

# Huntington Beach Union High School District Board Policies and Administrative Regulations

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## Instruction

### Identification and Education under Section 504

The Governing Board believes that all children, including children with disabilities, should have the opportunity to learn in a safe and nurturing environment. The Superintendent or designee shall work to identify children with disabilities who reside within the jurisdiction of the district in order to ensure that they receive educational and related services required by law.

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

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, co-curricular athletics, interscholastic sports, and/or other nonacademic activities.

The district's Local Control Accountability Plan (LCAP) shall include goals and specific actions to improve student achievement and other outcomes of students with disabilities. At least annually, the Superintendent or designee shall assess the district'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 Superintendent or designee shall ensure district 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 the "Procedural Safeguards" section of the accompanying administrative regulation.

## LEGAL REFERENCE:

### EDUCATION CODE

49423.5 Specialized physical health care services

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### Identification and Education under Section 504 (continued)

- 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

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

### UNITED STATES CODE, TITLE 29

- 701 et seq.
- 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

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### Identification and Education under Section 504 (continued)

#### COURT DECISIONS

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

Policy Adopted: 11-18-97

Revised: 11-19-19