

- (B) The amount of the fee.
 - (C) The beginning and ending balance of the account or fund.
 - (D) The amount of the fees collected and the interest earned.
 - (E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
 - (F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.
 - (G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
 - (H) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.
- (2) The local agency shall review the information made available to the public pursuant to paragraph (1) at the next regularly scheduled public meeting not less than 15 days after this information is made available to the public, as required by this subdivision. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the local agency for mailed notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.
- (c) For purposes of this section, "fee" means any fee imposed to provide for an improvement to be constructed to serve a development project, or which is a fee for public improvements within the meaning of subdivision (b) of Section 66000, and that is imposed by the local agency as a condition of approving the development project.
 - (d) Any person may request an audit of any local agency fee or charge that is subject to Section 66023, including fees or charges of school districts, in accordance with that section.
 - (e) The Legislature finds and declares that untimely or improper allocation of development fees hinders economic growth and is, therefore, a matter of statewide interest and concern. It is, therefore, the intent of the Legislature that this section shall supersede all conflicting local laws and shall apply in charter cities.

(f) At the time the local agency imposes a fee for public improvements on a specific development project, it shall identify the public improvement that the fee will be used to finance.

**GRAVENSTEIN UNION SCHOOL DISTRICT
ANNUAL ACCOUNTING OF DEVELOPER FEES**

FISCAL YEAR 2015-16

Gravenstein Union School District collects fees for residential and commercial development on properties within the school district boundaries. The fee is \$3.39 per square foot for residential and \$.55 per square foot for commercial development.

GUSD contracted with West Sonoma County High School District for collection of fees and paid WSCHSD an administrative fee for this service.

Developer fees are received and deposited in Fund 25 at the Sonoma County Treasury.

Beginning Fund Balance	\$ 59,795.78
Income	
Developer Fees Collected	\$ 23,870.20
Interest Earned	\$ 540.05
Total Income	\$ 24,410.25
Expenses	
Fees to WSCHSD	\$ 210.00
Paid to West Sonoma County	\$ 515.36
Transportation for District obligation for facilities	
Total Expenses	\$ 725.36
Ending Fund Balance	\$83,480.67

Checks Dated 07/01/2012 through 06/30/2016

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
1226964	11/05/2012	West Sonoma County Union High	* 25-5800		75.00
1253426	04/05/2013	Subtronic Corporation	* 25-5830		1,760.00
1258396	05/01/2013	West Sonoma County Union High	* 25-5800		15.00
1264333	06/05/2013	West Sonoma County Union High	* 25-5800		15.00
1287139	10/09/2013	West Sonoma County Union High	13-5880	67.71	
1292108	10/30/2013	West Sonoma County Union High	* 25-5800	30.00	97.71
1302052	12/18/2013	West Sonoma County Union High	* 25-5800		15.00
1324074	04/09/2014	Stripe N Seal Inc	* 25-5800		30.00
			01-5830	63.04	
			03-5830	724.96	
1325668	04/16/2014	Miller Pacific Eng Group	* 25-6200	4,137.00	4,925.00
1335393	05/28/2014	West Sonoma County Union High	* 25-6200		4,829.40
1337589	06/06/2014	West Sonoma County Union High	* 25-5800		15.00
1346113	07/25/2014	West Sonoma County Union High	* 25-5800		15.00
1360470	10/03/2014	West Sonoma County Union High	* 25-9510		30.00
1372541	11/21/2014	West Sonoma County Union High	* 25-5800		45.00
1375386	12/10/2014	West Sonoma County Union High	* 25-5800		15.00
			13-5880	67.70	
1380840	01/09/2015	West Sonoma County Union High	* 25-5800	15.00	82.70
1418048	06/24/2015	West Sonoma County Union High	* 25-5800		15.00
1424483	08/05/2015	West Sonoma County Union High	* 25-5800		30.00
1441002	10/16/2015	West Sonoma County Union High	* 25-9510		15.00
1444830	11/04/2015	West Sonoma County Union High	* 25-5800		90.00
			13-5880	67.71	
1471483	03/09/2016	West Sonoma County Union High	* 25-5800	15.00	82.71
1477371	04/06/2016	West Sonoma County Union High	* 25-5800		15.00
1483901	05/04/2016	West Sonoma County Union High	* 25-5800		15.00
1495328	06/22/2016	West Sonoma County Union High	* 25-5800		15.00
			* 25-5800		45.00
Total Number of Checks			24		12,287.52

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	General Fund	1	63.04
03	Gravenstein Elementary Charter	1	724.96
13	Cafeteria Fund	3	203.12
* 25	Capital Facilities Fund	24	11,296.40
Total Number of Checks		24	12,287.52
Less Unpaid Tax Liability			.00
Net (Check Amount)			12,287.52

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

GRAVENSTEIN UNION SCHOOL DISTRICT

RESOLUTION #161214-1
BANK SIGNATURE AUTHORITY

Whereas, the persons who are listed below are authorized and/or employed by Gravenstein Union School District, and

NAME	TITLE	SIGNATURE
Jennifer Schwinn	Superintendent / Principal	_____
Jim Horn	Board President	_____
Wanda Holden	Chief Business Officer	_____
Eva Perez-Atwell	Confidential Account Clerk	_____

Whereas, the above listed individuals will be acting as agents for the District in matters relating to the conduct of business, and

Whereas, signatures will be required on various checking account transactions from the following accounts,

- Bank America Clearing Account
- Bank America Revolving Account
- Bank America Gravenstein Student Body Account
- Bank of America Hillcrest Student Body Account
- Redwood Credit Union Trustees Account - basic checking
- Redwood Credit Union Trustees Account - business share

Whereas, from this date forward, only those named in this resolution will be authorized signatories on the aforementioned bank accounts for the Gravenstein Union School District,

Be it therefore resolved that above listed individuals are approved as authorized bank signatories for the Gravenstein Union School District,

The foregoing shall remain in force until receipt by the Bank of a duly certified copy of a resolution rescinding or amending same. Passed and adopted by the Governing Board of the Gravenstein Union School District on December 14, 2016 by the following vote:

Ayes:
Noes:
Absent:

President, Board of Trustees

I _____ Clerk of the Board of Trustees of Gravenstein Union School District do hereby certify that the foregoing resolution was regularly introduced, passed and adopted by the Board of Trustees at its meeting on December 14, 2016.

Clerk, Board of Trustee

**Gravenstein Union School District
Classified Work Calendar
2016-17**

Employee Name: Jennifer Poncey

Position: Teacher Assistant, Daycare Assistant

Period Covered: Dec 15, 2016 to June 8, 2017

School: Gravenstein

Monday	Tuesday	Wednesday	Thursday	Friday
9:00 - 10:00 am Classroom	9:00 - 10:00 am Classroom	9:00 - 10:00 am Classroom	9:00 - 10:00 am Classroom	9:00 - 10:00 am Classroom
1.25	1.25	1.25	1.25	1.25
10:00 - 10:15am K Recess	10:00 - 10:15am K Recess	10:00 - 10:15am K Recess	10:00 - 10:15am K Recess	10:00 - 10:15am K Recess
0.25	0.25	0.25	0.25	0.25
10:15 - 10:30am 1/2 Recess	10:15 - 10:30am 1/2 Recess	10:15 - 10:30am 1/2 Recess	10:15 - 10:30am 1/2 Recess	10:15 - 10:30am 1/2 Recess
0.25	0.25	0.25	0.25	0.25
10:30 - 10:45 Break	10:30 - 10:45 Break	10:30 - 10:45 Break	10:30 - 10:45 Break	10:30 - 10:45 Break
0.25	0.25	0.25	0.25	0.25
10:45 - 11:35 Classroom - K	10:45 - 11:35 Classroom - K	10:45 - 11:35 Classroom - K	10:45 - 11:35 Classroom - K	10:45 - 11:35 Classroom - K
0.83	0.83	0.83	0.83	0.83
11:35 - 12:00pm K Recess	11:35 - 12:00pm K Recess	11:35 - 12:00pm K Recess	11:35 - 12:00pm K Recess	11:35 - 12:00pm K Recess
0.42	0.42	0.42	0.42	0.42
12:00 - 12:20pm K lunch (cafeteria)	12:00 - 12:20pm K lunch (cafeteria)	12:00 - 12:20pm K lunch (cafeteria)	12:00 - 12:20pm K lunch (cafeteria)	12:00 - 12:20pm K lunch (cafeteria)
0.33	0.33	0.33	0.33	0.33
12:20 - 12:45pm 1 & 2 recess	12:20 - 12:45pm 1 & 2 recess	12:20 - 12:45pm 1 & 2 recess	12:20 - 12:45pm 1 & 2 recess	12:20 - 12:45pm 1 & 2 recess
0.42	0.42	0.42	0.42	0.42
12:45 - 1:05 pm Classroom - K	12:45 - 1:05 pm Classroom - K	12:45 - 1:05 pm Classroom - K	12:45 - 1:05 pm Classroom - K	12:45 - 1:05 pm Classroom - K
0.33	0.33	0.33	0.33	0.33
1:05 - 1:35pm Unpaid Lunch	1:05 - 1:35pm Unpaid Lunch	1:05 - 1:35pm Unpaid Lunch	1:05 - 1:35pm Unpaid Lunch	1:05 - 1:35pm Unpaid Lunch
0.08	0.08	0.08	0.08	0.08
1:35 - 1:40pm Classroom - K	1:35 - 1:40pm Classroom - K	1:35 - 1:40pm Classroom - K	1:35 - 1:40pm Classroom - K	1:35 - 1:40pm Classroom - K
0.08	0.08	0.08	0.08	0.08
1:40 - 5:30 pm Daycare	1:40 - 5:30 pm Daycare	1:40 - 5:30 pm Daycare	1:40 - 5:30 pm Daycare	1:40 - 5:30 pm Daycare
3.59	3.59	3.59	3.59	3.59
Daily Totals	Daily Totals	Daily Totals	Daily Totals	Daily Totals
8.00	8.00	8.00	8.00	8.00

Weekly Total: 40.00
 Yard Hourly rate: \$ 13.77 (Range 15, Step 3) 21%
 TA Hourly rate: \$ 14.11 (Range 12, Step 5) 34%
 Daycare Hourly rate: \$ 15.19 (Range 17, Step 4) 45%

Employee Signature: _____ Date: _____
 Superintendent: _____ Date: _____

Daily Hours 111 Days	2,567.83	Additional Cost	
21%	\$ 1.68	Salary Increase	\$ 670.08
34%	\$ 2.72	Benefits Increase	\$ 160.82
45%	\$ 3.6	Total Additional Cost 2016-17	\$ 830.91
	8		

VI I

**Gravenstein Union School District
Classified Work Calendar
2016-17**

Employee Name: Benjamin Sloane

9:00 - 5:30 pm

School: Gravenstein

Position: Teacher Assistant, Daycare Assistant

Period Covered: November 28, 2016 to June 8, 2017

Monday	Tuesday	Wednesday	Thursday	Friday
9:00 - 10:05 am Classroom - Urmini 1.08	9:00 - 10:05 am Classroom - Urmini 1.08	9:00 - 10:05 am Classroom - Urmini 1.08	9:00 - 10:05 am Classroom - Urmini 1.08	9:00 - 10:05 am Classroom - Urmini 1.08
10:05 - 10:15 am Break 0.17	10:05 - 10:15 am Break 0.17	10:05 - 10:15 am Break 0.17	10:05 - 10:15 am Break 0.17	10:05 - 10:15 am Break 0.17
10:15 - 10:30 am 3/4/5 Recess 0.25	10:15 - 10:30 am 3/4/5 Recess 0.25	10:15 - 10:30 am 3/4/5 Recess 0.25	10:15 - 10:30 am 3/4/5 Recess 0.25	10:15 - 10:30 am 3/4/5 Recess 0.25
10:30 - 11:50 Classroom - Urmini 1.33	10:30 - 11:50 Classroom - Urmini 1.33	10:30 - 11:50 Classroom - Urmini 1.33	10:30 - 11:50 Classroom - Urmini 1.33	10:30 - 11:50 Classroom - Urmini 1.33
11:50 - 12:20 Unpaid Lunch 0.42	11:50 - 12:20 Unpaid Lunch 0.42	11:50 - 12:20 Unpaid Lunch 0.42	11:50 - 12:20 Unpaid Lunch 0.42	11:50 - 12:20 Unpaid Lunch 0.42
12:20 - 12:45 pm 5th Recess 0.33	12:20 - 12:45 pm 5th Recess 0.33	12:20 - 12:45 pm 5th Recess 0.33	12:20 - 12:45 pm 5th Recess 0.33	12:20 - 12:45 pm 5th Recess 0.33
12:45 - 1:05 pm 3/4 Recess 0.50	12:45 - 1:05 pm 3/4 Recess 0.50	12:45 - 1:05 pm 3/4 Recess 0.50	12:45 - 1:05 pm 3/4 Recess 0.50	12:45 - 1:05 pm 3/4 Recess 0.50
1:05 - 1:35 pm Classroom - Clement 1.17	1:05 - 1:35 pm Classroom - Clement 1.17	1:05 - 1:35 pm Classroom - Clement 1.17	1:05 - 1:35 pm Classroom - Clement 1.17	1:05 - 1:35 pm Classroom - Clement 1.17
1:35 - 2:45 pm Classroom - Urmini 1.25	1:35 - 2:45 pm Classroom - Urmini 1.25	1:35 - 2:45 pm Classroom - Urmini 1.25	1:35 - 2:45 pm Classroom - Urmini 1.25	1:35 - 2:45 pm Classroom - Urmini 1.25
2:45 - 4:00 pm Daycare 0.17	2:45 - 4:00 pm Daycare 0.17	2:45 - 4:00 pm Daycare 0.17	2:45 - 4:00 pm Daycare 0.17	2:45 - 4:00 pm Daycare 0.17
4:00 - 4:10 Break 1.33	4:00 - 4:10 Break 1.33	4:00 - 4:10 Break 1.33	4:00 - 4:10 Break 1.33	4:00 - 4:10 Break 1.33
4:10 - 5:30 pm Daycare 8.00	4:10 - 5:30 pm Daycare 8.00	4:10 - 5:30 pm Daycare 8.00	4:10 - 5:30 pm Daycare 8.00	4:10 - 5:30 pm Daycare 8.00
Daily Totals	Daily Totals	Daily Totals	Daily Totals	Daily Totals
8.00	8.00	8.00	8.00	8.00

Weekly Total: 40.00
 Yard Hourly rate: \$ 13.77 (Range 12, Step 5) 13%
 TA Hourly rate: \$ 14.11 (Range 12, Step 5) 53%
 Daycare Hourly rate: \$ 14.44 (Range 17, Step 3) 34%

Employee Signature: _____

Superintendent: _____

Date: _____

Date: _____

Hours	124 Days
13%	1.04 \$
53%	4.24 \$
34%	2.72 \$
8 \$	14,064.58

Additional Cost	
\$ 14,064.58	Salary Expense
\$ 3,375.50	Statutory Benefits Increase
\$ 5,444.46	Health Benefits
\$ 22,884.53	Total Additional Cost 2016-17

VI J.



**GRAVENSTEIN UNION ELEMENTARY SCHOOL DISTRICT
CLASSIFIED SALARY SCHEDULE 2015-16**

VI K

Range	Step 1		Step 2		Step 3		Step 4		Step 5		
	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	
1		9.77		9.77		9.77		10.24	1,863	10.75	
2		9.77		9.77		9.98	1,820	10.50	1,914	11.04	
3		9.77		9.77		10.23	1,863	10.75	1,959	11.30	
4		9.77		9.98	1,820	10.50	1,914	11.04	2,004	11.56	
5		9.77		10.01	1,863	10.75	1,960	11.31	2,056	11.86	
6		9.99		10.26	1,912	11.03	2,005	11.57	2,109	12.17	
7		10.25	1,822	10.51	1,959	11.30	2,059	11.88	2,160	12.46	
8	1,820	10.50	1,872	10.80	2,004	11.56	2,109	12.17	2,213	12.77	
9	1,870	10.79	1,915	11.05	2,056	11.86	2,160	12.46	2,274	13.12	
10	1,914	11.04	1,962	11.32	2,108	12.16	2,213	12.77	2,328	13.43	
11	1,959	11.30	2,056	11.86	2,160	12.46	2,274	13.12	2,388	13.78	
Instructional Aide	12	2,005	11.57	2,108	12.16	2,212	12.76	2,326	13.42	2,446	14.11
	13	2,056	11.86	2,160	12.46	2,271	13.10	2,388	13.78	2,503	14.44
Library Aide	14	2,111	12.18	2,213	12.77	2,328	13.43	2,447	14.12	2,567	14.81
Noon/Yard Duty Aide	15	2,161	12.47	2,271	13.10	2,387	13.77	2,503	14.44	2,631	15.18
	16	2,217	12.79	2,328	13.43	2,444	14.10	2,564	14.79	2,700	15.58
Daycare Aide	17	2,271	13.10	2,387	13.77	2,503	14.44	2,633	15.19	2,765	15.95
Summer Cust.	18	2,330	13.44	2,446	14.11	2,567	14.81	2,700	15.58	2,834	16.35
Preschool Teacher & IA with 48 units of college credit	19	2,388	13.78	2,503	14.44	2,631	15.18	2,765	15.95	2,907	16.77
	20	2,446	14.11	2,567	14.81	2,699	15.57	2,834	16.35	2,978	17.18
	21	2,506	14.46	2,631	15.18	2,763	15.94	2,907	16.77	3,052	17.61
	22	2,569	14.82	2,700	15.58	2,834	16.35	2,978	17.18	3,130	18.06
	23	2,633	15.19	2,763	15.94	2,905	16.76	3,052	17.61	3,207	18.50
School Secretary	24	2,700	15.58	2,834	16.35	2,978	17.18	3,130	18.06	3,290	18.98
	25	2,765	15.95	2,905	16.76	3,052	17.61	3,207	18.50	3,371	19.45
Custodian, or Preschool/Daycare	26	2,836	16.36	2,978	17.18	3,129	18.05	3,290	18.98	3,454	19.93
Directors											
	27	2,910	16.79	3,052	17.61	3,205	18.49	3,373	19.46	3,541	20.43
	28	2,981	17.20	3,129	18.05	3,288	18.97	3,454	19.93	3,628	20.93
Acct. Clerk/Dist Sect.	29	3,056	17.63	3,207	18.50	3,371	19.45	3,541	20.43	3,720	21.46
	30	3,132	18.07	3,288	18.97	3,453	19.92	3,631	20.95	3,812	21.99
	31	3,207	18.50	3,373	19.46	3,538	20.41	3,721	21.47	3,907	22.54
	32	3,290	18.98	3,454	19.93	3,628	20.93	3,812	21.99	4,004	23.10
Head Cust.	33	3,373	19.46	3,541	20.43	3,720	21.46	3,907	22.54	4,104	23.68
	34	3,456	19.94	3,628	20.93	3,812	21.99	4,007	23.12	4,212	24.30
	35	3,541	20.43	3,721	21.47	3,903	22.52	4,101	23.66	4,316	24.90

- NOTES:
1. Substitutes are paid at Step 1 of appropriate schedule.
 2. Schedule based on 8 hour day or 173.33 hours/month.
 3. Employees with 10 or more years service will be advanced one (1) range placement.
 4. Employees with 15 or more years service will be advanced two (2) range placements.
 5. Minimum wage \$10.50/hr starting Jan 1, 2017

GUSD

Board Policy

Identification And Education Under Section 504

BP 6164.6

Instruction

Note: The following policy and accompanying administrative regulation address the identification and education of students who may be eligible for services under the provisions of Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794). Pursuant to 34 CFR 104.33, eligible students are entitled to a free appropriate public education (FAPE) which is designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. Enforcement of Section 504 requirements is the responsibility of the U.S. Department of Education's Office for Civil Rights (OCR), which monitors districts' policies, processes, and practices to ensure legal compliance.

Note: Students may be identified as disabled under Section 504 even though they do not require services pursuant to the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482). The identification of students eligible for services under IDEA is addressed at BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

The Governing Board believes that all children, including children with disabilities, should have an opportunity to learn in a safe and nurturing environment. The district shall work to identify children with disabilities who reside within its jurisdiction in order to ensure that they receive educational and related services required by law.

Note: Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (34 CFR 104.1-104.39) prohibit discrimination on the basis of disability in district programs and activities. see BP 0410 - Nondiscrimination in District Programs and Activities.

The Superintendent or designee shall provide identified students with disabilities with a free appropriate public education, as defined under Section 504 of the federal Rehabilitation Act of 1973. Such students shall receive regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met. (34 CFR 104.33)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Note: Pursuant to 34 CFR 104.33, as interpreted by OCR in its January 2013 Dear Colleague Letter, a district's responsibility under Section 504 requirements extends to providing students with disabilities equal opportunity to participate in extracurricular athletics and other nonacademic programs or activities that constitute the overall educational program.

In addition, qualified students with disabilities shall be provided an equal opportunity to participate in programs and activities that are integral components of the district's basic education program, including, but not limited to, extracurricular athletics, interscholastic sports, and/or other nonacademic activities. (34 CFR 104.37)

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6145.5 - Student Organizations and Equal Access)

In providing services to students with disabilities under Section 504, the Superintendent or designee shall ensure district compliance with law, including providing the students and their parents/guardians with applicable procedural safeguards and required notifications. Any dispute as to the identification, evaluation, or placement of any student with a disability shall be resolved in accordance with the processes specified in the "Procedural Safeguards" section of the accompanying administrative regulation.

Note: The following optional paragraph ensures the availability of hearing officers to conduct impartial hearings to resolve disagreements about the provision of FAPE, pursuant to 34 CFR 104.36.

The Superintendent or designee shall maintain a list of impartial hearing officers who are qualified and willing to conduct Section 504 hearings. To ensure impartiality, such officers shall not be employed by or under contract with the district in any other capacity except as hearing officer and shall not have any professional or personal involvement that would affect their impartiality or objectivity in the matter.

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
1400-1482 Individuals with Disabilities Education Act
UNITED STATES CODE, TITLE 29
705 Definitions; Vocational Rehabilitation Act
794 Rehabilitation Act of 1973, Section 504
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
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
104.32 Location and notification
104.33 Free appropriate public education
104.34 Educational setting
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

Dear Colleague Letter; January 2013

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of
2008 for Students with Disabilities Attending Public Elementary and Secondary
Schools; January 2012

Free Appropriate Public Education for Students with Disabilities: Requirements
under Section 504 of the Rehabilitation Act of 1973, September 2007

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://www2.ed.gov/about/offices/list/ocr>

GUSD

Administrative Regulation

Identification And Education Under Section 504

Instruction

AR 6164.6

Note: Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794) prohibits discrimination on the basis of disability. Pursuant to 34 CFR 104.7, the district is required to designate the person(s) responsible for the overall implementation of the requirements of Section 504, as specified below.

Note: The U.S. Department of Education Office for Civil Rights (OCR), which is responsible for enforcing the provisions of Section 504 and also for receiving and handling complaints from parents/guardians, students, and advocates has issued guidance on Section 504 requirements. In its Dear Colleague Letter issued in January 2012, and the attached Questions and Answers on ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools, OCR clarifies the extent to which 29 USC 705, which was amended by the Americans with Disabilities Amendments Act (ADA) of 2008, affects the definition of "disability" and "substantially limits" for Section 504 purposes. In addition, in January 2013, OCR issued another Dear Colleague Letter to clarify districts' obligations under Section 504, particularly as they relate to providing students with disabilities an opportunity to participate in extracurricular athletics and other nonacademic activities that are a part of the overall education program.

Note: The following optional administrative regulation focuses on district procedures for identifying and evaluating students who are eligible to receive FAPE and is consistent with OCR guidance.

The Superintendent designates the following position as the district's 504 Coordinator to implement the requirements of Section 504 of the federal Rehabilitation Act of 1973: (34 CFR 104.7)

(position title)

(address)

(telephone number)

Definitions

Note: The following definitions are consistent with 42 USC 12101-12213, the Americans with Disabilities Act Amendment Act of 2008.

For the purpose of implementing Section 504 of the Rehabilitation Act of 1973, the following terms and phrases shall have only the meanings specified below:

Free appropriate public education (FAPE) means the provision of regular or special education and related aids and services designed to meet the individual educational needs of a student with disabilities as adequately as the needs of nondisabled students are met, without cost to the student or his/her parent/guardian, except when a fee is imposed on nondisabled students. (34 CFR 104.33)

(cf. 3260 - Fees and Charges)

Note: Pursuant to 34 CFR 104.3, a student is considered disabled when he/she has a physical or mental impairment that substantially limits a major life activity, has a record of such impairment, or is regarded as having such impairment. According to OCR, a district is required to provide FAPE only to those students whose impairment currently limits a major life activity. However, Section 504 requires districts to protect a student who has a record of, or is regarded as having, such an impairment from discriminatory treatment. For example, it would be discriminatory and thus illegal to prohibit a student who has a record of bone cancer, but is currently in remission, from trying out for the basketball team based on his/her history of cancer.

Student with a disability means a student who has a physical or mental impairment which substantially limits one or more major life activities. (34 CFR 104.3)

Note: Examples of physical or mental impairments that may constitute disabling conditions under Section 504 if they substantially limit a major life activity may include, but are not limited to, diabetes; communicable diseases such as HIV/AIDS; tuberculosis; attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD); chronic asthma and severe allergies; physical disabilities such as spina bifida or hemophilia; and temporary disabilities depending on the anticipated length of disability, the seriousness of the illness/injury, and the needs of the student (e.g., students injured in accidents or suffering short-term illnesses). In the event that these conditions fall within the disabilities categories specified in the Individuals with Disabilities Education Act (IDEA), then the student may need to be considered for services under that law; see BP/AR 6164.4 - Identification and Evaluation of Individuals for Special Education.

Physical impairment means 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, genito-urinary; hemic and lymphatic; skin; and endocrine. (34 CFR 104.3)

Mental impairment means any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 CFR 104.3)

Substantially limits major life activities means limiting a person's ability to perform functions such as caring for himself/herself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also includes major bodily functions such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Substantially limits shall be determined without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses. Mitigating measures include, but are not limited to, medications, prosthetic devices, assistive devices, learned behavioral, or adaptive neurological modifications which an individual may use to eliminate or reduce the effects of an impairment. (42 USC 12102; 34 CFR 104.3)

Referral, Identification, and Evaluation

Note: 34 CFR 104.35 requires the district to conduct an evaluation of any student who needs or is believed to need special education or related services under Section 504. However, the law does not require a specific procedure for referral of a student for the evaluation. Items #1-2 below provide such a procedure and should be modified to reflect district practice.

Any action or decision to be taken by the district involving the referral, identification, or evaluation of a student with disabilities shall be in accordance with the following procedures:

1. A parent/guardian, teacher, other school employee, student success team, or community agency may refer a student to the principal or 504 Coordinator for identification as a student with a disability under Section 504.

(cf. 6164.5 - Student Success Teams)

2. Upon receipt of any such referral, the principal, 504 Coordinator, or other qualified individual with expertise in the area of the student's suspected disability shall consider the referral and determine whether an evaluation is appropriate. This determination shall be based on a review of the student's school records, including those in academic and nonacademic areas of the school program; consultation with the student's teacher(s), other professionals, and the parent/guardian, as appropriate; and analysis of the student's needs.

If it is determined that an evaluation is unnecessary, the principal or 504 Coordinator shall inform the parents/guardians in writing of this decision and of the procedural safeguards available, as described in the "Procedural Safeguards" section below.

3. If it is determined that the student needs or is believed to need special education or related services under Section 504, the district shall conduct an evaluation of the student prior to his/her initial placement. (34 CFR 104.35)

Note: OCR has interpreted Section 504 to require districts to obtain parental permission for initial evaluations. Although the law is silent on the form of parental consent, it is recommended that the district obtain such consent in writing. The following paragraph should be modified to reflect district practice.

Prior to conducting an initial evaluation of a student for eligibility under Section 504, the district shall obtain written parent/guardian consent.

Note: 34 CFR 104.35 requires that the district's evaluation and placement procedures include the elements specified in items #a-c below.

The district's evaluation procedures shall ensure that the tests and other evaluation materials: (34 CFR 104.35)

- a. Have been validated and are administered by trained personnel in conformance with the instruction provided by the test publishers
- b. Are tailored to assess specific areas of educational need and are not merely designed to provide a single general intelligence quotient
- c. Reflect the student's aptitude or achievement or whatever else the tests purport to measure rather than his/her impaired sensory, manual, or speaking skills, except where those skills are the factors that the tests purport to measure

Section 504 Services Plan and Placement

Services and placement decisions for students with disabilities shall be determined as follows:

1. A multi-disciplinary 504 team shall be convened to review the evaluation data in order to make placement decisions.

The 504 team shall consist of a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. (34 CFR 104.35)

In interpreting evaluation data and making placement decisions, the team shall draw upon information from a variety of sources, including aptitude and

achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The team shall also ensure that information obtained from all such sources is documented and carefully considered and that the placement decision is made in conformity with 34 CFR 104.34. (34 CFR 104.35)

Note: While there is no specific requirement that a Section 504 services plan (sometimes called an accommodation plan) be in writing, it is strongly recommended that the district develop a written plan for each student detailing the regular and/or special education and related services that the student will be provided in order to ensure that the student is receiving FAPE in accordance with 34 CFR 104.33.

2. If, upon evaluation, a student is determined to be eligible for services under Section 504, the team shall meet to develop a written 504 services plan which shall specify the types of regular or special education services, accommodations, and supplementary aids and services necessary to ensure that the student receives FAPE.

The parents/guardians shall be invited to participate in the meeting and shall be given an opportunity to examine all relevant records.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

3. If the 504 team determines that no services are necessary for the student, the record of the team's meeting shall reflect whether or not the student has been identified as a disabled person under Section 504 and shall state the basis for the determination that no special services are presently needed. The student's parent/guardian shall be informed in writing of his/her rights and procedural safeguards, as described in the "Procedural Safeguards" section below.

4. The student shall be placed in the regular educational environment, unless the district can demonstrate that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The student shall be educated with those who are not disabled to the maximum extent appropriate to his/her individual needs. (34 CFR 104.34)

***Note: The law does not specify a time frame for completion of the evaluation and placement process, but OCR requires completion within "a reasonable amount of time." Generally, compliance with the timelines in IDEA will be considered "reasonable" and thus in compliance with Section 504. However,

Section 504 does not provide for an automatic suspension of the timelines during extended breaks or when schools are not in session. For timelines under IDEA, see AR 6164.4 - Identification and Evaluation of Individuals for Special Education.***

5. The district shall complete the identification, evaluation, and placement process within a reasonable time frame.

6. A copy of the student's Section 504 services plan shall be kept in his/her student record. The student's teacher(s) and any other staff who provide services to the student shall be informed of the plan's requirements.

If a student transfers to another school within the district, the principal or designee at the school from which the student is transferring shall ensure that the principal or designee at the new school receives a copy of the plan prior to the student's enrollment in the new school.

(cf. 5125 - Student Records)

Review and Reevaluation

Note: 34 CFR 104.35 requires a district to establish procedures for the periodic reevaluation of a student who has been identified as needing services under Section 504. A reevaluation procedure consistent with the IDEA is one means of meeting this requirement. The following section should be modified to reflect district practice.

The 504 team shall monitor the progress of the student and, at least annually, shall review the effectiveness of the student's Section 504 services plan to determine whether the services are appropriate and necessary and whether the student's needs are being met as adequately as the needs of nondisabled students. In addition, each student with a disability under Section 504 shall be reevaluated at least once every three years.

Note: As part of its responsibilities pursuant to 34 CFR 104.35, the district is required to reevaluate a student's needs before a significant change in his/her placement. Examples of actions that might constitute a "significant change in placement" triggering a reevaluation include, but are not limited to, expulsions, suspensions that exceed 10 school days within a school year, or removal from a fully integrated curriculum to a resource room, home instruction, independent study, or continuation school.

A reevaluation of the student's needs shall be conducted before any subsequent significant change in placement. (34 CFR 104.35)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Procedural Safeguards

Note: 34 CFR 104.36 requires districts to adopt a system of procedural safeguards which must include the rights of parents/guardians to receive notice, examine relevant records, have an impartial hearing in which they would have an opportunity to participate and be represented by legal counsel, and a process for review of the hearing and decision as detailed in the following section.

Note: Timelines suggested in this section should be revised to reflect district practice; however, OCR requires that the due process hearing procedures be completed within a "reasonably prompt time frame."

The Superintendent or designee shall notify the parents/guardians of students with disabilities of all actions and decisions by the district regarding the identification, evaluation, or educational placement of their children. He/she also shall notify the parents/guardians of all the procedural safeguards available to them if they disagree with the district's action or decision, including an opportunity to examine all relevant records and an impartial hearing in which they shall have the right to participate. (34 CFR 104.36)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

Note: 34 CFR 104.36 requires that the district's procedural safeguards for Section 504 include an impartial hearing to resolve disagreements about the provision of FAPE. This Section 504 due process hearing is separate from the due process hearing procedures under IDEA and from the district's uniform complaint procedures, which are used to resolve complaints regarding discriminatory treatment (e.g., harassment or accessibility issues). See BP/AR 1312.3 - Uniform Complaint Procedures.

If a parent/guardian disagrees with any district action or decision regarding the identification, evaluation, or educational placement of his/her child under Section 504, he/she may request a Section 504 due process hearing within 30 days of that action or decision.

Note: According to OCR, the parent/guardian cannot be required to participate in an administrative review prior to exercising his/her right to a Section 504 due process hearing. Districts with questions should consult legal counsel, as appropriate.

Prior to requesting a Section 504 due process hearing, the parent/guardian may, at his/her discretion, but within 30 days of the district's action or decision, request an administrative review of the action or decision. The Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue and the administrative review shall be held within 14 days of receiving the parent/guardian's request. If the parent/guardian is not

satisfied with the resolution of the issue, he/she may request a Section 504 due process hearing.

Section 504 due process hearing shall be conducted in accordance with the following procedures:

1. The parent/guardian shall submit a written request to the Coordinator within 30 days of receiving the district's decision or, if an administrative review is held, within 14 days of the completion of the review. The request for the due process hearing shall include:
 - a. The specific nature of the decision with which he/she disagrees
 - b. The specific relief he/she seeks
 - c. Any other information he/she believes is pertinent to resolving the disagreement
2. Within 30 days of receiving the parent/guardian's request, the Superintendent or designee and 504 Coordinator shall select an impartial hearing officer. This 30-day deadline may be extended for good cause or by mutual agreement of the parties.
3. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. This 45-day deadline may be extended for good cause or by mutual agreement of the parties.
4. The parties to the hearing shall be afforded the right to:
 - a. Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504
 - b. Present written and oral evidence
 - c. Question and cross-examine witnesses
 - d. Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision

If desired, either party may seek a review of the hearing officer's decision by a federal court of competent jurisdiction.

Notifications

The Superintendent or designee shall ensure that the district has taken

appropriate steps to notify students and parents/guardians of the district's duty under Section 504. (34 CFR 104.32)

(cf. 5145.6 - Parental Notifications)

(11/07 3/09) 4/13 12/14

~~VII~~ B

The completed Facility Inspection Tool will be provided at the Dec 14, 2016 Board Meeting.