

PARENT HANDBOOK



of the Rehabilitation Act of 1973

**San Diego Unified School District
ADA/504 Office
5465 El Cajon Blvd., B2
San Diego, CA 92115**

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Dear Parent/Guardian,

San Diego Unified School District is dedicated to ensure that all students graduate with the skills, motivation, curiosity and resilience to succeed in their choice of college and career in order to lead and participate in the society of tomorrow.

Section 504 of the Rehabilitation Act of 1973 States:

“No otherwise qualified individual with a disability....., shall, solely by reason of her or his own disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”

This handbook has been developed to inform you of your rights and the school’s responsibilities related to Section 504 of the Rehabilitation Act of 1973. We hope you find this information useful.

By working together, we can help our students reach their maximum potential.

Sincerely,

Eri Nall
504 District Coordinator
ADA/Section 504 Office

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What is Section 504 of the Rehabilitation Act of 1973?

Section 504 is civil rights legislation that prohibits discrimination against persons with a disability in any program receiving federal financial assistance. This legislation defines a person with a disability as anyone who:

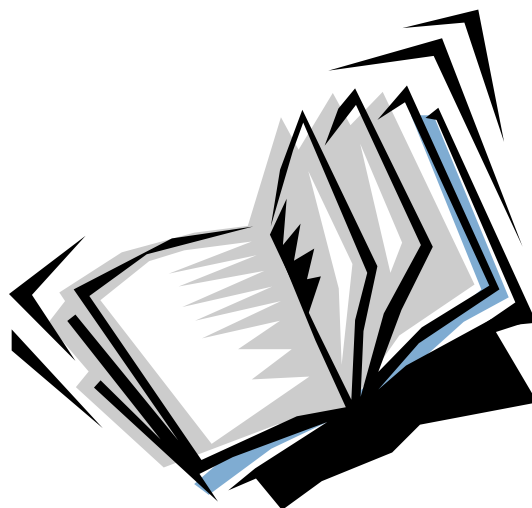
- has a mental or physical impairment which substantially limits one or more major life activity (es). The major life activities include *but are not limited to*: bending, breathing, caring for one's self, communicating, eating, hearing, learning, lifting, operation of major body functions (including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions), performing manual tasks, reading, speaking, sleeping, seeing, standing, thinking, walking, and working;
- has a record of such impairment; or
- is regarded as having such an impairment.

San Diego Unified School District and Section 504

The San Diego Unified School District recognizes its responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any individual with a disability will knowingly be permitted in any of the programs and practices in the school system.

The school district has specific responsibilities under Section 504 of the Rehabilitation Act of 1973, that include the responsibility to identify, evaluate, and if the student is determined to be eligible under Section 504, to afford access to a free appropriate public education.

If a parent or guardian disagrees with a decision regarding the identification, evaluation, or placement made by the professional staff of the site 504 Team, he/she has a right to file a complaint. The various methods for filing a complaint are discussed on page 7-15 of this handbook.



Referral Process

Students who are experiencing difficulties in school are sometimes referred for evaluation and assessment for possible special education placement or considerations. As a parent, you can initiate the referral process if you feel your child's progress in school is substantially limited by an impairment. First discuss your concern with the teacher(s) or school counselor for further consideration and review.

Some students do not meet the requirements for special education certification; however, they do have a disability that is substantially affecting a major life activity at school. A referral to determine student eligibility for services can be made by a parent, school administrator, counselor, teacher, and other professionals knowledgeable about your child. Older students may refer themselves.

If you make a referral for a 504 eligibility meeting for your child, the 504 Team at school will accept the referral and begin the process to determine eligibility.

The 504 Team generally consists of the following participants:

1. parent/guardian
2. site 504 coordinator
3. teacher (s)
4. school counselor
5. administrator
6. nurse
7. Specialized Academic Instructor (SAI) when appropriate
8. other professional knowledgeable about your child

If the student is an English learner, the 504 Team will include a teacher or another person knowledgeable about second language acquisition. The 504 Team may also need to include the school psychologist, nurse, or other professionals with specialized knowledge of assessment instruments.



Referral Guidelines for the 504 Team

The 504 Coordinator processes referrals using the following guidelines:

- Parent Notification:** Provide written notification of referral to parents; invite parents to the 504 eligibility meeting.
- Evaluation:** Request and receive parental consent to conduct an evaluation of the student, using a variety of data that may be both formal and informal. No provision is made for independent evaluation at District expense. However, if the District is unable to perform an evaluation necessary to obtain relevant information about a student, the District must arrange for the evaluation to be conducted at no cost to the parents/guardians.
- Decision/Recommendations:** Determine if the student meets the requirements for Section 504 eligibility.
- Plan Development:** If the student is eligible, develop a 504 Plan with accommodations, aids, and services.
- Placement/Implementation:** Provide parents and service providers with a copy of the student's 504 Plan.
- Parent Notification:** Inform parent/guardian of 504 Team decision if they were not able to attend the meeting and of their due process rights and procedures.
- Review/Re-evaluation:** 504 Plans should be reviewed annually or sooner (if needed) and whenever there is a significant change in placement. The 504 Plan may be revised as the 504 Team deems appropriate. When a student with a 504 Plan transfers to another school, the receiving school has 30 calendar days (tolled for school breaks in excess of 5 school days) to review the 504 Plan and make revisions if necessary. This includes the beginning of the school year and students transitioning between elementary to middle or middle to high school. Students should be re-evaluated every 3 years.

Each school has a designated site 504 coordinator who attends the 504 meetings and provides appropriate staff with a copy of the student's 504 Plan. If you have questions about this process, contact the 504 coordinator at your child's school.

Facilities Modification Needs

There are some overlapping requirements under Section 504 and the Americans with Disabilities Amendment Act (ADA) passed in 2008 with respect to access to buildings and the program/activities conducted in certain locations which may not afford equal access or use by persons with certain disabilities.

The district has a designated ADA/504 committee which meets each month and receives work orders from school sites when there is a perceived need for modification of facilities or for additional aids to facilitate access to a building or program/activity.

Your concerns in this area should be directed to the school administrator. Site level staff is generally aware of the student's current needs. They will make recommendations to the site administrator if the student will be enrolling in a school where facilities may need to be modified or classes may need to be relocated.

Parental Rights Afforded by Section 504 of the Rehabilitation Act of 1973 / Procedural Safeguards

The following section describes student and parental rights granted by federal law. The intent of the law is to keep you fully informed regarding decisions about your student and to inform you of your rights should you disagree with any of these decisions.

You have the right to:

- Have your student take part in and receive benefits from public education programs without discrimination based on his/her disability.
- Have the school advise you of your rights under federal law.
- Receive notice with respect to identification, evaluation, program or placement of your student.
- Be involved before the initial evaluation and placement for services for your student. Written consent is not required. However, we strongly encourage your involvement and support before the initial evaluation and placement for services.
- Have your student receive a free appropriate public education (FAPE). Related aids or services must be designed to meet the individual educational needs of your student as adequately as the needs of students without disabilities are met. This includes the right to be educated with non-disabled students and the opportunity to participate in school and school-related activities to the maximum extent appropriate.
- Have your student educated in facilities and receive services comparable to those provided to students without disabilities.
- Have your student evaluated for eligibility under Individuals with Disabilities Education Act (IDEA), and if found eligible, receive special education and related services.
- Have identification, evaluation, and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, disability, evaluation data, and placement options.
- Give your student an equal opportunity to participate in non-academic and extracurricular activities offered by the school.
- Examine all relevant records relating to decisions regarding your student's identification, evaluation, educational program, and placement.
- 504 Plan Review. Section 504 Plans should be reviewed and rewritten at least annually. While Section 504 regulations do not require specific personnel to participate in the review process, it is recommended that all personnel responsible for the implementation of a student's Section 504 Plan contribute to the review process.
- File a complaint with the school if you feel your child is being discriminated against because of his/her disability.
- Request the assistance of a mediator to help resolve issues with the school.
- Request a Due Process Hearing to help resolve issues with the school.

There are four possible avenues for filing complaints:

1. Uniform Complaint Procedures: for complaints of discrimination that don't involve free appropriate public education (page 10).
2. ADA Facility OR 504 Complaint Form: for complaints regarding ADA access to facilities or procedures followed by site 504 Team (page 9).
3. Due Process Hearing Request: for complaints regarding a determination made by a site 504 Team (page 11).
4. Complaints to the Office for Civil Rights: for any allegations of discrimination (refer to page 15).

Facts for Parents Regarding Section 504

Parent Involvement

The Board of Education Parent Involvement Policy, encourages your involvement in your student's success and academic achievement. Your involvement in the 504 Plan will be encouraged by the 504 Team as you do have a right to make suggestions and present information regarding accommodations, aids and services.

Equal Access to Curriculum

Preschool, elementary, middle, high, and adult education programs must take into account the needs of qualified persons with disabilities in determining the aids, benefits or services to be provided under these programs or activities. The school must provide a free appropriate public education (FAPE) to students with qualifying disabilities. An appropriate education under 504 Section requires that instruction must be designed to meet the needs of those students as adequately as the needs of students without disabilities. Curriculum and placement decisions for all students in SDUSD are based on each student's individual abilities regardless of the presence, nature, or severity of disability.

Alternative Education

California law authorizes all school districts to provide for alternative education. The Education Code defines this as a school or separate class group within a school that meets the academic and personal needs of students through varied and innovative instruction options. Alternative Schools and programs are offered throughout the district for Kindergarten- 12th Grade students. A student with a 504 Plan, transitioning from general education to alternative education, will continue to have the benefit of a 504 Plan.

Diploma Bound

All students with 504 Plans are considered diploma bound unless determined otherwise by the 504 Team and set forth in the 504 document.

Other Means of Corrective Action

Your student's school site should document the other means of correction used and place that documentation in the students' file. Other means of correction include, but are not limited to, a positive behavior support approach with tiered interventions that occur during the school day on campus, a conference between school personnel, the student's parent or guardian, the student, participation in a Restorative Justice Program, and after-school programs that address specific behavioral issues or expose students to positive activities and behaviors.



Working Together

The most effective help for students requires the full cooperation of teachers and parents working closely with other professionals to determine:

- The best education plan for your child
- The most appropriate curriculum and placement for your child
- Accommodations that may support performance, for example:
 - ❖ Positive Behavioral Supports (PBIS)
 - ❖ Shorter assignments or extended time to complete them
 - ❖ A special space to work
 - ❖ A "study buddy"
 - ❖ Participation in the school's tutoring program, if available
 - ❖ Home/school progress reports-Parent Portal
 - ❖ Adaptations in test taking
 - ❖ Aids in organization and study skills

INITIATE CONFERENCES.
Working Together to Find Solutions.

Home-School Connection

Positive communication between home and school is essential. Parents can help shape their child's behavior by their interest and support of homework and special assignments.

- Help your child set a consistent time and place for homework and reading.
- Provide good lighting, paper, pencils, erasers, and other necessary equipment.
- Children and adolescents differ in their needs. Some require complete quiet; others do better with background music.
- Make expectations clear.
- Help determine total length of study time at home (ask teacher).
- Divide homework and projects into parts and allow time for breaks.
- Help your child establish routines and consistent procedures.
- Keep the school nurse informed of any medication or changes in medication that might affect your child at school.



Filing Section 504 Complaint

Initiating a Complaint Regarding Identification, Evaluation and Placement Issues;

If you believe that the school or any of the school's staff did not correctly follow the regulations of Section 504 of the Rehabilitation Act of 1973 when making the determination about identification, evaluation, and educational placement of your child, (for services), or Americans with Disabilities Act of 1990 (for access to facilities) you may bring forward a complaint in one of two ways:

1. Follow the school's grievance plan:
 - Fill out a Section 504 complaint form (See page 9).
 - Submit the completed form to either the site administrator or site 504 Coordinator who will in turn investigate the complaint.
2. File a complaint with the Office for Civil Rights (See the *How to File a Complaint with the Office for Civil Rights* on page 15).

It should be understood that you can file a complaint with the Office for Civil Rights **without** going through the school's grievance procedures. However, the school's grievance procedures are meant to provide you with a prompt and equitable resolution of a complaint.

Required Information for Complaint Form

Individuals who have complaints about district facilities or Section 504 services may register such complaints with the site administrator using the ADA Facilities or Section 504 Complaint Form on page 9.

Be sure to include the following information on the form:

1. Name (s) of the person (s) making the complaint.
2. Whether the person (s) making the complaint has discussed the problem with the site administrator.
3. A summary of the complaint and suggested solution.

Processing the complaint

Level 1: The complaint shall be presented in writing to the site administration with a suggested solution (s). The site administration will reply, in writing, to the complainant in five (5) school days or less to resolve the complaint.

Level 2: If a satisfactory response is not received within five (5) school days, a copy of the complaint may be forwarded by the complainant to the ADA/504 Office. Ten (10) school days or less from the receipt of the complaint, the district office will contact you to gather any additional information if needed. The district office will conduct an investigation and within sixty (60) school days, you will receive a report that includes the findings, any Section 504 violations and, if necessary, required corrective actions.

Level 3: At any point in this process, the complainant may forward the complaint to the Office for Civil Rights.

Please note: If you disagree with the school's determination regarding the identification, evaluation, and educational placement of your child or provision of a free appropriate public education (FAPE), please refer to How to Request a Due Process Hearing (page 11). You may forward your complaint at any point to the ADA/504 Office at the following address:

District ADA/504 Office
Attn: Eri Nall
District 504 Officer
5465 El Cajon Blvd., B2
San Diego, CA 92115

This complaint will not be transmitted to a state or federal agency for investigation. District personnel will investigate your complaint. You will receive a written response from the district indicating that the complaint has been resolved or what will be done (and by whom) in order to resolve the noncompliance problem (s).

If you wish to appeal the decision of the District's 504 Office, you may file a complaint with the Office for Civil Rights at any time before or during the grievance procedures. (See How to File a Formal Complaint with the Office of Civil Rights on page 15.)





ADA Facilities OR Section 504 Complaint Form

(Complaints based on ADA facility access or procedures followed by site 504 Teams)

Name (please print): _____ Date: _____

Address: _____

Home Phone: _____ Work Phone: _____

Student's Name: _____ DOB & ID#: _____

School of Attendance: _____ Grade: _____

Signature of Complainant Date

Signature of Person Receiving Complaint Date

Complaint:

Action Requested:

Complaints Regarding Discriminatory Treatment

Complaints of discriminatory treatment include the following: harassment of a student with a disability by others; denial of an opportunity to participate in a program or activity because of disability; other forms of different treatment because of disability; inaccessibility of the District's programs or activities.

If your complaint pertains to discriminatory treatment of your son or daughter based on their disability, you may file a complaint under the District's Uniform Complaint Procedure (Administrative Procedure 1700). You may obtain a copy of the Uniform Complaint Form from the district web site under Legal Department "forms" or directly from the Office of the General Counsel located at the Eugene Brucker Education Center, Room 2148, telephone (619) 725-5630.

For complaints regarding Free Appropriate Public Education (FAPE), please refer to page 4 Parental Rights.



How to Request a Due Process Hearing with the School District

In addition to the Complaint Procedure required by Section 504, the US Department of Education provides administrative guidance for regulating Due Process Hearings under Section 504. It is important that you understand your right to request a hearing regarding the identification, evaluation, educational placement or provision of free appropriate public education (FAPE) of your student.

Due process is defined as an opportunity to present objections and reasons for the objections to the decisions by the 504 Team. A Section 504 Due Process hearing may be called at the request of the school, a parent, or a guardian. Within 30 days of receipt of a Request for Due Process, the 504 Office will select an impartial hearing officer.

A written or verbatim recording of the Due Process Hearing will be on file at the district 504 Office and will be available for review, upon request, to the parent/guardian or involved parties.

If the school proposes to change your students' placement and you file a request for a hearing, the school is obligated to maintain your students' placement until administrative proceedings are completed.

Due Process Hearing: Participants' Rights

Either party to the hearing, may request the hearing officer grant a continuance. The continuance may be granted upon a showing of good cause or by agreement of the parties.

Any party to the hearing shall be afforded the following rights:

1. The right to be accompanied and advised by counsel and by individuals with a special knowledge or training relating to the problems of students who are qualified disabled within the meaning of Section 504.
2. The right to present evidence, documentation and testimony.
3. The right to question and cross-examine witnesses.
4. The right to receive written findings of fact, conclusions of law and decisions prepared by the hearing officer.

Within forty-five (45) calendar days of the selection of the hearing officer, excluding the days of any continuance, the hearing on the appeal shall be conducted and a written decision mailed to all parties. The written decision shall be in accordance with Section 504 and its regulations.

The parties shall abide by the decision of the Section 504 hearing officer unless the decision is appealed to a court of competent jurisdiction and the decision is stayed, revised or reversed by the court.



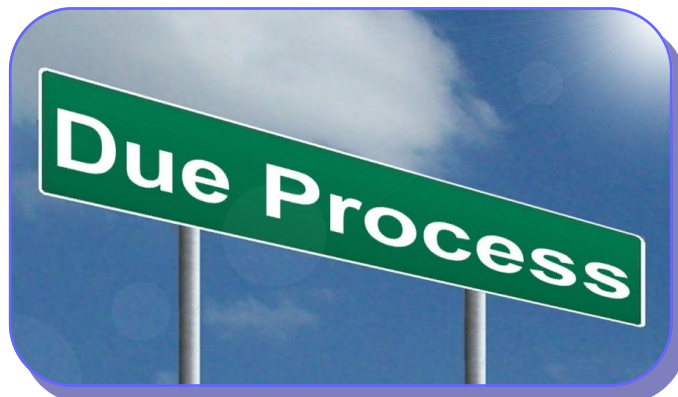
Section 504 Due Process Hearing Request Form

Important information you need to know before requesting a Section 504 Due Process Hearing:

- An impartial hearing officer presides over the due process hearing.
- The law encourages mediation at all stages of the hearing process as a preferred method of resolving disputes. Therefore, a mediation conference can be scheduled whenever there is a hearing request. Mediation is strictly voluntary on the part of all parties.
- Attorneys or advocates may represent parties during the mediation or hearing.
- Upon receipt of notice of a request for a Section 504 Due Process Hearing, the District will send complainant a copy of the Procedural Safeguards.

If you wish to file a request for a Section 504 Due Process Hearing, complete and print a copy of the 504 Due Process Hearing Request Form (NOTE: The required information must be provided for request to be processed). The form must be mailed or emailed to the below address in order to have properly served the District and initiate the hearing procedures:

San Diego Unified School District
Section 504 Office
Attn: Eri Nall
5465 El Cajon Blvd., B2
San Diego, CA 92115
Telephone: 619-344-6430
E-mail: 504office@sandi.net





Section 504 Due Process Hearing Request Form

PARENT INFORMATION:

NAME, First and Last (Required)

ADDRESS (Required)

HOME PHONE

()

WORK PHONE

()

FAX

()

PARTIES TO BE NAMED:

DISTRICT OF RESIDENCE (Required)

ADDITIONAL PARTIES
(Required)

(Any other school district, including school of attendance, or public agency that is responsible for providing services that should be a party in the mediation and hearing.)

REQUESTING PARTY (Circle) (Required)

<ul style="list-style-type: none"> • PARENT 	<ul style="list-style-type: none"> • PARENT REPRESENTATIVE
<ul style="list-style-type: none"> • SCHOOL DISTRICT 	<ul style="list-style-type: none"> • SCHOOL DISTRICT REPRESENTATIVE
<ul style="list-style-type: none"> • OTHER AGENCY 	

If the requesting party is not the parent, please complete the following:

NAME

ADDRESS

ORGANIZATION

()

PHONE

()

FAX

Section 504 Due Process Hearing Request Form (cont.)

BRIEF SUMMARY OF REASON FOR REQUEST (Describe the nature of the problem including all facts relating to the problem.) (Required)

PROPOSED RESOLUTION OF PROBLEM STATED ABOVE (Required)

How to File a Formal Complaint with the Office for Civil Rights

At anytime you may file a complaint with the Office for Civil Rights (OCR) in San Francisco at the address shown below. An OCR complaint must be filed, in writing, within 180 days after the perceived violation has occurred. In certain cases OCR will consider complaints where more than 180 days have elapsed.

**U.S. Department of Education
Office for Civil Rights
50 United Nations Plaza
San Francisco, CA 94102**

The OCR complaint can be in the form of a letter or the Discrimination Complaint Form available from the regional OCR office. For San Diego, the regional office is located in San Francisco at the address shown above.

Required Information

A complaint should include the following information:

- your name and address (a telephone number where you may be reached during business hours is helpful, but not required)
- a general description of the person (s) or class of persons injured by the alleged discriminatory act (s) (names of the injured person (s) are not required)
- the name and location of the institution that committed the alleged discriminatory act (s)
- a description of the alleged discriminatory act (s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination

NOTE: A recipient may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding.