SECTION 504 ADMINISTRATIVE REGULATIONS
FOR
Mission View Public

A. Section 504 Coordinator

Site Administrator – principal@missionview.org

Canyon Country
18523 Soledad Canyon Road
Canyon Country, CA 91351
661.388.2654

Citrus
26334 Citrus Street
Valencia, CA 91355
661.874.1341

B. Definitions (34 CFR 104.3)

1. Individual with a Disability under Section 504 is an individual who:

   a. has a physical or mental impairment that substantially limits one or more major life activities;
   b. has a record of such an impairment; or
   c. is regarded as having such an impairment.

2. Major Life Activities means functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

3. Physical or Mental Impairment means

   a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or

   b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

4. Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

5. Is regarded as having an impairment means

a. An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

b. Being regarded as having an impairment shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

6. Evaluation means procedures used to determine whether a student has a disability as defined within these Procedures, and the nature and extent of the services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to, or procedures used with, all students in a school, grade or class.

7. 504 Plan is a plan developed to identify and document the student's needs for regular or special education and related aids and services for participation in educational programs, activities, and school–sponsored events.

8. Free Appropriate Public Education ("FAPE") is the provision of regular or special education and related aids and services that are designed to meet the individual needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

C. Referral, Assessment, and Evaluation Procedures (34 CFR 104.35)

1. Each school will evaluate any student who, because of disability, needs or is believed to need special education and/or related aids and services under Section 504.

2. A student may be referred by a parent/guardian, teacher, other school employee or community agency, to the Section 504 Coordinator for consideration as to whether the student qualifies as a student with disabilities under Section 504. Requests for evaluation shall be made in writing, and a copy of said request will remain in the student's file regardless of the final determination. This referral should be made to the Section 504 Coordinator who will convene a 504 Team.

3. The school has the responsibility to ensure that students with disabilities are evaluated. Therefore, it is important that students who are or may be disabled are referred to the Section 504 Coordinator so that the assessment process is initiated.

4. The 504 Team convened by the Section 504 Coordinator will be composed of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

5. The 504 Team shall consider the referral and determine what assessments are needed in all suspected areas of disability to evaluate whether the student is a student with a

disability under Section 504 and what special needs the student may have. The decision regarding what assessments shall be undertaken shall be based on a review of the student's school records (including academic, social and behavioral records), any relevant medical records, and the student's needs. Students requiring assessment shall be provided appropriate assessments administered by qualified assessment specialists.

6. The 504 Team will consider the following information in its evaluation of the student:

   a. Tests and other evaluation materials that have been validated for the specific purpose for which they are used and are administered by trained personnel;

   b. Tests and other evaluation materials including those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

   c. Tests are selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

7. The evaluation of the student must be sufficient for the 504 Team to accurately and completely describe: (a) the nature and extent of the disabilities; (b) the student's special needs; (c) the impact upon the student's education; and (d) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education. All significant factors relating to the learning process for that student, including adaptive behavior and cultural and language background, must be considered. The evaluation may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, and data offered by the student's teachers and parent/guardian.

8. The parents/guardians shall be given an opportunity to examine assessment results and all other relevant records.

9. If a request for evaluation is denied, the 504 Team shall inform the parents/guardians in writing of this decision and of their procedural rights as described below.

D. <u>504 Plan</u>

1. When a student is identified as disabled within the meaning of Section 504, the 504 Team shall determine what, if any, services are needed to ensure that the student receives a FAPE.

2. For each identified disabled student, the 504 Team will develop a 504 Plan describing

the student's disability and the regular or special education and/or related aids and services needed. The Plan will specify how the special education and/or related aids and services will be provided to the disabled student and by whom. The 504 Plan will also identify the person responsible for ensuring that all the components of the Plan are implemented.

3. The student's teacher and any other staff who are to provide services to the student or who are to make modifications in the classroom for the student shall be informed of the services or modifications necessary for the student and, if appropriate, provided a copy of the 504 Plan. A copy of this plan shall be kept in the student's cumulative file in a manner that limits access to those persons involved in the 504 process and/or the provision of services and modifications.

4. The disabled student shall be placed in the regular education environment unless it is demonstrated that the student's needs cannot be met in the regular education environment with supplementary aids and services. The disabled student shall be educated with students who are not disabled to the maximum extent appropriate to his/her individual needs.

5. The referral, assessment, evaluation and placement process will be completed within a reasonable time, which will generally be sixty (60) days or less (excluding holidays).

6. The parents/guardians shall be notified in writing of the final decision concerning the student's identification as a person with disabilities, the educational program and services to be provided, if any, and of the Section 504 procedural safeguards.

7. If the 504 Team determines that the student is disabled but that no special services are necessary for the student, the 504 Plan shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed.

8. The 504 Plan shall include a schedule for annual review of the student's needs and indicate that this review may occur more frequently at the request of the parent/guardian or school staff.

9. If a student enrolls with a Section 504 Plan developed by another school, the existing plan shall be implemented and reviewed within thirty (30) to determine whether any changes need to be made.

E. Review of the Student's Progress

1. The 504 Team shall monitor the progress of the disabled student and the effectiveness of the student's 504 Plan. According to the review schedule set out in the student's 504 Plan, the 504 Team shall annually determine whether the services and modifications are appropriate.

2. A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement.

F. Procedural Safeguards (34 CFR 104.36)

1. Parents/guardians shall be notified in writing of all decisions regarding the identification, evaluation or educational placement of students with disabilities or suspected disabilities. Notifications shall include a statement of their rights to:

   a. Examine relevant records

   b. Have an impartial hearing with an opportunity for participation by the parents/guardians and their counsel

   c. Have the right to file a Uniform Complaint pursuant to school policy

   d. Seek review in federal court if the parents/guardians disagree with the hearing decision.

2. Notifications shall also set forth the procedures for requesting an impartial hearing.

3. If a parent/guardian disagrees with the identification, evaluation or educational placement of a student with disabilities under Section 504, he/she may request a hearing to initiate due process procedures. The parent/guardian shall set forth in writing his/her request for a hearing. A request for hearing should include:

   a. The specific decision or action with which the parent/guardian disagrees.

   b. The changes to the 504 Plan the parent/guardian seeks.

   c. Any other information the parent/guardian believes is pertinent.

   Requests for a hearing shall be made to the 504 Coordinator at the address listed above.

4. Within five (5) calendar days of receiving the parent/guardian's request for a hearing, the school may offer the parent/guardian an optional alternative dispute resolution process. However, the timeline for the hearing shall remain in effect unless it is extended by mutual written agreement of the parent/guardian and the school. Alternative dispute resolution options include:

   a. Mediation by a neutral third party.

   b. Review of the 504 Plan by the Section 504 Coordinator or designee.

5. Within thirty (30) days of receiving the parent/guardian's request, the Section 504 Coordinator or designee shall select an impartial hearing officer. This time period may be extended for good cause or by mutual agreement of the parent/guardian and Section 504 Coordinator. The Section 504 Coordinator may have a list of impartial hearing officers from which to choose. To ensure impartiality, the hearing officer shall not be employed by or under contract with the school or its affiliates in any capacity other than that of hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

6. Within forty-five (45) calendar days of the selection of the hearing officer, the due process hearing shall be conducted. These thirty-five (35) days may be extended for good cause or by mutual agreement of the parent/guardian and Executive Director.

7. The parent/guardian and the school shall be afforded the rights to:

   a. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the individual needs of students who are qualified as disabled under Section 504.

   b. Present written and oral evidence.

   c. Question and cross-examine witnesses.

   d. Receive written findings by the hearing officer.

8. The hearing officer shall issue a written decision within twenty (20) calendar days of the hearing.

9. If desired, either party may seek a review of the hearing officer's decision by a federal court. The hearing officer's decision shall be implemented unless the decision is stayed, modified or overturned by a court.

G. Notifications

The Section 504 Coordinator shall ensure the school has taken appropriate steps to notify students and parents/guardians of the school's duties under Section 504. (34 CFR 104.32)