

**SECTION 504 OF THE REHABILITATION ACT OF 1973
AND AMERICANS WITH DISABILITIES ACT OF 1990
NONDISCRIMINATION OF STUDENTS WITH DISABILITIES**

The District is committed to providing equal opportunities for students in educational programs and activities without discrimination on the basis of disability.

The Board shall ensure equal opportunities for all students in admission and access to academic courses, guidance and counseling programs, athletic programs, testing, vocational education, and all other educational activities.

It is the responsibility of the District to identify and evaluate students who, because of a qualifying disability under Section 504, may be entitled to the nondiscrimination protections of Section 504 and may require regular or special education and related supports or services in order to receive a free and appropriate public education.

Students who are identified as individuals with exceptional needs under the Individuals with Disabilities Education Act (IDEA), California Education Code Section 56500 et. seq., and Title V of the California Code of Regulations are provided for under Board Policy 5182 and 6164.4(a).

Eligible Students Under Section 504

Students may be eligible for supports or services under the provisions of Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990 (“ADA”), even if they do not require services under IDEA. A student is entitled to a free appropriate public education under Section 504 if a multidisciplinary team determines that such student: has a physical or mental impairment that substantially limits one or more major life activities, assuming the student does not have access to any of his/her identified mitigating measures.

The Superintendent or designee shall develop Section 504 regulations and/or procedures to comply with the identification, evaluation and placement provisions of the Section 504 regulations. *See* 34 C.F.R. § 104.31- § 104.38.

The Superintendent or designee shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of a disability, need or are believed to need special instruction or related services. The system of procedural safeguards shall include the right to notice of proposed or refused actions, an opportunity for the parents or guardians of the student to examine relevant records, the right to an impartial hearing if requested, with opportunity for participation by the student’s parents or guardian and/or representation, if so desired, and a review procedure.

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Students who may require supports or services under Title II of the Americans with Disabilities Act of 1990 that are not otherwise appropriately addressed under the IDEA or Section 504 can address those individualized concerns with the District's ADA Compliance Officer.

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 et seq. Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act of 1973

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

104.35 Evaluation and placement

104.36 Procedural safeguards

Policy

Adopted: August 18, 1997

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Revised: June 8, 2016

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California