

IDENTIFICATION AND EDUCATION UNDER SECTION 504

Definitions

Free appropriate public education (FAPE) under Section 504 of the Rehabilitation Act of 1973 means the provision of either regular or special education and related aids and services, designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

504 team: a multi-disciplinary team 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 evaluation data, and the placement options.
(34 CFR 104.35)

The student's parent/guardian shall be invited to participate.

Eligibility

A student eligible to receive FAPE under Section 504 is one who (a) has a physical or mental impairment that substantially limits one or more major life activities, including learning, (b) has a record of such an impairment, or (c) is regarded as having such an impairment.
(34 CFR 104.3)

Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Examples of students with such impairments include, but are not limited to:

1. Students with a normal ability to learn but who have a mobility impairment.
2. Students with a normal ability to learn academically but who require occupational or physical therapy in order to function physically.
3. Students with emotional disabilities manifested by behavior problems which result in exclusion from classes or school.

Indications of a possible disability that significantly interferes with learning include, but are not limited to:

1. Medical conditions such as severe asthma or heart disease.
2. Temporary medical condition due to illness or accident.
3. Poor or failing grades over a lengthy period of time.

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Referral, Identification, and Evaluation

1. Any student may be referred by a parent/guardian, 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 school site principal or 504 Coordinator.
2. The school principal or 504 Coordinator shall 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. Students requiring evaluation shall be referred to appropriate evaluation specialists.

If a request for evaluation is denied, the principal shall inform the parents/guardians of this decision and of their procedural safeguards as described 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 initial placement and before any significant change in 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 based solely on a single IQ score.
- c. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual, or speaking skills unless the test is designed to measure these particular deficits.

Accommodation Plan

1. When a student is identified as disabled within the meaning of Section 504, the 504 team shall determine what services are necessary to ensure that the student's individual education needs are met as adequately as the needs of nondisabled students.

2. In making this determination, the 504 team shall consider all significant factors relating to the learning process for the student, including his/her adaptive behavior and cultural and language Instruction AR 6164.6(c)

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background. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the parent/guardian.

3. The parents/guardians shall be invited to participate in the 504 team meeting where services for the student will be determined and shall be given an opportunity to examine all relevant records.

4. The 504 team shall develop a written plan describing the disability and specifying the services needed by the student. A copy of this plan shall be kept in the student's cumulative file. The student's teacher and any other staff who provide services to the student shall be informed of the services necessary for the student, to the extent that they need to be informed in order to provide for the student in the school setting.

5. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed.

6. The disabled student shall be placed in the regular educational environment unless the district demonstrates that a more restrictive placement is required in order to meet the student's needs. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs.

7. The parents/guardians shall be notified in writing of the final decision concerning services to be provided, if any, and of the Section 504 procedural safeguards, including the right to an impartial hearing to challenge the decision.

8. The district shall complete the identification, evaluation and placement process within 60 school days.

9. The student's plan shall include a schedule for periodic review of the student's needs and indicate that this review may occur sooner at the request of the parent/guardian or school staff.

Review of the Student's Progress

1. The 504 team shall monitor the progress of the disabled student and the effectiveness of the student's plan. The team shall periodically determine whether the services are appropriate and necessary and whether the disabled student's needs are being met as adequately as the needs of nondisabled students.

2. A reevaluation of the student's needs will be conducted before any subsequent significant change in placement.

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Procedural Safeguards

Parents/guardians 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:

(34 CFR 104.36)

1. Examine relevant records.
2. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel.
3. Have a review procedure.
4. Notifications shall detail the parent/guardian's right to:
 - a. File a grievance with the district over alleged violation of Section 504.
 - b. Have an evaluation that draws on information from a variety of sources.
 - c. Be informed of any proposed actions related to eligibility and plan for services.
 - d. Receive all information in the parent/guardian's native language and primary mode of communication.
 - e. Have periodic re-evaluations and an evaluation before significant change in program/service modifications.
 - f. Have an impartial hearing if there is a disagreement with the district's proposed action.
 - g. Be represented by counsel in the impartial hearing process.
 - h. Appeal the impartial hearing officer's decision.

If a parent/guardian disagrees with decisions regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing in accordance with the following procedures:

1. Within 30 days after receipt of the district's decision with which the parent/guardian disagrees, the parent/guardian may request an administrative review of the decision. The 504 Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue. This review shall be held within 10 school days of receiving the parent/guardian's request.
2. If the parent/guardian chooses not to request an administrative review, or if the review does not resolve the issue, the parent/guardian may request in writing a Section 504 due process hearing. The parent/guardian's request for a hearing shall be made within 30 days of receiving the district's decision or within 14 days of completion of the administrative review. The request

shall include:

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- a. The specific nature of the decision with which the parent/guardian disagrees.
- b. The specific relief the parent/guardian seeks.
- c. Any other information the parent/guardian believes pertinent.

Within 20 school days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 20 school day deadline may be extended for good cause or by mutual agreement of the parties.

The 504 Coordinator shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by 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.

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.

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.

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 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 CFR 104.32)

(cf. 5145.6 – Parental Notifications)

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Regulation		CULVER CITY UNIFIED SCHOOL DISTRICT
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