

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

Board Policy No. 6024: STUDENTS WITH DISABILITIES UNDER SECTION 504 OF THE
FEDERAL REHABILITATION ACT OF 1973

A. Identification And Education 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 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.
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.
3. To evaluate the student's eligibility under Section 504, the Superintendent or designee shall convene a Student Study 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 Student Study Team.
4. If the student is found to have a disability that requires services under Section 504, the 504 Student Study 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 Team shall determine what modifications and/or special services and aids are needed. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs.
5. The Student Study Team shall provide the parent/guardian/surrogate with a written copy of the accommodation plan and notice of procedural safeguards guaranteed by law.
6. The Superintendent or designee is the coordinator of 504 activities.

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.
2. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

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 School 504 Administrator/designee using the 504 Referral Form.
2. The 504 Student Study 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 Student Study 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 Student Study Team will consider the referral and, based upon a review of the student's existing records, including academic, social and behavioral records, made a decision as to whether a more formal assessment under this procedure is appropriate.

D. Evaluation

1. 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 Student Study Team according to the following procedures:
 - a. The 504 Student Study 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 Student Study Team will consider the information provided in the 504 Classroom Assessment and the 504 Student Inventions.
 - b. The 504 Student Study 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 where 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 Student Study 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 Parent/Guardian/Surrogate Rights and Appeal Procedures.

- c. 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 Student Study Team without first inviting the student's parents/guardians/surrogates to participate in a meeting concerning such determination.
- d. Prior to the 504 Student Study Team meeting, Parents/Guardian/Surrogates will be sent a Notice of 504 Student Study Team Meeting. A final decision of eligibility under Section 504 will be made by the 504 Student Study Team in writing. The 504 Student Study 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 Student Study 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 the needs of nondisabled students. The 504 Student Study Team will develop a 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 Student Study 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 Student Study 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 Student Study Team will develop a written plan describing the student's disability and the reasonable accommodation. 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. The 504 Student Study 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 Student Study Team will document the basis for the decision that no special services are needed.

6. 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 a more restrictive placement is required in order to meet the individual educational needs of the student.
7. Qualified disabled students under Section 504 will be educated with non-disabled students to the maximum extent appropriate.
8. The school site will complete the identification, evaluation and placement process within a reasonable timeframe.

F. Review of the Student's Progress

1. The 504 Student Study Team will monitor the progress of the qualified disabled student and the effectiveness of the plan. Any modifications to the 504 Plan will be reflected in the Subsequent to the Implementation of the 504 Plan.
2. At least annually the 504 Student Study Team will meet to review the 504 Accommodation Plan to determine whether the accommodations remain appropriate and necessary and use the Annual Evaluation of 504 Accommodation Plan.
3. Prior to any significant change in the educational placement of a qualified disabled student, the local will conduct a reevaluation of the student's needs, which will be reviewed by the 504 Student Study 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.
2. Notifications shall also set forth the procedures for requesting a hearing, the name, address and telephone number of the person with whom the request should be made, and the fact that reimbursement for attorney's fees is available only as authorized by law.
 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. Within 30 calendar days of receiving the student's accommodation plan, a parent/guardian/surrogate may set forth in writing his/her disagreement and request that the school principal review the 504 Accommodation Plan in an attempt to resolve the disagreement. This review shall be held within 14 schooldays of receiving the parent/guardian/surrogate's request, and the parent/guardian/surrogate shall be invited to attend the meeting at which the review is conducted.
- b. If disagreement continues, a parent/guardian/surrogate may request in writing that the District 504 Coordinator review the 504 Accommodation Plan. This review shall be held within 14 school days of receiving the parent/guardian/surrogate's request, and the parent/guardian/surrogate shall be invited to meet with the Superintendent or designee to discuss the review.
- c. If a disagreement continues, a parent/guardian/surrogate may request in writing a Section 504 due process hearing before an impartial hearing officer. The request 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.
4. Within 20 school days of receiving the parent/guardian/surrogate's request, the 504 Coordinator shall select an impartial hearing officer. This 20 days may be extended for good cause or by mutual agreement of the parties.
5. Within 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. The 45 days may be extended for good cause or by mutual agreement of the parties. The Superintendent or designee shall represent the district at this hearing.
6. Any party to the hearing shall be afforded the right to:
 - a. 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.
 - b. Present written and oral evidence.
 - c. Question and cross-examine witnesses.
 - d. Receive written findings by the hearing officer.
7. If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Date Policy Adopted By The Board: October 8, 2002