



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

TITLE: Section 504 of the Rehabilitation Act of 1973
NUMBER: BUL-4692.3
ISSUER: David Holmquist, General Counsel
 Office of General Counsel
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<p>ROUTING Educational Service Centers Administrators of Operations Principals Administrators School Counselors School Nurses School/Educational Service Centers Section 504 Designees Teachers</p>

POLICY: The Los Angeles Unified School District is committed to providing a working and learning environment that is free of discrimination, harassment, intimidation and bullying. The District affirms that no qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, harassment, intimidation and bullying under any District program or activity. The denial of equal access to District education programs and/or activities and/or the denial of a “free appropriate public education” (FAPE) on the basis of a student’s disability(ies) is considered disability-based discrimination under federal and state law.

In addition, the District must provide nonacademic and extracurricular services and activities in a manner that ensures individuals with disabilities have an equal opportunity to participate. Similarly, the District must make reasonable accommodations to its policies, practices and procedures when necessary to ensure other individuals with disabilities, such as parents and the general public, are not discriminated against on the basis of disability.

MAJOR CHANGES: This Bulletin replaces Bulletin No. BUL-4692.2 on the same subject issued by the Office of General Counsel, dated October 8, 2013. It provides updates and clarifies the guidelines to be used in serving students and other individuals with disabilities under Section 504. It incorporates changes that result from Title II of the Americans with Disabilities Act (ADA) of 1990 being amended by the ADA Amendments Act (ADAAA) in 2008.



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GUIDELINES: The following guidelines apply.

- I. Background: Section 504 of the Rehabilitation Act of 1973 (Section 504) is a civil rights law that prohibits discrimination/ harassment on the basis of disability in any program or activity receiving federal financial assistance. Public school districts are among the entities that must comply with the nondiscrimination requirements of Section 504. The District has specific responsibilities related to the provision of a “free appropriate public education” (FAPE) to school age individuals with disabilities under Section 504 and the Individuals with Disabilities Education Act (IDEA).

The ADA is a civil rights law that also prohibits discrimination on the basis of disability by public institutions. The ADA was amended by the ADAAA in 2008 and went into effect in January 2009. The intent of the ADAAA was to emphasize a broader application of the definition of disability under the ADA and Section 504, in order to supersede court decisions that had resulted in too narrow an interpretation of disability. The new law also eliminated the consideration of the ameliorative effects of mitigating measures when determining whether a student has a disability, though they remain relevant when evaluating students’ needs for accommodations/services. The expanded definition of disability means more students may be eligible for Section 504 nondiscrimination protections whether or not they currently need Section 504 plan accommodations/services.

- II. Related Definitions:

- A. Accommodation: A change in the educational setting, instructional strategies, materials, and/or supplementary/related aids and services that does not significantly alter the content of the curriculum or level of expectation for a student’s performance, but which allows the student to access the regular general education curriculum.

- B. Educational placement: The general education classroom with the use of supplementary/related aids and services.

- C. Has a record of such an impairment: A history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. A student with a record of impairment is entitled to protections from discrimination, harassment and retaliation on the basis of disability, but may not require the provision of a FAPE or reasonable accommodations to policies and procedures simply because of a record of disability.

- D. Individual with a disability:

- Has a physical or mental impairment which substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment



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E. Major life activities: Functions such as bending, breathing, caring for one's self, communicating, concentrating, eating, hearing, learning, lifting, performing manual tasks, reading, seeing, sleeping, standing, speaking, thinking, walking, and working. Major life activities may also include, but not be limited to: functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

F. Modification: Strategies/supports that significantly alter the curriculum/grade level/common core state standard by which student performance is measured.

G. Physical or mental impairment:

- 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; genitourinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness.
- An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

H. Qualified disabled person (other than a student): Individual with a disability who is an employee or other individual, including, but not limited to parents, guardians, family, and the public, who is entitled to access District programs or activities, whether or not their child is disabled.

I. Qualified disabled person (with respect to public preschool, elementary, secondary, or adult education services): Individual with a disability between the ages of 3 and 22.

J. Regarded as having an impairment:

- Individual who has been subjected to discrimination/ harassment 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;
- Entitled to protections from discrimination, harassment and retaliation on the basis of disability, but may not require the provision of a FAPE or reasonable accommodations/modifications to policies and procedures simply because of a record of disability.

Note: Not applicable to impairments that are transitory (an impairment with an actual or expected duration of six months or less) and minor.

K. Substantial Limitation: A major life activity is substantially limited when a person is unable to perform a major life activity that the average student of the same grade or age or as compared to most students of the same grade or



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age can perform. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:

1. Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
2. Use of assistive technology;
3. Reasonable accommodations, auxiliary aids or services; or
4. Learned behavioral or adaptive neurological modifications.

III. Child Find – Parent Notification:

- A. The District has a duty to conduct a “child find” at least annually, during which, the District must make efforts to inform qualified students with disabilities and their parents of the District’s obligation to provide a FAPE.
- B. This duty extends to all students with disabilities between the ages of 3 and 22, residing within the District boundaries, including those who may be attending private or home schools.
- C. To meet this requirement, schools must distribute annually to every student the District’s “*Parent Student Handbook*,” during the first month of each school year or at the time of initial enrollment. The District’s “*Section 504 and Students with Disabilities*” brochure can also be used to notify parents and can be accessed through the District’s Educational Equity Compliance Office website at <http://achieve.lausd.net/eeco>.

IV. Referral or Request for a Section 504 Evaluation:

Note: School personnel are required to use the Welligent Section 504 Program module when conducting Section 504 activities regarding referral, evaluation, plan development, and follow-up in order to more effectively serve, monitor and track students with disabilities under Section 504 (*REF-6241.1 Mandatory use of Welligent Section 504 Program Module to Conduct All Section 504 Activities*). The English and Spanish fillable forms are grouped into four phases of the Section 504 process: I. Management, II. Evaluation, III. Meeting, and IV. Follow-Up. In situations where Welligent is not functioning, the forms can be accessed on the Educational Equity Compliance Office website at <http://achieve.lausd.net/eeco>.

- A. Individuals may request a Section 504 evaluation for a student by completing “*Request for Section 504 Evaluation and Consent*” (Form 1). Administrators/Section 504 designees shall assist in completing the form or in preparing a written request for requests made orally by individuals who are unable to submit written requests. Inform parents of



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their rights by attaching the “Section 504 Parent Procedural *Safeguards*”(Form 2) to the request.

- B. Parental consent must be obtained and documented prior to proceeding with a Section 504 evaluation. However, a parent’s separate written request for a Section 504 evaluation should be considered consent to the request for a Section 504 evaluation in lieu of a signature on the District’s form.
- C. A parent residing in the District’s geographic area may request a Section 504 evaluation for a student currently enrolled in a private school from the student’s District school of residence. If the request is deemed appropriate, the school is to conduct a Section 504 evaluation. If the student meets the criteria under Section 504, the team shall develop a Section 504 Plan. Upon enrollment in a District school, the Section 504 Plan shall be implemented. If the student remains enrolled in a private school program, the District has no obligation to provide Section 504 accommodations/services.
- D. Any copies of the request for evaluation and related documents must be maintained in a designated Section 504 file folder that is to be placed in the student’s cumulative record.
- E. Indicators that a Section 504 referral may be appropriate include, but are not limited to, the following situations:
- A disability is suspected and the student needs consistent and systematically implemented accommodations in order to have needs met as adequately as nondisabled peers.
 - A student has an episodic or temporary disability that is substantially limiting when active (i.e., a broken limb).
 - A student exhibits a severe health condition.
 - A disability is suspected but the student does not qualify for special education services.
 - A disability is suspected and the student demonstrates a pattern of not benefiting from instruction.
 - A disability is suspected and the student is considered at risk for school failure.
 - A disability is suspected and a pattern of suspensions exists.
 - A disability is suspected and the student’s access to district programs is impacted.
- F. Students Needing Medication: It is not necessary to qualify a student as having a disability that substantially limits a major life activity under Section 504 in order to provide a service which schools perform for all general education students. As a result, not all students needing medication administered by school staff will require a Section 504 plan. However, a Section 504 referral will be appropriate for students who are found to have a disability that substantially limits a major life activity and



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need medication administration on a systematic basis to receive equal access to the educational program.

G. Requests for Section 504 Evaluation and Special Education Assessment Made Concurrently:

1. A referral for a Section 504 evaluation may be made concurrently with a pending special education evaluation. In such instances, the Section 504 evaluation should be conducted during the same 60-day timeline utilized for the special education assessment. Generally, however, the Section 504 evaluation can be conducted in less than 60 days.
2. If the student is found eligible under Section 504 prior to the special education team's findings, a Section 504 plan should be developed pending the special education team's findings. If the student is then found eligible for special education, an Individualized Education Program (IEP) is developed and the IEP team can incorporate into the IEP any accommodations/services provided in the Section 504 plan. A separate Section 504 team meeting should be convened when a student is identified as eligible for special education and no longer requires accommodations/services under Section 504, as described in Section IX Part C of this bulletin.
3. When an IEP team determines a student is not eligible or no longer eligible for special education, there are some circumstances when a Section 504 referral for evaluation may be appropriate and should be considered. The IEP team may document the student is being referred for a Section 504 evaluation and the eligibility evaluation shall be addressed in a separate Section 504 team meeting.

V. Analyzing the Appropriateness of a Referral for Section 504 Evaluation: When a request for evaluation is made, the school administrator/Section 504 designee shall take the following steps:

- A. Review relevant records and consult with persons knowledgeable about the student to determine whether the Section 504 referral is appropriate. If the referral is appropriate, proceed with the evaluation process.
- B. If the referral is not appropriate (e.g., the student is receiving special education services, the student does not have a disability), then the administrator/designee shall do the following:
 1. Provide parents written notice using the "*Denial of Request for Section 504 Evaluation*" (Form 3) to inform them of the school's decision not to proceed with the Section 504 evaluation.
 2. Appeal Rights: Included in the "*Denial of Request for Section 504 Evaluation*" is a statement advising parents of their rights and to make appeals/requests in writing to the Educational Service Center (ESC)



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Section 504 Designee or the District Section 504 Coordinator in the Educational Equity Compliance Office.

3. Provide the parent the “*Section 504 Parent Procedural Safeguards*” (Form 2).

VI. Section 504 Evaluation Process:

A. Timeline: While there is no specific timeline for completing the evaluation process, the evaluation must be completed within a reasonable period of time. Generally, it is not reasonable to exceed 60 days from the date of the Section 504 evaluation request, excluding vacation periods exceeding five days.

B. Preparing for the Section 504 Evaluation Meeting: The school administrator/Section 504 designee shall:

1. Provide parent the completed “*Section 504 Parent Input Form*” (Form 4), along with “*Notice of Section 504 Evaluation Meeting*” (Form 6) and a copy of the “*Section 504 Parent Procedural Safeguards*” (Form 2). Consideration must be made to conduct the Section 504 evaluation meeting at a mutually agreed upon time to enable the parent to participate in the meeting.

The “*Notice of Section 504 Evaluation Meeting*” includes questions as to whether parents require interpretation or translation of documents in order to effectively participate. Interpretation at Section 504 meetings should be provided by eligible District-trained interpreters. See District policy “*Oral Interpretation at an Individualized Education Program (IEP) Team Meeting,*” a reference guide issued annually by the Division of Special Education, for procedures and resources to assist schools in providing oral interpretation when requested. Translation of Section 504 related documents can be done utilizing resources at the site, on-line translation tools or by making a request using the process and forms on the Translations Unit’s website at <http://www.translationsunit.com/>.

2. Provide teachers, as appropriate, with the “*Section 504 Teacher Observation Form*” (Form 5) to complete.
3. Select the Section 504 team members. Team members must be knowledgeable about:
 - a. The student (i.e., Section 504 designee, parents, classroom teachers, school nurse, the student if age appropriate, counselors, and other suitable personnel).
 - b. Evaluation information being drawn from a variety of sources.
 - c. Accommodations/services to enable the team to make informed decisions.



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4. Gather documentation about the student from a variety of sources including, but not limited to:
 - a. Information provided by parents, including the “*Section 504 Parent Input Form*”
 - b. Cumulative records
 - c. Language surveys
 - d. Progress reports/report cards
 - e. Standardized test scores/district administered assessments
 - f. Discipline records
 - g. Attendance records
 - h. Health records, if available (from the school nurse or parent, though a medical diagnosis is not required under Section 504 regulations)
 - i. Information collected from staff interviews and/or from the completed “*Section 504 Teacher Observation Form*”
 - j. Student portfolio/work samples
 - k. IEP information/documentation from prior special education testing and evaluation (for students determined not eligible or no longer eligible for special education services) if applicable

C. Conducting the Section 504 Evaluation Meeting:

1. Eligibility Determination: The Section 504 team has the responsibility of completing and documenting the evaluation process using the “*Section 504 Evaluation*” (Form 7). The team shall use definitions provided in Section II of this policy under Related Definitions when considering Section 504 eligibility criteria determinations. The eligibility determination is made when the Section 504 team documents whether the student has a physical or mental impairment which substantially limits a major life activity, and whether the student requires accommodations/services under Section 504 in order to receive equal access to the educational program.
 - a. Document whether the student has a physical or mental impairment. A medical diagnosis is not required for this determination. However, all evaluation data, including a medical diagnosis and information provided by parents, if available, is to be carefully considered.

A student may have, and the Section 504 team should document, a disability that is episodic (i.e., epilepsy, etc.), in remission (i.e., sickle cell anemia, cancer, etc.) or controlled by mitigating measures (i.e., hearing aids, medication to control symptoms, prosthetics, etc.).
 - b. Document the major life activity that is substantially limited by the disability. Special consideration should be given to all possible major life activities, and not solely the impact of a disability on the life



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activity of learning. For instance, a student's disability of Crohn's Disease may impact the major life activities of concentrating, eating, and bowel function. Substantial limitations of major life activities can impact a student's access to the District's instructional programs and activities.

Once a student is identified as having a physical or mental impairment which substantially limits a major life activity, Section 504 nondiscrimination protections are available to that student whether or not the student also requires accommodations/services under Section 504. Nondiscrimination protections include the right to file complaints of alleged discrimination and the right to a manifestation determination when significant disciplinary changes of placement are being considered.

The existence of a disability alone does not automatically qualify a student as eligible for accommodations/services under Section 504. For example, student's whose disabilities are episodic, in remission or controlled by mitigating measures may have a substantial limitation of a major life activity which may or may not be manifested at the time of evaluation. The student would be identified as having a physical or mental impairment which substantially limits a major life activity when active and thus would be protected from discrimination. The school Section 504 Case Manager, described later in this policy, would monitor these students to ensure they are afforded their nondiscrimination protections. However, the team must then consider whether the student requires accommodations/services under Section 504.

- c. Document whether the student requires accommodations/services in a Section 504 Plan in order to receive equal access to the educational program. Eligibility for a Section 504 plan should be determined only after the team has documented that a student has a physical or mental impairment which substantially limits a major life activity and requires accommodations/services under Section 504.

The Section 504 team will indicate on the "*Section 504 Evaluation*" (Form 7) when a student with a disability does not require accommodations/services under Section 504, but does as a result of disability require nondiscrimination protections. If the team determines the student requires accommodations/services, a plan shall be developed [*"Section 504 Plan"* (Form 8)].

2. If the team determines that the student does not meet or no longer meet the criteria for services under Section 504: The Section 504 team will indicate on the "*Section 504 Evaluation*" form that the student does not require accommodations/services under Section 504.



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3. When the parent disagrees with the Section 504 team decision: The parent must be informed of the appeal, complaint, and impartial mediation and hearing processes available to them. Parent's rights are provided in the "*Section 504 Parent Procedural Safeguards*" (Form 2) and the "*Section 504 Complaint Form*" (Form 10).
4. A parent may refuse to consent to implement the Section 504 accommodations/services: The team will indicate the parent's refusal on the "*Section 504 Evaluation*" Eligibility Determination section and the parent may indicate so on the "*Section 504 Plan.*" The Section 504 Case Manager will continue to monitor such students to ensure they are afforded their nondiscrimination protections.
5. A parent may revoke consent to implement Section 504 accommodations/services: Provide the parent with the completed "*Section 504 Plan Parent Request to Revoke Consent*" (Form 11). The Section 504 Case Manager will continue to monitor such students to ensure they are afforded their nondiscrimination protections.

D. Developing the Section 504 Plan:

1. The "*Section 504 Plan*" (Form 8) shall include the following components:
 - a. A statement of the student's physical or mental impairment.
 - b. A date when the plan is to be re-evaluated (every three years or sooner as appropriate, though teams may review plans annually as a best practice).
 - c. The student's specific areas of educational impact or "Identified Need" that are impacted by the disabling condition.
 - d. "Related Accommodation" - The specific accommodations/services needed to enable the student to receive equal access to the educational program. Accommodations/services must be stated in specific and measurable terms (i.e., specific symptoms, behaviors, or triggers) that elicit the accommodations/services to be provided.
 - e. "Responsible Individual(s)" - The role/title of individuals to be responsible for implementing accommodations/ services.
2. Accommodations/services are to provide access to the core curriculum and educational program by compensating for students' disabilities, without altering the curriculum/common core state standards (i.e., what is being taught or tested) for which the student is being measured. A Section 504 plan cannot modify the curriculum.
3. An accommodation cannot exempt a student from a course or subject required for graduation/matriculation (i.e., a waiver of physical education classes), beyond those exemptions currently outlined in existing District policy.

Note: The Physical Education Fitnessgram requirement identifies the



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following possible exception for students with disabilities. Pupils with physical disabilities or pupils who are physically unable to take the entire physical performance test shall be given as much of the test as their condition permits.

4. Accommodations/services should directly relate to students' identified needs.
5. Accommodations/services in Section 504 plans should be specific, measurable and narrowly tailored to meet students' identified needs to allow for consistent implementation.
6. If a student requires an accommodation/service occasionally, the plan should be written to incorporate the specific symptoms, behaviors, or triggers that elicit implementation of that accommodation/service.
7. Section 504 teams should be cautious when providing additional time beyond a week to make up assignments and should not exceed time beyond the final marking period for each semester, as this may be altering the level of expectation for a student's performance, which is contrary to the purpose of Section 504.
8. If the Section 504 team determines an appropriate accommodation is to provide extended time for assignments, homework, and/or tests, accommodations must clearly state how much extended time is required based on students' identified needs (i.e., time and a half, 1 or 2 hours, a day, a week, or a weekend).
9. In general, a student who does not require an accommodation as part of the regular instruction/testing/evaluation should not require the accommodation only for standardized testing.

Note: A Section 504 team has no jurisdiction regarding testing accommodations provided by the College Board (i.e., for the Advanced Placement, PSAT, SAT Reasoning Test and the SAT Subject Tests or for other College Board tests) or the ACT (for the ACT test). Students or parents may apply for accommodations utilizing the procedures outlined by those organizations. Therefore, teams shall not indicate accommodations specific to College Board or ACT tests.

10. The responsible individual for implementing Section 504 accommodations/services should not be another student.

VII. Following the Section 504 Evaluation Meeting: The school administrator/Section 504 Designee is responsible for:

- A. Ensuring a Section 504 Case Manager is identified. See next section for Section 504 Case Manager Responsibilities.



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- B. Distributing the following documents to parents:
- “*Section 504 Evaluation*” (Form 7)
 - “*Section 504 Plan*” (Form 8) if applicable
 - “*Notice of Section 504 Eligibility Determination*” (Form 9)
 - “*Section 504 Parent Procedural Safeguards*” (Form 2)
- C. Monitoring that personnel responsible for implementation of Section 504 plans including, but not limited to, all of the student’s teachers and the student, as appropriate, receive the plan to ensure accommodations/services are provided as soon as possible.

A copy of the “*Section 504 Plan*” should also be placed in relevant teachers’ substitute folders, especially for students whose plans include medical protocols. Repeat this process when staff changes occur (i.e., matriculation, new semesters).

- D. Update pupil records as follows:
1. Place a Section 504 file folder in the student’s cumulative record with all related Section 504 documentation.
 2. Update the Section 504 student record by entering Section 504 details in the Welligent Section 504 Program module. Refer to REF-6241.1 for guidelines for Section 504 data entry.
 3. Note: District employees are responsible for keeping medical/health information confidential, under both the American Health Insurance Portability and Accountability Act of 1996 and the Family Education Rights and Privacy Act. For instructions on handling these records, contact Student Medical Services at (213) 202-7584.

VIII. Section 504 Plan Implementation Obligation/Case Manager Responsibilities

- A. The completed “*Section 504 Plan*” (Form 8) is a legal document and must be implemented as written. Disregard of the protected rights of students with disabilities may result in a complaint investigation and ruling by the United States Department of Education, Office for Civil Rights (OCR) and/or disciplinary action. Additionally, personal civil suits may be filed on behalf of students against individual District employees who fail to comply with Section 504 mandates.
- B. Parent consent is required for implementation of the Section 504 plan. Parents may revoke consent for Section 504 accommodations/services [use the “*Section 504 Plan Parent Request to Revoke Consent*” (Form 11)] or may disagree with the accommodations/services and access procedural safeguards outlined in Section XIII – Complaint Procedures.



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- C. Responsible personnel are required to fully implement the Section 504 plan, and shall not modify the plan or determine accommodations/services are not necessary outside of a Section 504 team meeting.
- D. A Section 504 eligible student's scores/grades shall not be negatively affected by failure of responsible personnel to implement the Section 504 plan.
- E. A Section 504 Case Manager should be assigned to monitor implementation of accommodations/services and student progress, while ensuring that students with disabilities have a learning environment free from discrimination, harassment, intimidation and bullying.

Section 504 Case Manager Responsibilities:

1. Use the Welligent Section 504 Program module to update, monitor and track Section 504 details for students with or suspected of having disabilities under Section 504.
2. Monitor implementation of Section 504 plan accommodations/ services.
3. Remind staff of their obligation to implement plan accommodations/ services as written.
4. Notify the appropriate administrator when responsible personnel are not implementing the plan.
5. Ensure responsible personnel are consistently monitoring Section 504 student progress.
6. Ensure students with disabilities have learning environments free from discrimination, harassment, intimidation and bullying and are afforded nondiscrimination protections, whether or not they require Section 504 accommodations/services.
7. Provide periodic reports on student progress toward academic or behavioral performance, as determined by the Section 504 team.
8. Review the plan to determine accommodations/services are related to students' identified needs and educational placement (especially when matriculating from school to school).
9. Ensure re-evaluations take place upon parent request, to revise ineffective accommodations/services, or when the accommodations/ services are unrelated to students' identified needs or educational placement.



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IX. Periodic Re-Evaluations/Exit Procedures:

A. Section 504 Re-Evaluation Requirements:

1. At least every three years, but may be conducted more frequently (i.e., annually or as needed).
2. When there are changes in students' disabilities, parents request changes to accommodations/services, or when there is an indication that plans are not effective in the current setting or in addressing students' identified needs.
3. When there are placement changes, including, but not limited to, new schools, matriculation, grade level changes, class and curriculum changes, and building/class location changes.

B. Section 504 Re-Evaluation Process:

1. The Section 504 team should use procedures outlined in VI - Section 504 Evaluation Process and consider additional data to determine whether students continue to meet criteria for Section 504 accommodations/services.
2. Complete the steps listed in VII - Following the Section 504 Evaluation Meeting/Case Management.

C. Process to Exit a Student from Section 504: A re-evaluation meeting should be conducted to document when students no longer have disabilities and do not require Section 504 accommodations/services. The team should use procedures in VI - Section 504 Evaluation Process.

X. Manifestation Determination/Discipline Procedures for Students Identified as Disabled Under Section 504:

A. Students who have been identified as disabled under Section 504 but do not require accommodations/services, and students with disabilities requiring accommodations/services under a Section 504 plan, are general education students and can be suspended for the same number of days as general education students. A Manifestation Determination analysis shall be conducted to determine whether behavior being considered for discipline is directly linked to the disability or the District's failure to implement the Section 504 plan in the following situations:

1. Student has been suspended for 10 days in a school year (not required for suspensions totaling less than 10 days in a school year).
2. Student is being considered for a disciplinary change of placement (i.e., disciplinary opportunity transfer, recommendation for expulsion).



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B. When making the Manifestation Determination analysis, the Section 504 team must consider the following and complete the Manifestation Determination section of the “*Section 504 Evaluation*” (Form 7):

1. Was the misconduct caused by, or directly and substantially related to, the student’s disability?
2. Was the misconduct a direct result of the District’s failure to implement the plan?

If the misconduct/behavior was not caused by, or directly and substantially related to the student’s disability, and was not a direct result of the District’s failure to implement the Section 504 plan, the student may be disciplined as a general education student, including, but not limited to, suspension, disciplinary opportunity transfer or recommendation for expulsion.

When considering a disciplinary change of placement, contact the potential receiving school prior to issuing the transfer to ensure the Section 504 plan accommodations/services can be fully implemented at the new placement.

For students identified as disabled, but not requiring accommodations/services under Section 504, if there is a direct link between the misconduct and the disability, the school shall not suspend more than 10 days or make a disciplinary change of placement. The determination whether the District failed to implement the student’s Section 504 plan will not apply in this circumstance.

For students with disabilities who have a Section 504 plan, if the misconduct is directly linked to the student’s disability, and/or directly results from the District’s failure to implement the student’s Section 504 plan, the school shall not suspend more than 10 days or make a disciplinary change of placement. The team should consider updating plan accommodations/services and reviewing implementation strategies.

C. Exception to requirement to hold Manifestation Determination analysis:

A student who is currently using illegal drugs or alcohol and is to be disciplined for use or possession of illegal drugs or alcohol loses the procedural protections provided by Section 504, including the requirement to make a Manifestation Determination analysis prior to a disciplinary change of placement, even if the student has another disability. This would hold true even if the disabling condition could be directly related to the misconduct.

XI. Program Accessibility for Individuals with Disabilities:

A. Section 504 program/activity accessibility standards extend to ensuring that all otherwise qualified students with disabilities are provided with an equal



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opportunity to participate in the same educational programs or activities, including, but not limited to, classes/courses and curricular, extracurricular, and/or nonacademic activities, services, or benefits that are provided to students without disabilities.

1. This extends to District programs/activities that are held before school, during school, after school, when school is not in session, and those held during off track time.
 2. No otherwise qualified student with a disability is to be denied enrollment in a class/course solely on the basis of a disability, unless a student's IEP limits the student's enrollment.
 3. Otherwise qualified students with disabilities must be provided an equal opportunity to try out for and/or participate in curricular and extracurricular activities, including, but not limited to, field trips and before/after-school programs.
 4. Schools are required to provide nonacademic services, including, but not limited to extracurricular activities and athletics, in a manner that affords students with disabilities equal opportunities for participation in such activities and services, unless the accommodations/services required to provide access, would fundamentally alter the very nature of the extracurricular activities and/or nonacademic services.
- B. The school must identify appropriate accommodations/services needed for an otherwise qualified student with a disability to participate successfully in a curricular activity, field trip, extra-curricular activity or nonacademic service.
1. This provision shall not be interpreted to require participation of a student with a disability who, even with the benefit of accommodations/services, could not meet the essential academic or skill requirements of the program, activity, or service.
 2. Accommodations/services for extracurricular or nonacademic activities must be considered unless they result in a fundamental alteration in the nature of the program.
 3. Parents of students with disabilities cannot be required to participate with and accompany students on field trips, and/or curricular/extracurricular activities as a condition for students to participate when a similar obligation is not imposed on parents of nondisabled students. Students with mobility impairments have a right to request accessible transportation to events where transportation is afforded to nondisabled peers. Staff must identify students with mobility impairments and request appropriate transportation using District policy REF-2111.0, "Field Trip Handbook and Revised



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Procedure.” Additionally, schools may not charge parents of students with disabilities a higher cost than nondisabled students as a condition to participate in the District’s extracurricular or nonacademic programs/services.

C. Parents with disabilities are to be provided with reasonable accommodations/services to allow them to participate meaningfully in their child’s education. Consideration must be made to provide effective access to allow parents to participate in the school’s programs and activities intended for their benefit, including, but not limited to, parent-teacher conferences, committees/councils, PTSA meetings, attendance at school ceremonies/performances, and open house.

D. For existing facilities (including schools and offices), federal regulations require that school districts operate programs and activities so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities. If the service, activity, or program as a whole is accessible, then not every part of the existing facility needs to be accessible and usable by persons with disabilities. Under Section 504, existing facilities are those already constructed, or for which construction began, prior to June 3, 1977. Schools are encouraged to consult with the Educational Equity Compliance Office at (213) 241-7682 for guidance in meeting this requirement.

E. Accessibility to District programs and activities may be achieved by nonstructural changes such as redesigning or modifying equipment or furniture, or rescheduling or relocating classes or other services to accessible rooms or buildings.

F. A request for funding for minor renovations (i.e., ramps, bathroom modifications) can be made to ensure access for students needing placement in currently inaccessible programs by following REF-1446.3, *“Procedures for Requesting Program Accessibility Renovations/Accommodations.”*

G. The accessibility standard for new construction is different from the standard for existing facilities. For new construction, the facility and every part of the facility must be readily accessible to and usable by persons with disabilities.

XII. Disability-Based Discrimination, Harassment, Intimidation and Bullying:

A. Discrimination is different treatment on the basis of disability in an educational program or activity without a legitimate nondiscriminatory reason that interferes with or limits the individual’s ability to participate in or benefit from the services, activities, or privileges provided by the District. Discrimination may be:



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1. Non-implementation of the Section 504 plan.
2. Not providing students with disabilities an equal opportunity to participate in the same educational programs or activities.
3. Exclusion, inferior treatment or differential treatment.
4. Failing to take necessary steps to ensure individuals with disabilities are not excluded, denied services, segregated or treated differently than nondisabled individuals.
5. Failing to respond to complaints of bullying, intimidation or abusive behavior towards students based on disability.

B. Harassment occurs when an individual with a disability is subjected to unwelcome conduct related to disability, the conduct is subjectively offensive to the disabled individual and would be offensive to a reasonable person of the same age and characteristics under the same circumstances, and is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or benefit from the services, activities, or opportunities offered by the District. Harassment may be:

1. Emotionally and/or physically harmful.
2. Humiliating, threatening, intimidating.
3. Bullying based on disability.
4. Verbal acts and name-calling.
5. Nonverbal behavior, such as graphic and written statements.

XIII. Complaint Procedures: Discrimination, harassment, intimidation and bullying complaints must be filed in writing within six months of the last occurrence or when knowledge of the complaint was first obtained. The complaint may be filed using the "*Section 504 Complaint Form*" (Form 10), District's Uniform Complaint Procedure (UCP), or a written statement. The District will promptly investigate complaints and take reasonable actions to stop future incidences of discrimination/harassment. Complainants are encouraged to try to resolve complaints informally at the school or within their Educational Service Center (ESC). However, the formal complaint procedure may also be used to address such complaints.

A. Informal Complaint Process – School-Site:

1. Individuals may file a complaint with the local school administrator alleging:
 - a. The school is not in compliance with the District's Section 504 policies/procedures.
 - b. Disagreement with the school's decisions regarding Section 504 identification, evaluation, or plan accommodations/services for students.



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- c. Disability-based discrimination, harassment, bullying and intimidation.
2. Administrators must adequately respond to complaints received by:
 - a. Investigating complaints promptly.
 - b. Providing the District's nondiscrimination policies and assurances the District takes allegations seriously, information will be treated confidentially, retaliation will not be tolerated.
 - c. Obtaining information relevant to the complaint.
 - d. Interviewing all relevant individuals involved.
 - e. Assessing whether District policy was violated.
 - f. Taking appropriate steps to correct violations of District policy and/or end harassment, monitor that it does not reoccur, and to address any hostile environment that may have been created.
 - g. Following-up to determine whether actions taken addressed complaints.
 - h. Informing all relevant individuals of actions taken to resolve complaints.
 - i. Providing information regarding formal complaint processes available to appeal the school's decisions/resolutions.
 - j. Keeping written records of complaints and remedies.
- B. Formal Appeal of School Section 504 Team Decision Made to the ESC:
 1. Parents have the right to appeal the school's Section 504 team decisions with regard to identification, evaluation, or Section 504 plan accommodations/services.
 2. Any appeal must be made in writing to the ESC Section 504 Designee following notice of the school's decision. Parents making verbal requests for appeal will be assisted by District personnel in making written requests. The written appeal may also be filed using the "*Section 504 Complaint Form*" (Form 10).
 3. The appeal shall contain the following information:
 - a. Specific nature of the school's decisions with which the person disagrees as to Section 504 identification, evaluation, or plan accommodations/services.
 - b. Relevant documentation/information the complainant believes will assist in understanding the appeal.
 - c. Specific relief being sought.
 4. If the Educational Equity Compliance Office receives the appeal of the school's decision directly, it will be referred to the appropriate ESC Section 504 Designee for investigation and response.



C. Formal Complaint of Discrimination/Appeal of School Decision:

1. Any individual or organization has the right to file a written complaint of discrimination, harassment, intimidation or bullying which includes, but is not limited to, failure to implement the Section 504 plan, within six months from the date the alleged incident occurred or the date when knowledge of the facts was first obtained.
2. The complaint/appeal may be filed using the “*Section 504 Complaint Form,*” the District’s UCP, or simply by filing a written complaint. If a complainant is unable to put the complaint in writing, due to conditions such as disability or illiteracy, the District shall assist the complainant in making a written complaint.
3. The complaint shall contain the following information:
 - a. Specific facts about the complaint which may help the investigator including: nature of the complaint, names of those involved, witnesses, and dates/places of occurrences.
 - b. Relevant documentation/information the complainant believes will assist in understanding the complaint.
 - c. Specific relief being sought.
4. A referral will be made to the appropriate ESC Section 504 Designee for investigation and response.

D. Formal Complaint/Appeal Process - ESC: The ESC Section 504 Designee will take the following steps in response to a formal written discrimination complaint or appeal of a school’s Section 504 team decision:

1. The ESC Section 504 Designee will provide the complainant with a written acknowledgement of the complaint within 5 days which:
 - a. Advises and assures the complainant that confidentiality of the facts will be observed to the maximum extent possible.
 - b. Advises and assures the complainant the District prohibits retaliation against anyone who files a complaint or participates in a complaint investigation.
 - c. States that the complaint investigation/resolution process will be completed within 30 days of receipt of the complaint.
 - d. Advises the complainant to call or send additional information/documentation relevant to the complaint.
 - e. Informs the complainant that a written report of findings and conclusions, listing any corrective action taken, will be provided at the investigation’s conclusion.



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2. The ESC Section 504 Designee will conduct an investigation and work to resolve the matter.
3. Within 30 days of receipt of the complaint/appeal, the ESC Section 504 Designee will provide the complainant and the respondent a written report of findings and conclusions that also contains:
 - a. The assurance that the District will not tolerate retaliation against a complainant for the filing of a complaint or participating in the complaint investigation.
 - b. A statement advising the complainant of the option to appeal the ESC's decision to the District's Section 504 Coordinator in the District's Educational Equity Compliance Office within 15 days of receipt of the ESC's decision letter.

E. Internal District Appeal Process to the District's Section 504 Coordinator: If the complainant disagrees with the ESC decision, an appeal may be sent to the District's Section 504 Coordinator in the District's Educational Equity Compliance Office within 15 days of receipt of the ESC's decision letter.

1. The appeal must be in writing, signed, should state the reasons for the appeal, and list any steps that were already taken in an attempt to resolve the complaint. A copy of the ESC's decision letter should be forwarded with the appeal correspondence.
2. The complaint will be reviewed by the District's Section 504 Coordinator using the steps outlined for formal complaint/appeal investigations.
3. A final letter of findings will be provided to the complainant with the disposition of the complaint and a rationale for the disposition.

F. Final Appeal Options Regarding Discrimination Complaints: An appeal of either the ESC's or the Educational Equity Compliance Office's findings may also be made to the California Department of Education, Office of Equal Opportunity, 1430 N Street - Suite 4206, Sacramento, California 95814. The written appeal must be sent within 15 days of receipt of the letter of findings.

G. Civil Law Remedies: Pursuant to the California Education Code, Section 262.3, persons who have filed a complaint should also be advised that civil law remedies may be available to them.

XIV. Section 504 Parent Procedural Safeguards (Form 2): Parents shall be provided notice of procedural safeguards under Section 504, including the right to:



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- A. Receive written notice of the District's intentions regarding identification, evaluation, and provision of Section 504 plan accommodations/services.
 - B. Review all relevant records regarding their child and obtain copies at reasonable cost.
 - C. Appeal/disagree with the District's decisions with regard to the identification, evaluation, or Section 504 plan accommodations/services, file complaints concerning allegations of violations of Section 504 policy/procedures, or disability-based discrimination, harassment, intimidation or bullying, including, but not limited to, allegations of failure to implement Section 504 plans.
 - D. Request an informal mediation or impartial hearing if they disagree with identification, evaluation or plan accommodations/services under Section 504 with opportunity for participation in the hearing and representation by an attorney at the parent's expense.
 - E. A review of the decision of the impartial hearing officer.
- XV. Impartial Hearings:
- A. Parents may request impartial hearings to contest school actions or alleged procedural violations as to Section 504 identification, evaluation, and accommodations/services, including failure to implement students' plans, by sending a written request to the District's Section 504 Coordinator in the Educational Equity Compliance Office.
 - B. The Educational Equity Compliance Office will select an impartial hearing officer, qualified to review the District's decisions relating to Section 504, who will not be a District employee.
 - C. The impartial hearing process is as follows:
 - 1. Hearings shall be conducted, and written decisions mailed to parties within 60 calendar days of receipt of the written request for hearing.
 - 2. Parents have the right to seek representation by an attorney for the hearing at their expense.
 - 3. Either party has the right to seek a review of the Section 504 hearing officer's decision by a court of appropriate jurisdiction.
 - 4. The parties shall abide by the Section 504 hearing officer's decision unless it is stayed, modified, or overturned by a court of competent jurisdiction.



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- XVI. Informal Mediation Procedure: Within 10 days of receipt of a written request for hearing, the Educational Equity Compliance Office will offer a voluntary informal mediation conducted by the ESC's Section 5 04 Designee or District Section 504 Coordinator in a non-adversarial atmosphere to resolve issues related to Section 504 identification, evaluation, or plan accommodations/services. Parents have the right to seek representation by an attorney for the mediation at their own expense.

The use of informal mediation shall not extend the hearing timeline unless parents agree in writing. If the mediation resolves the areas of disagreement, a written confirmation of the mediation results will be provided to affected parties and will conclude the process.

AUTHORITY: This is a policy of the Superintendent of Schools. The following legal standards are applied in this policy:

42 USC §12101 *et seq.*, 28 C.F.R. Part 35 - The Americans with Disabilities Act of 1990 - Nondiscrimination on the Basis of Disability in State and Local Government Services

34 C.F.R. Part 104 - Section 504 of the Rehabilitation Act of 1973 - Nondiscrimination on the Basis of a Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance

California Education Code Chapter 2, Educational Equity - Article 3, Prohibition of Discrimination §220

**RELATED:
RESOURCES**

Administrator Certification On-Line System, Memorandum issues annually by School Operations and the Office of General Counsel.

Bullying and Hazing Policy (Student-to-Student and Student-to-Adult), BUL- 5212.1, dated September 17, 2012, issued by Office of the Superintendent.

California Physical Fitness Test – Fitnessgram, Spring Administration Instructions issued annually by Student Testing and Assessment.

CAHSEE Exemption & Waiver Process for Students with Disabilities, REF-5452.0, dated May 9, 2011, issued by Office of Data and Accountability.

CAHSEE Intensive Instruction & Services for Post 12th Grades: Valenzuela Settlement Requirements, REF-4701.1, dated April 26, 2010, issued by the Office of Data and Accountability and the Office of Curriculum, Instruction & School Support.

CAHSEE Parent/Guardian Notification, Memorandum issued annually by the Office of Data and Accountability and the Chief Strategy Officer.

CAHSEE Results, Memorandum issued annually by the Office of Data and Accountability and the Chief Strategy Officer.



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Clerical Support for Special Education and Section 504 as Required by the Modified Consent Decree, REF-5640.0, dated November 14, 2011, issued by the Division of Special Education and the Deputy Superintendent of Instruction.

Elementary School Progress Report Marking Practices and Procedures, BUL-2332.4, dated July 31, 2008, issued by the Chief Academic Officer and Office of Curriculum, Instruction & School Support.

Employment Discrimination Complaint Procedure, S-27.0, dated December 3, 2001, issued by Human Resources.

Expulsion of Students – Policy and Procedures, BUL-4655.0, dated March 13, 2009, issued by the Office of Curriculum, Instruction and School Support and Student Health and Human Services.

Field Trip Handbook and Revised Procedure, REF-2111.0, dated July 24, 2006, issued by Office of Instruction.

Guidelines for Student Suspension, BUL-5655.0, dated December 6, 2011, issued by the Office of the Superintendent.

Mandatory use of Welligent Section 504 Program Module to Conduct All Section 504 Activities, REF-6241.1, dated July 1, 2014, issued by the Office of the General Counsel.

Marking Practices and Procedures in Secondary Schools, BUL-1353.1, dated December 23, 2005, issued by the Office of Curriculum, Instruction & School Support.

Opportunity Transfers (OTs) Policy, BUL-4478.0, dated December 15, 2008, issued by the Chief Academic Officer.

Oral Interpretation at an Individualized Education Program (IEP) Team Meeting, REF-1596.6 dated November 7, 2013, issued by the Deputy Superintendent of Instruction and the Division of Special Education.

Management of Food/Other Severe Allergies and Epinephrine Auto-Injector Use, BUL-5628, dated October 17, 2011, issued by Student Health and Human Services.

Nondiscrimination Required Notices and Ordering of Student Brochures, Memorandum issued annually by the Office of General Counsel.

Guideline for Individualized Health Assessment & Participation of School Nurse in the IEP Process, BUL-2030.1, dated January 31, 2012, issued by Student Health and Human Services.

Parent Student Handbook Distribution, Memorandum issued annually by the Office of the Chief Operating Officer.

Physical Education Exemptions, BUL-2457.1, dated June 19, 2009, issued by the Office of Curriculum, Instruction & Support Services and the Superintendent of Secondary Instruction.

Procedures for Seniors Who Do Not Pass the CAHSEE, BUL-2451.4, dated June 17, 2009, issued by the Office of Secondary Instruction.

Reasonable Accommodation for Individuals with Disabilities, BUL-4569.1, dated June 9, 2014, issued by the Chief Operating Officer and General Counsel.



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Procedures for Requesting Program Accessibility Renovations/ Accommodations, REF-1446.3, dated October 17, 2012, issued by the Division of Special Education.
School Self-Review Checklist, Students With Disabilities, Reference Guide issued annually by the Division of Special Education.
Students with Diabetes Guidelines, revised December 2009, issued by Student Health and Human Services.
Testing Variations, Accommodations, and Modifications, issued annually by the California Department of Education.
Title IX Policy/Complaint Procedures, BUL-2521.1, dated June 8, 2006, issued by the Office of the General Counsel.
Uniform Complaint Procedures (UCP), Memorandum issued annually by the Office of the General Counsel.

ASSISTANCE: For further information, contact the following District Offices:

Educational Equity Compliance Office (EECO): (213) 241-7682,
Julie Hall-Panameño, Director/District Section 504 Coordinator.
Visit the EECO website for related information:
<http://achieve.lausd.net/eeco>.

District Nursing Services: (213) 202-7580

The Educational Service Center (ESC) Administrator of Operations/Section 504 Designee:

ESC North – (818) 654-3600
ESC South – (310) 354-3400
ESC East – (323) 224-3100
ESC West – (310) 914-2100

Intensive Support & Innovation (ISIC) Administrator of Operations/Section 504 Designee: (213) 241-0100

Reasonable Accommodations (employees): (213) 241-1319

Student Medical Services: (213) 202-7584

ATTACHMENTS: The required forms are grouped according to the four phases of the Section 504 process in English and Spanish:

I. Management:

Request for Section 504 Evaluation and Consent (Form 1)
Section 504 Parent Procedural Safeguards (Form 2)
Denial of Request for Section 504 Evaluation (Form 3)

II. Evaluation:

Section 504 Parent Input Form (Form 4)
Section 504 Teacher Observation Form (Form 5)
Notice of Section 504 Evaluation Meeting (Form 6)



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IIIa. Meeting:

Section 504 Evaluation (Form 7)

Notice of Section 504 Eligibility Determination (Form 9)

IIIb. Meeting:

Section 504 Plan (Form 8)

IV. Follow-Up:

Section 504 Complaint Form (Form 10)

Section 504 Plan Parent Request to Revoke Consent (Form 11)

