

**IDENTIFICATION AND EDUCATION UNDER SECTION 504**      **8200-R (AR 6164.6)**

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

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**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 his or her parent or 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, who has a record of such an impairment, or who is regarded as having such an impairment. (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 himself or herself, 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 includes 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)

### Referral, Identification, and Evaluation

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent or guardian, teacher, other school employee, educational monitoring team, or community agency may refer a student to the principal or designee or to the District 504 Coordinator for identification as a student with a disability under Section 504.
2. Upon receipt of any such referral, the principal, designee, 504 Coordinator, or other qualified individual with expertise in the area of the student’s suspected disability shall consider the referral 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 teachers, other professionals, and the parent or guardian, as appropriate; and analysis of the student’s needs.

If it is determined that an evaluation is unnecessary, the principal, designee, or 504 Coordinator shall inform the parents or 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 district shall conduct an evaluation of the student prior to his or her initial 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 or guardian consent.

The district's evaluation procedures shall ensure that the 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 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 his or her 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 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) including an administrator, a school counselor, one or more of the student's teachers, other program staff as appropriate (e.g., nurse, psychologist, social worker, Regional Occupational Program instructor), parents or guardians, and the student.

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 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

The parents or 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 or guardian shall be informed in writing of his or her 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 district 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 his or her individual needs. (34 CFR 104.34)
5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame, generally not later than 60 days following consent to assess.
6. A copy of the student's Section 504 services plan shall be kept in his or her student record. The student's teachers 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 the district, the principal or designee at the school from which the student is transferring shall ensure that the principal 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 services 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 Superintendent or designee shall notify the parents or guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. The Superintendent or designee also shall notify the parents or guardians of all the procedural safeguards available to them if they disagree with the district'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 or guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his or her child under Section 504, he or she 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 or guardian may, at his or her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The 504 Coordinator shall designate an appropriate administrator to meet with the parent or guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent or guardian's request. If the parent or guardian is not satisfied with the resolution of the issue, or if the parent or guardian did not request an administrative review, he or she 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 or guardian shall submit a written request to the 504 Coordinator within 30 days of receiving the district'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 he or she disagrees;
  - b. The specific relief he or she seeks;
  - c. Any other information he or she believes is pertinent to resolving the disagreement.
2. Within 30 days of receiving the parent or guardian's request, the Superintendent or designee and 504 Coordinator 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.

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 or guardians of the district's duty under Section 504. (34 CFR 104.32)

#### Procedures for Implementing Section 504 Plans in Regional Occupational Programs

The District is committed to providing a FAPE in regional occupational programs ("ROP") to District students who have disabilities within the meaning of Section 504. The District shall ensure Section 504 students will not be denied the benefits of, excluded from participation in, or otherwise subjected to discrimination in ROP courses because of the absence of accommodations, aids, or services designed to meet their individual educational needs. A student with a disability may be entitled to implementation of their Section 504 Plan, and other accommodations, aids, or services in ROP provided courses. The student's Section 504 Team, which includes an ROP Instructional Administrator, is responsible for implementing a student's Section 504 Plan and/or any other appropriate accommodations, aids, or services in ROP provided courses.

#### Provision of 504 Accommodations to Students in ROP Courses

The application for an ROP course will identify whether a student has a Section 504 plan. When a student with a Section 504 Plan applies for an ROP course, the school's Career Guidance Specialist ("CGS") shall notify the student's 504 case carrier. The student's 504 case carrier and ROP Instructional Administrator will promptly meet with student and/or parent to (1) review the accommodations, aids, or services contained in student's Section 504 Plan, (2) review the requirements of the ROP Course, and (3) determine whether additional accommodations, aids, or services may need to be discussed by the Section 504 Team.

If the student may require additional accommodations, aids, or services considering the course requirements, the student's 504 case carrier will promptly schedule and convene a Section 504 Team meeting, which will include an ROP Instructional Administrator, for the following reasons:

1. Review the current accommodations, aids, or services to determine whether student's current Section 504 Plan will meet student's needs in the ROP course.
2. Review the ROP course description and the requirements associated with the course.
3. Discuss additional accommodations, aids or services that may be necessary to allow student access to participate in the ROP course.
4. Document all decisions regarding implementation of the Section 504 Plan and/or other accommodations, aids, and services in the ROP course.
5. If the Section 504 Team determines that the student can participate in the ROP course with the Section 504 Plan, the following will occur:
  - a. The decision will be discussed with the student and documented in student's Section 504 Plan. District will provide Student a copy of the Section 504 Plan and a copy of the Section 504 procedural safeguards.
  - b. Prior to the start of the ROP course, the CGS or guidance counselor shall provide copies of student's Section 504 Plan to all personnel responsible for implementing the plan.
  - c. Prior to the start of the ROP course, ROP's Instructional Administrator shall provide copies of student's Section 504 Plan to all ROP personnel responsible for implementing the plan.

- d. The student's Section 504 Plan will be implemented the first day of the ROP course. If it is determined that the student's Section 504 Plan cannot be implemented at the start of the ROP course, the ROP Instructional Administrator will inform the student in writing of the projected timeframe for implementation.
- 6. If the Section 504 Team determines that student cannot participate in the ROP course with the current Section 504 Plan, with alternative accommodations, aids, or services discussed by the Section 504 Team, and/or with the accommodations, aids and services requested by student, the following will occur:
  - a. The reasons for the Section 504 Team's determination that the student cannot participate in the ROP course will be discussed with the student and documented in the notes section of the student's Section 504 Plan. District shall provide Student a copy of the Section 504 Plan and meeting notes and a copy of the Section 504 procedural safeguards, which shall include these procedures.
  - b. If changes to the Section 504 Plan, including accommodations, aids, or services requested by student, are not possible, the Section 504 Team will explore with the student alternative ROP courses that could reasonably implement student's Section 504 plan.
  - c. If the Section 504 Team offers to modify Student's Section 504 Plan with accommodations, aids, or services other than those requested by Student, the Section 504 Team will document the offered alternatives and Student's acceptance or rejection of the alternatives offered.

#### Dispute Resolution

If a student disagrees with the Section 504 Team's determination regarding implementation of their Section 504 Plan and/or other accommodations or auxiliary aids and services, the student may pursue Procedural Safeguards set forth in the District's Section 504 Policy or file a complaint with the Office of Civil Rights.

The ROP will participate in the District's investigation and resolution of any dispute regarding implementation of a Section 504 Plan and/or any other accommodations, aids, or services in an ROP course.