

# ~~MODESTO CITY SCHOOLS~~

## ~~Board Policy~~

~~BP 6164.6~~

### ~~STUDENTS~~

#### ~~Identification, Evaluation and Education of Students Who are Qualified Disabled Persons as Defined in Section 504 of the Rehabilitation Act of 1973~~

### ~~DEFINITIONS~~

A. ~~Section 504~~ No otherwise qualified person with disabilities shall, solely by reason of his/her disability, be excluded from participation in, denied the benefits of, or be subjected to discrimination in any school program.

- ~~1. Individuals with physical or mental impairments that substantially limit one or more major life activities, including learning, are eligible to receive general or special education and related aids and services designed to meet their needs as adequately as the needs of nondisabled students are met.~~
- ~~2. Education is a major life activity under Section 504.~~
- ~~3. Attention deficit disorder and attention deficit hyperactivity disorder have been identified by the Office for Civil Rights as potential disabling conditions under Section 504.~~
- ~~4. Students requiring assessment must be evaluated in all suspected areas of disability to determine if a student is a student with a disability under Section 504 prior to a placement meeting.~~

~~To evaluate the student's eligibility under Section 504, a Student Success/504 Team meeting will be held. This team of professionals shall be knowledgeable about the student's individual needs and school history. The meaning of evaluation data and placement options shall be considered. The student's parent/ guardian will be invited to participate in this meeting.~~

**BP 6164.6 (a)**

**STUDENTS**

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- 5. ~~If a student is found to have a disability that requires services under Section 504, the Student Success/504 Team shall develop a written 504 plan for the student. Upon reviewing the nature of the disability and how it affects the student's education, the Team shall determine what modifications and/or special services and aids are needed. The student shall be educated with nondisabled students to the maximum extent appropriate to the student's individual needs.~~
  
- B. ~~A pupil who is eligible for special education services under IDEA must qualify as disabled under P.L. 94-142, Education Code, and Special Education Local Plan Area (SELPA) definitions. A student may also be eligible for special education services if he/she qualifies as disabled under Section 504.~~
  
- C. ~~"Appellant" means the person or entity initiating an appeal.~~
  
- D. ~~"Days" means working days.~~
  
- E. ~~"District" means the Modesto City Schools District.~~
  
- F. ~~"Employee" means a person who is on the payroll of the District.~~
  
- G. ~~"Student" means a person enrolled in one of the schools operated by the District.~~

**BP 6164.6 (b)**

**STUDENTS**

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Legal Reference:

**EDUCATION CODE**

~~49423.5 Specialized physical health care services~~

**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~~

~~1400-1487 Individuals with Disabilities Education Act~~

**UNITED STATES CODE, TITLE 29**

~~701-795A Rehabilitation Act~~

~~794 Rehabilitation Act of 1973, Section 504~~

**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~~

~~104.33 Free appropriate public education~~

~~104.35 Evaluation and placement~~

~~104.36 Procedural safeguards~~

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ADOPTED: — July 19, 1993

REVISED: — April 14, 2003