Claremont USD
Board Policy
Identification and Education Under Section 504

BP 6164.6
Instruction

The Claremont Unified School District recognizes its legal responsibility to ensure that “no qualified person with a disability shall, on the basis of disability, be excluded from participation, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance” (Section 504 of the Rehabilitation Act of 1973). The Claremont Unified School District has developed procedures that ensure the implementation of Section 504, as amended, which pertains to public schools. The purpose of these procedures is to make certain that all students with disabilities, who are eligible under Section 504, have access to a free, appropriate public education (FAPE). Section 504 defines a person with a disability as anyone who:

Has a mental or physical impairment that substantially limits one or more major life activity (major life activities include but are not limited to activities such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working).

No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in our school system. Our schools have specific responsibilities under the Rehabilitation Act of 1973 to all students residing within the District, which include the responsibility to identify, evaluate and, if the student is determined eligible under Section 504, to afford access to appropriate accommodations. Such students classified as disabled shall receive appropriate educational services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

If the parent or guardian disagrees with the determination made by the professional staff conducting the 504 evaluation, s/he has a right to a hearing with an impartial hearing officer. All inquiries should be sent to the Student Services office to ensure that this policy and set of procedures are implemented.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 5141.24 - Administering Medication and Monitoring Health Conditions)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
Legal Reference:

EDUCATION CODE
49423.5 Specialized physical health care services
CODE OF REGULATIONS, TITLE 5
3051.12 Health and Nursing Services
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
794 Rehabilitation Act of 1973, Section 504
CODE OF FEDERAL REGULATIONS, TITLE 34
104.1-104.61 Nondiscrimination on the basis of handicap, especially:
104.1 Purpose to effectuate Section 504 of the Rehabilitation Act of 1973
104.3 Definitions
104.33 Free appropriate public education
104.35 Evaluation and placement
104.36 Procedural safeguards
COURT DECISIONS

Management Resources:
CSBA PUBLICATIONS
Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, November 2007
CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007
U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office for Civil Rights:
http://www.ed.gov/about/offices/list/ocr/index.html?src=mr

Adopted: October, 2011
Claremont, Ca