

**INSTRUCTION**

**SUBJECT: Identification and Education Under Section 504**

The County Board of Education and County Superintendent of Schools recognize the need to identify and evaluate children with disabilities in order to provide them with a free, appropriate public education. Under Section 504 of the federal Rehabilitation Act of 1973, individuals with a physical or mental impairment that substantially limits one or more major life activities, including learning, are eligible to receive services and aids designed to meet their needs as adequately as the needs of nondisabled students are met.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 5141.24 - Administering Medication and Monitoring Health Conditions)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 0410 - Nondiscrimination in Programs and Activities)
- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 5141.24 - Specialized Health Care Services)
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

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 - 1491o Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701 - 797b 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

104.33 Free appropriate public education

104.35 Evaluation and placement

104.36 Procedural safeguards

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

Rights of Students with Diabetes Under IDEA and Section 504, Policy Brief, November 2007

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools,  
August 2007

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS  
PUBLICATIONS

Free Appropriate Public Education for Students with Disabilities: Requirements under  
Section 504 of the Rehabilitation Act of 1973, July 1999

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html?src=mr>