

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION**Instruction****IDENTIFICATION AND EDUCATION UNDER SECTION 504**

The County Superintendent and County Board believe that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The County Superintendent or designee shall work to identify children with disabilities.

The County Superintendent or designee shall provide qualified students with disabilities with a free appropriate public education (FAPE) as defined under Section 504 of the Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. (34 CFR 104.33)

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the County Superintendent's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

The County Superintendent's local control and accountability plan shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the County Superintendent or designee shall assess the County Superintendent's progress in attaining the goals established for students with disabilities. (Education Code 52052, 52060)

In providing services to students with disabilities under Section 504, the County Superintendent or designee shall ensure County Superintendent compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in administrative regulation.

Adopted: 06/15/1995

Amended: 10/20/2011, 11/19/2020

Legal ReferenceEducation Code

49423.5 Specialized physical health care services

52052 Accountability; numerically significant student subgroups

52060-52077 Local control and accountability plan

56043 Special education, timelines

56321 Assessment; development of IEP; parental notifications, consent

Code of Regulations, Title 5

3051.12 Health and Nursing Services

United States Code, Title 20

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1232g Family Educational Rights and Privacy Act of 1974
1400-1482 Individuals with Disabilities Education Act

United States Code, Title 29

705 Definitions; Vocational Rehabilitation Act
794 Rehabilitation Act of 1973, Section 504

United States Code, Title 42

12101-12213 Americans with Disabilities Act

Code of Regulations, Title 28

35.101-35.190 Nondiscrimination on the basis of disability in state and local government services

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
104.32 Location and notification
104.33 Free appropriate public education
104.34 Educational setting
104.35 Evaluation and placement
104.36 Procedural safeguards
104.37 Nonacademic services
104.7 Responsible employee; grievance procedures

Court Decisions

Christopher S. v. Stanislaus County Office of Education, (2004) 384 F.3d 1205

Management Resources

CSBA Publications

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, December 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

Dear Colleague Letter and Resource Guide on Students with ADHD, July 2016
Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, October 2015
Dear Colleague Letter, January 2013
Dear Colleague Letter and Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, January 2012
Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973, September 2007

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Websites

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>

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