

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 6164.6

ADOPTED: 09/25/23

CLASSIFICATION: Instruction

SUBJECT: Identification and Education Under Section 504

The Ventura County Board of Education and County Superintendent 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 who reside within the jurisdiction of the Ventura County Office of Education (VCOE) in order to ensure that they receive educational and related services required by law.

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 federal 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.

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the VCOE's basic education program including other nonacademic activities.

The VCOE'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, VCOE staff shall assess the VCOE's progress in attaining the goals established for students with disabilities and shall report these results to the County Superintendent.

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

The County Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the VCOE in any other capacity except as hearing

officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

Legal References:

EDUCATION CODE

49423.5 Specialized physical health care services
56043 Special education, timelines
56321 Notice of parental rights; consent of parents

CODE OF REGULATIONS, TITLE 5

3051.12 Health and nursing services

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 disability
104.3 Definitions
104.32 Location and notification
104.33 Free and appropriate public education
104.34 Educational setting
10.435 Evaluation and placement
104.36 Procedural safeguards
104.37 Nonacademic services
104.7 Designation of responsible employee for Section 504

UNITED STATES CODE, TITLE 29

705 Definitions; Vocational Rehabilitation Act

COURT DECISION

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