

**CLOVIS UNIFIED
SCHOOL DISTRICT****INSTRUCTION**

Alternative/Specialized Programs

**IDENTIFICATION EVALUATION, AND EDUCATION OF STUDENTS UNDER
SECTION 504 OF THE REHABILITATION ACT OF 1973**

PURPOSE: To address the identification, evaluation, and education of students under Section 504 of the Rehabilitation Act of 1973.

It is the intent of the District to identify, evaluate, and provide a free, appropriate public education to each student with a disability within its jurisdiction regardless of the nature or severity of the disability. It is the further intent of the District to ensure that students who are disabled within the meaning of Section 504 of the Rehabilitation Act of 1973 (Section 504) are identified, evaluated, and provided with a free, appropriate public education, i.e., regular or special education and related aids and services that are designed to meet the educational needs of each student with a disability as adequately as the needs of students without disabilities are met.

A student with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

A student is eligible under Section 504 if his or her impairment substantially limits a major life activity, which includes but is not limited to caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, sitting, reaching, bending, reading, concentrating, thinking, writing, interacting with others, communicating, and the operation of a major bodily function.

Students may be disabled under Section 504 and this policy even though they are not eligible for special education and related services under the Individuals with Disabilities Education Improvement Act (IDEA). Students with disabilities who are identified according to the IDEA criteria (special education) are also encompassed by this policy.

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, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure District compliance with the 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.

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The District shall appoint a District 504 Coordinator to oversee the implementation of this policy and the accompanying administrative regulation.

Adopted: 03/1994

Reviewed: 04/10/07, 08/20/08, 07/27/2009

Amended: 10/22/1997, 03/24/2004, 12/06/2005, 04/27/2011, 11/18/2020 (BP 2109 renumbered as BP 6164.6)

UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974

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
104.7 Responsible employee; grievance procedures
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
104.38 Preschool and adult education

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