



**ADMINISTRATIVE PROCEDURE**  
SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 6025

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CATEGORY: **Students, Welfare**

EFFECTIVE: **8-23-93**

SUBJECT: **Students Eligible for Services Under Section 504 of the Rehabilitation Act of 1973**

REVISED: **09-24-2007**

**A. PURPOSE AND SCOPE**

1. To outline procedures governing the identification, evaluation, and provision of a free, appropriate public education to students who are eligible for services under Section 504 of the Rehabilitation Act of 1973. Students who, because of actual disability or disabilities, are eligible for special accommodations or related aids are covered under this procedure. Students eligible for special education under the Individuals With Disabilities Education Act (IDEA) (20 U.S.C. Sections 1400 *et seq.*) are covered under Procedure 4230.
2. **Related Procedures:**

Nondiscrimination on the basis of disability .....	0108
Individuals with exceptional needs .....	4230
Suspension .....	6290
Expulsion .....	6295

**B. LEGAL AND POLICY BASIS**

1. **Reference:** Board policy: A-3500, F-2520, F-2530, F-2594; Section 504 of the Rehabilitation Act of 1973, 34 Code of Federal Regulations Part 104.

**C. GENERAL**

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Mental Health Resource Center, Office of the Associate Superintendent, Parent, Community and Student Engagement.
2. **Definitions**
  - a. Individual with a disability (under Section 504 of the Rehabilitation Act of 1973): Any person who (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such impairment; or (3) is regarded as having such impairment.
  - b. **Major life activities:** Functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, breathing, learning, speaking, and working.

- c. **Evaluation:** Administration of tests or other evaluation materials, or a review of formal and informal assessment data to determine student eligibility under the meaning of Section 504 of the Rehabilitation Act of 1973 ("Section 504").
  - d. **The 504 Individualized Service Plan (ISP) (504/ISP):** A written statement which identifies the accommodations or related aids and services needed by the eligible student and the person who will provide the services or modifications.
  - e. **Student Study Team (SST):** The site student study team or the site 504 committee, composed of teachers, an administrator, and support personnel who are knowledgeable about the student, the meaning of the evaluation data, and placement and service options.
  - f. **Free, appropriate public education:** The provision of regular or special education and related aids or services, at no cost to the individual with a disability, or his/her parents/guardians, designed to meet individual education needs.
3. **Intent**
- a. It is the intent of the San Diego Unified School District to identify, evaluate, and provide a free, appropriate public education to each student within its jurisdiction who is a an individual with a disability within the meaning of Section 504, regardless of the nature or the severity of the student's disability.
  - b. It is further the intent of the district to ensure that students who are disabled within the meaning of Section 504 are identified, evaluated, and provided with the required appropriate education (i.e., regular or special education and related aids and services that are designed to meet the needs of each individual with a disability as adequately as the needs of nondisabled persons are met).
4. **Identification and Referral.** Students who, because of disability, need, or are believed to need special accommodations or related aids and services not available through existing programs in order to receive an appropriate public education, may be referred by a parent, guardian, teacher, or other certificated school employee for identification and evaluation of the student's individual education needs to the site 504 coordinator (D.1. and D.2.). The site 504 coordinator will present the referral to the SST.

## 5. **Evaluation**

- a. SST will conduct an evaluation of the student and the impact of the disability upon his/her education. The SST Team will obtain and review current, complete and reliable information on the student's educational, psychological, medical, and/or social/emotional history and status that is sufficient to (a) fully and accurately identify the nature and extent of any disabilities the student may have and (b) determine the services, if any, that are necessary and appropriate for the student's individual needs. This evaluation will include consideration of any behaviors that interfere with the regular participation of a student who otherwise meets the criteria for participation in the educational program and/or activities.
- b. No final determination of whether the student is an individual with a disability under Section 504 will be made by the SST without first inviting the student's parent/guardian to participate in a meeting concerning eligibility.
- c. A final decision will be made by the SST in writing. SST will notify the student's parents/guardian of the procedural safeguards available to them, including the right to an impartial hearing and review, as described in C.8.

## 6. **Plan for Services**

- a. For students who have been identified as an individual with a disability, and are in need of accommodations or related aids and services, the SST will, within a reasonable time, determine the services necessary, if any, to ensure that the students receive a free, appropriate public education. In making this determination, the SST will consider all available relevant information, drawing upon a variety of sources including, but not limited to, comprehensive assessments conducted by the district professional staff.
- b. Parent/guardian of a student identified as an individual with a disability will be invited to participate in the SST meeting, where services for the student will be determined, and will be given an opportunity to examine in advance relevant records concerning their child.
- c. SST will develop a written plan describing the student's disability and the accommodations or related aids and services needed. The plan will specify how the accommodations and related aids and services will be provided to the qualified disabled student, and by whom. District personnel who work with the student will be informed of the plan.

- d. SST may also determine that a student identified as an individual with a disability under Section 504 does not need accommodations or related aids and services. If such a determination is made, the SST will document the basis for the decision.
- e. A student identified as an individual with a disability under Section 504 will be placed in the regular educational environment unless the SST determines that a more restrictive placement is required to meet the individual educational needs of the student. A student identified as an individual with a disability will be educated with nondisabled students to the maximum extent appropriate to the needs of the student.
- f. SST will provide the parent/guardian of each student identified as an individual with a disability with written notice of its final decision concerning the services to be provided to the student.

**7. Reevaluation of the Student's Progress**

- a. SST will annually monitor the progress of the student identified as an individual with a disability to determine the appropriateness of the accommodations and related services.
- b. Prior to any significant change in the educational placement of a student identified as an individual with a disability, an evaluation of the student must be conducted.

**8. Procedural Safeguards**

- a. Parents/guardians shall be notified in writing of all decisions concerning the identification, evaluation, or educational placement of their child made under this procedure. Parents/guardians shall have the right to review relevant records. Records may be reviewed at the school site or at the district office. As part of the notification of any district decision concerning the identification, evaluation or placement of their child, the parents/guardians will be advised of the right to appeal the decision. The notification will set forth:
  - (1) The procedures for filing a request for an impartial hearing.
  - (2) The title of the person to whom they shall make any such request and his/her address and telephone number.

- b. Parents/guardians may appeal decisions made by the district relating to any of the following:
  - (1) Identification of the student as an individual with a disability.
  - (2) Evaluation procedures utilized with the student.
  - (3) Educational placement services recommended for the student.
- c. A written appeal must be filed with the district's Section 504 Officer within thirty (30) days of the date the appellant was served notice of the decision of the district. The appeal must specify the decision that is being appealed, the relief sought, and any other information the appellant believes will assist in understanding the appeal.
- d. Within twenty (20) calendar days of receipt of a written appeal and request for hearing, the district's Section 504 Officer will identify an impartial hearing officer. A hearing officer identified by the district must satisfy the following requirements:
  - (1) Be qualified to review district decisions relating to Section 504 of the Rehabilitation Act.
  - (2) Be impartial and unbiased.
  - (3) Not be an employee of, or under contract with, the district in any capacity other than that of a hearing officer in the past three years, or by any cooperative program in which the district participates, or by any other agency or organization that is directly involved in the diagnosis, education, or care of the student, or who in any other way has a professional or personal involvement that would affect his/her objectivity in the case.
- e. Either party to the hearing may request the hearing officer to grant a continuance. The continuance may be granted upon a showing of good cause or by agreement of the parties.
- f. Any party to the hearing shall be afforded the following rights:

- (1) The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are individuals with a disability under Section 504.
  - (2) The right to present evidence, including documents and witnesses.
  - (3) The right to question and cross-examine witnesses.
  - (4) The right to written findings of fact, conclusions of law, and decisions prepared by the hearing officer.
- g. Where a State Fair Hearing has been held under IDEA concerning issues relevant to the Section 504 due process proceeding, the hearing officer shall, at the request of either party, accept into the record as evidence, copies of the transcript of testimony and documents submitted in the State Fair Hearing. The Section 504 hearing officer shall then provide opportunity for the submission of additional evidence by the parties that is relevant to a determination of the issues under Section 504. The Section 504 hearing officer's jurisdiction shall be limited to Section 504 issues and shall not extend to a determination of eligibility for special education or special education assessment or placement under IDEA.
- h. If the parents/guardians and the district both agree that the student is not eligible for special education under the IDEA, neither party is required to exhaust administrative proceedings under IDEA prior to the holding of a Section 504 hearing.
- i. Within forty-five (45) calendar days of the selection of the hearing officer, excluding the days of any continuance, the hearing on the appeal shall be conducted and a written decision mailed to all parties.
- j. The parties shall abide by the decision of the Section 504 hearing officer unless the decision is appealed to a court of competent jurisdiction and the decision is stayed, revised or reversed by the court.

## **D. IMPLEMENTATION**

### **1. Principal or designee**

- a. Identifies site 504 coordinator.

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- b. Convenes Student Study Team (SST) after student evaluation or data has been gathered.
  2. **Site 504 coordinator**, upon receipt of referral from parent/guardian, student, or staff member:
    - a. Sends notice of intent to evaluate the student to the parent/guardian, inviting the parent to the site SST and providing information on due process rights.
    - b. Coordinates gathering of student data (C.3.d).
  3. **Student Study Team**
    - a. Reviews (together with parent/guardian, if in attendance) all relevant data, including previous formal evaluation results.
    - b. If necessary, conducts additional formal or informal evaluation.
    - c. Makes determination as to whether student is eligible for services within the meaning of Section 504; completes Section 504/ISP Referral Form. If student is determined to be eligible under Section 504, develops a 504 Individualized Service Plan (ISP) for student including a description of the modifications and/or special aids or services proposed for student.
    - d. Notifies parent/guardian and all concerned parties (e.g., teacher, counselor, nurse) of determination and the 504/ISP by sending notice of Section 504 placement letter and a copy of the 504/ISP.
    - e. Sets a date for annual review of student's progress and placement.
  4. **Parent/guardian**, upon receipt of determination, may appeal determination by:
    - a. Contacting principal or designee to discuss and resolve concerns.
    - b. Sending written complaint within designated timelines (C.8.c.) to district 504 Officer (C.1.) if concerns are not resolved at site level after discussion with principal or designee.
  5. **District 504 Officer**
    - a. Meets with parent/guardian to discuss complaint.

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- b. If parent's/guardian's concerns remain unresolved, initiates fair hearing process within designated time lines with an impartial hearing officer (C.8.d.).
6. **Hearing officer** renders final written decision and notifies parent/guardian and district 504 Officer of decision.
7. **District 504 Officer** notifies principal or designee of final decision.

**E. FORMS AND AUXILIARY REFERENCES**

1. Section 504 Guidelines for Educators Handbook and Guideline, available from the Mental Health Resource Center, Office of the Associate Superintendent, Parent, Community and Student Engagement.

**F. REPORTS AND RECORDS**

**G. APPROVED BY**

  
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Chief of Staff  
For the Superintendent of Schools