

## BOARD POLICY

TITLE: Equal Opportunities For All Students      NUMBER: 5016.6

The Stony Creek Joint Unified School District is committed to providing equal opportunities for students in all educational programs and activities without discrimination based upon sex, race, age, color, religion, origin, ethnic group, sexual identity/orientation, citizenship, marital or parental status, and physical or mental disability.

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

Separate arrangements may be made for students according to sex in order to protect modesty in shower rooms and sex instruction, to adjust grading standards in physical education and athletic competition, or to accommodate the special needs of choral groups, drill teams, cheerleaders, and the like.

School staff and volunteers must be especially careful to guard against unconscious discrimination and stereotyping in instruction, guidance, and supervision.

It is the responsibility of the District to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act 1973, require regular education or special education and related aides and services in order that such students may receive the required free appropriate education.

For this policy, a student who may need special services or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities Act (formerly Education of the Handicapped Act, P.L. 94-142). Students who are identified as individuals with exceptional needs, according to the IDEA criteria, are not addressed under this policy. The needs of such students are provided for under California Education Code section 56500 et. seq.

Policy Adopted 2001  
Policy Revised 12/12/2018

## **ADMINISTRATIVE REGULATION**

### **STUDENT PERSONNEL**

#### **Equal Opportunities For All Students**

It is the policy of the Governing Board to provide a free and appropriate public education to each disabled student within the District, regardless of the nature or severity of the disability.

It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be disabled under Section 504 and thereby require program modifications in order to receive an appropriate education even though they do not require services pursuant to the Individuals with Disabilities Act (IDEA).

A free appropriate public education is the provision of regular or special education and related aides and services that are designed to meet individual educational needs of disabled students as adequately as the needs of non-disabled students are met. This definition shall be the underlying definition when referring to accommodations or modifications of services described in this policy.

#### **Identification and Referral Procedures**

Any student who needs or is believed to need school modifications or services not normally available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certificated school employee to the school's Student Study Team Coordinator.

The Student Study Team Coordinator will bring the referral to the school's Student Study Team (SST), which will be composed of persons knowledgeable about the student's individual needs, the student's school history, the meaning of evaluation data, and program options.

The SST will consider the referral and, based upon a review of the student's school records, (including academic, social, and behavioral records), the current strategies in place, and the student's needs, make a determination as to whether or not additional evaluation is required before a decision is made regarding eligibility under Section 504 and the need for modifications within the school setting. Students requiring further evaluation will be referred to appropriate evaluation staff.

If a request for evaluation is denied, the SST will inform the parents or guardian of this decision and of their procedural rights.

## **Evaluation**

The SST will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with the regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.

If the student is suspected of being eligible for special education pursuant to California Education Code 56000 et seq. and the Individuals with Disabilities Education Act the procedures governing special education students will be followed.

If the student is determined not to be eligible for special education but is disabled under Section 504 of the Rehabilitation Act of 1973, the SST will convene to develop a *504 Service Plan*, describing the regular education or special education and related aides and services needed by the student, and how these will be provided.

No final determination of whether the student will or will not be identified as a disabled individual within the meaning of Section 504 will be made by the SST without first inviting the parents or guardian of the student to participate in a meeting concerning such determination.

A final decision will be made by the SST in writing, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing.

## **Section 504 Service Plan**

For a student who has been identified as disabled within the meaning of Section 504, the SST shall be responsible for determining the modifications necessary for the student to benefit from his or her school program.

In developing the *504 Service Plan*, the SST shall consider all available relevant information, drawing upon a variety of sources, which may include, but no be limited to comprehensive assessments conducted by the District's professional staff.

The parents or guardian shall be invited to participate in the SST meeting where modifications for the student will be determined, and shall be given an opportunity to examine all relevant records.

The SST will develop a *504 Service Plan* which will describe the disability and the modifications needed. A copy of the plan shall be maintained in the student's cumulative file. The student's teacher, aide, and other school employees who provide service to the student shall be informed of the modifications necessary for the student, to the extent that any of these individuals need to be informed in order to provide for the student in the school setting.

If the team determines that no modifications are necessary, the *504 Service Plan* will reflect the identification of the student as a disabled person under Section 504 and will state the basis for the decision that no modifications are presently needed. The parents or guardian will be asked to sign the plan regardless of whether modifications are necessary.

A disabled student shall be placed in the regular educational environment of the District, with the use of modifications unless the District demonstrates that such a placement cannot be achieved satisfactorily. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to the individual's needs of the student.

The parents or guardian shall be notified of the Section 504 procedural safeguards, including the right to appeal the determinations of the SST.

### **Review of the Student's Progress**

The SST will monitor the progress of the disabled student and the effectiveness of the student's *504 Service Plan* annually to determine whether the accommodations are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

Prior to any subsequent significant change in placement, a reevaluation of the student's needs will be conducted.

### **Procedural Safeguards**

The parents or guardian shall be notified in writing of all District decisions concerning the identification, evaluation, and modifications made for a student under this policy.

The parents or guardian shall be notified that they may examine all student records maintained by the District.

With respect to actions regarding the identification, evaluation, and modifications for students under this policy, parents or guardian shall have the right to an impartial hearing (Section 504 Hearing) with opportunity for participation by the parents or guardian and their counsel or representative. In the notification of any District decision concerning identification, evaluation, or modifications in the school placement, the parents or guardian will be advised that:

- (1) A request for a Section 504 Hearing must be filed in writing to the Section 504 Coordinator and shall include:
  - (a) Specific nature of the decision(s) made by the District of which the appellant disagrees;
  - (b) The specific relief the appellant is seeking through the appeal procedures; and

- (c) Any other information the appellant believes will assist in understanding the appeal
- (2) The hearing will be conducted in accordance with the “Procedural Safeguards: Section 504 of the Rehabilitation Act – Hearing Procedures”. The decision of the impartial Hearing Officer may be appealed only to a court of competent jurisdiction. The parties shall abide by the decision of the Section 504 Hearing Officer unless appealed and the decision is stayed by the court.

If parents, students, or any adult on behalf of students feel discrimination has occurred based upon physical or mental disability, but is not directly related to identification, evaluation, and/or modifications for a student, they may file a discrimination complaint with the Office of Civil Rights, U.S. Department of Education.

## **ANNUAL NOTICE**

**NONDISCRIMINATION POLICY** (Federal Regulations, Title VI, Title IX, and Section 504 of the rehabilitation Act of 1973)

The Governing Board of the Stony Creek Joint Unified School District is committed to equal opportunity for all individuals in education and in employment and does not discriminate on the basis of sex, sexual identity/orientation, ethnic group classification, ancestry, religion, age, citizenship, handicap or physical or mental disability, or any other unlawful consideration. Questions or concerns regarding these rights or allegation of discrimination should be directed to the Superintendent.

**NONDISCRIMINATION POLICY** Section 504 of the Rehabilitation Act of 1973

Section 504 is an Act which prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. The Act defines a person with a disability as anyone who:

- (1) has a mental or physical impairment which substantially limits one or more major life activity (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
- (2) has a record of such an impairment; or
- (3) is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the Stony Creek Joint Unified School District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs or practices in the school system.

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the student is determined to be disabled under the Act, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to a hearing with an impartial hearing officer.

If there are questions, please contact the Section 504 Coordinator at (530) 968-5361.