

BOARD POLICY 6164.6: Identification and Education Under Section 504
Comparison Chart
 Section: Instruction

SUMMARY OF UPDATE

Summary of Update: Policy updated to add requirement to address the needs of students with disabilities in the district's local control and accountability plan.

| PARA | Section | Sub-Section | November 18, 2014 CURRENT VERSION | December 2016 REVISED VERSION | CSBA MODIFICATIONS and/or NOTES |
|------|---------|-------------|--|---|--|
| 1 | | | <p>The Governing Board believes that all children, including children with disabilities, should have an opportunity to learn in a safe and nurturing environment. The district shall work to identify children with disabilities who reside within its jurisdiction in order to ensure that they receive educational and related services required by law.</p> | <p>The Governing Board believes that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The Superintendent or designee shall work to identify children with disabilities who reside within the jurisdiction of the district in order to ensure that they receive educational and related services required by law.</p> | <p>CSBA NOTE: The following policy and accompanying administrative regulation address the identification and education of students who may be eligible for services under the provisions of Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794; 34 CFR 104.1-104.39). Pursuant to 34 CFR 104.33, eligible students are entitled to a free appropriate public education (FAPE) which is designed to meet the student's individual educational needs as adequately as the needs of students without disabilities are met. Enforcement of Section 504 requirements is the responsibility of the U.S. Department of Education's Office for Civil Rights (OCR), which monitors districts' policies, processes, and practices to ensure legal compliance.</p> <p>A student may be identified as a student with a disability under Section 504 even though he/she is not identified as a child with a disability under the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482). The identification of students eligible for special education and related services under the IDEA is addressed at BP/AR 6164.4 -</p> |

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| | | | | Identification and Evaluation of Individuals for Special Education. |
| 2 | | The Superintendent or designee shall provide identified 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 nondisabled students are met. | No change | CSBA NOTE: Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (34 CFR 104.1- 104.39) prohibit discrimination on the basis of disability in district programs and activities; see BP 0410 - Nondiscrimination in District Programs and Activities. |
| 3 | | In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district’s basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. | No change | CSBA NOTE: Pursuant to 34 CFR 104.33, as interpreted by OCR in its January 2013 Dear Colleague Letter, a district's responsibility under Section 504 extends to providing students with disabilities equal opportunity to participate in extracurricular athletics and other nonacademic programs or activities that constitute the overall educational program. |
| 4 | | In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district 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. | No change | |
| 5 | | The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 | No change | CSBA NOTE: The following optional paragraph ensures the availability of hearing officers to conduct impartial hearings to resolve |

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| | | hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter. | | disagreements about the provision of FAPE, pursuant to 34 CFR 104.36. |
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