34.
6. The 504 Team may also determine that a student identified as a qualified disabled person within the meaning of Section 504 does not need reasonable accommodations of regular education, special education or related aids and services. If such a determination is made, the 504 Team will document the basis for the decision that no special services are needed.
7. In all cases, a qualified disabled student within the meaning of Section 504 will be placed in the District's regular educational environment with the use of supplementary aids and services unless the District demonstrates that the education of the student in a more restrictive environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with peers who are not disabled to the maximum extent appropriate to the student's individual needs.
8. The 504 Team will complete the identification, evaluation and placement process within a reasonable time frame.

9. A copy of the student's accommodation plan shall be kept in the student's record. The student's teacher and any other staff who provide services to the student shall be informed of the plan's requirements and accommodations.

F. Review of the student's progress

1. The 504 Team will periodically monitor the progress of the qualified disabled student and the effectiveness of the plan. Any modifications to the 504 Plan will be documented in writing.
2. At least annually, the 504 Team will meet to review the 504 Accommodation Plan to determine whether the accommodations remain appropriate and necessary. Any modifications to the 504 Plan will be documented in writing. This annual review of the student's needs may occur sooner at the request of the parent/guardian/surrogate or school staff. In addition, the student's eligibility under Section 504 shall be reevaluated at least once every three (3) years.
3. Prior to any significant change in the educational placement of a qualified disabled student, the local Campus Designee (Principal) will conduct a reevaluation of the student's needs, which will be reviewed by the 504 Team.

G. Procedural Safeguards

1. Parents/guardians/surrogates 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:
 - a. Examine relevant records;
 - b. Have a review procedure;
 - c. Have an impartial hearing with an opportunity for participation by the parents/guardians/surrogates and their counsel at their own expense.
2. Parent/guardian notifications shall also set forth the procedures for requesting a hearing over any disagreement with the District's proposed action, the name, address and telephone number of the person to whom the request should be made, the right to be represented by counsel in the impartial hearing process, the right to appeal the impartial hearing officer's decision, and the fact that reimbursement for attorney's fees is available only as authorized by law. Notifications shall also include the right to have an evaluation that draws on information from a variety of sources, to be informed of any proposed actions related to eligibility and plan for services, the right to periodic evaluations and an evaluation before any significant change in program/services is made.

3. If a parent/guardian/surrogate disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may initiate the following procedures:
 - a. The parent/guardian/surrogate shall request a 504 Team meeting to resolve the concern.
 - b. If the concern is unable to be resolved in a 504 Team meeting, then the parent/guardian/surrogate shall set forth in writing his/her disagreement and request that the 504 Coordinator (who is the District's Director of Special Education) review the 504 Accommodation Plan in an attempt to resolve the disagreement. The 504 Coordinator shall review the 504 plan, the Student's education records and meet with the parent/guardian/surrogate to discuss their concern. The Superintendent may attend the meeting at the request of either the 504 Coordinator or the Parent. The 504 Coordinator shall then notify the Parent in writing of the District's response to the concern.
 - c. If the parent/guardian/surrogate remains unsatisfied with the District's response, the Parent may within 60 calendar days of notice of the decision(s) with which they disagree, request an impartial hearing. The parent and student may take part in the hearing before an impartial hearing officer and have an attorney represent them at their own expense. The impartial hearing officer will be selected by the District. Parents also have the right to appeal the decision of the hearing to a court of competent jurisdiction. Hearing requests must specify the nature of the dispute and be made in writing to the District's Director of Special Education. The request for hearing shall include:
 - (1) The specific nature of the decision with which the parent/guardian/surrogate disagrees;
 - (2) The specific relief the parent/guardian/surrogate seeks;
 - (3) Any other information the parent/guardian/surrogate believes pertinent.
 - d. Within thirty (30) school days of receiving the parent/guardian/surrogate's request for a hearing before an impartial hearing officer, the 504 Coordinator, or designee shall select an impartial hearing officer. This thirty (30) day period may be extended for good cause. To ensure impartiality, such officers shall not be employed or under contract with the District in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.
 - e. Within forty-five (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 forty-five (45) day period may be extended for good cause. The 504 Coordinator or designee shall represent the District at this hearing.

- f. Any party to the hearing shall be afforded the right to:
 - (1) Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students who are qualified as disabled under Section 504;
 - (2) Present written and oral evidence;
 - (3) Question and cross-examine witnesses;
 - (4) Receive written findings by the hearing officer.
- g. If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.
- 4. The 504 Coordinator or designee shall ensure that the District has taken appropriate steps to notify students and parents/guardians of the District's duty under Section 504. (34 C.F.R. section 104.32)

H. Recording 504 Team Meetings

- 1. A parent, guardian, or the District has the right to audio record a team meeting for a student held pursuant to Section 504 of the federal Rehabilitation Act of 1973. In order to audio record the meeting, the parent or guardian or the District shall notify the other of their intent to audio record the meeting at least 24 hours before the meeting. If the District initiates the notice of intent to audio record a meeting and the parent or guardian objects or refuses to attend the meeting because it will be audio recorded, then the meeting shall not be audio recorded.

Legal Reference:

Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. section 794
34 C.F.R. sections 104.3, 104.32, 104.33, 104.34, 104.35, 104.36, 104.7, 300.1 *et seq.*
Education Code section 270

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