

Louisiana Believes

Section 504 Overview and the Individual Accommodations Plan August 2016

Objectives

- Provide an overview of Section 504
- Differentiate between IDEA and Section 504 protections and requirements
- Review the Individual Accommodations Plan (July 2016)

Consider implications for supporting parents to appropriately advocate for their children who qualify for services under Section 504.

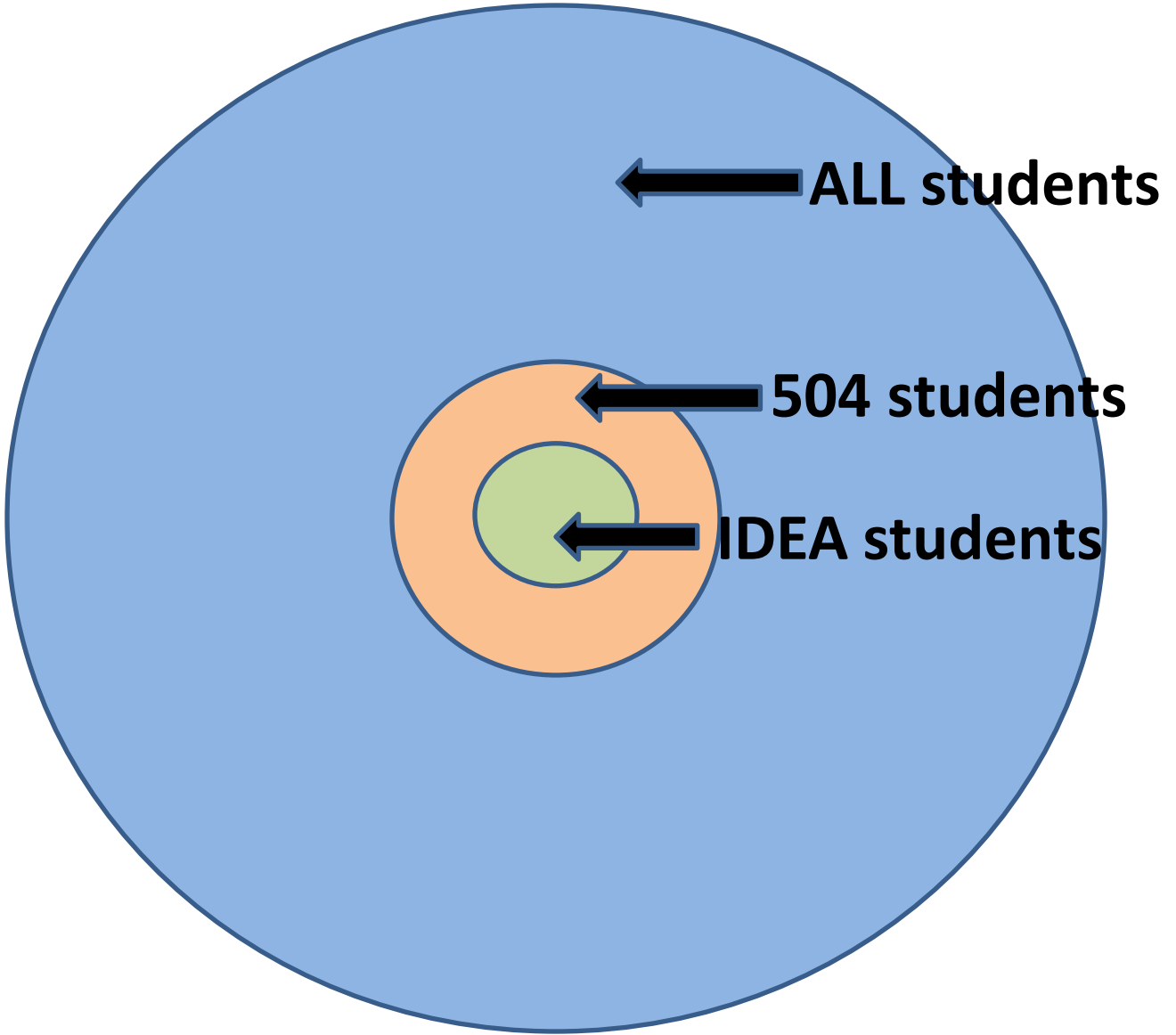
Section 504

- Rehabilitation Act of 1973
- Federal Civil Rights legislation
- Statute intended to
 - prevent any form of discrimination based on disabilities
 - “level the playing field” and provide “access” for students with disabilities

Who is protected under Section 504 in public schools?

- Students who meet eligibility criteria established by the federal statute and as determined by the School Building Level Committee (SBLC)

NOTE: Some students referred for IDEA evaluations who do not meet criteria may actually qualify for services under Section 504.



504 Compliance

- Compliance is not optional and schools must adhere to 504 mandates.
- While federally mandated, no federal funds accompany this mandate.
- The Office of Civil Rights (OCR) is the enforcement agency. OCR has ruled in favor of many students whose rights have been violated, ignored or improperly observed.

504 Eligibility

Section 504: Definition of Eligibility

- Does **NOT** contain a list of specific disabilities which result in eligibility
- Does provide broad list of impairments. Impairments are 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

Speech organs

Cardiovascular

Reproductive

Digestive

Genito-urinary

Hemic and lymphatic

Skin

Endocrine

Eligibility (continued)

- Major life activity
- Substantially limits
- Expanded definition of students with disabilities

What are some “major life activities”?

- Self-care
- Manual tasks
- Walking
- Seeing
- Speaking
- Sitting
- Thinking
- Learning
- Breathing
- Interacting with others
- Working
- Reading
- Standing
- Lifting
- Bending
- Concentrating

Substantial Limitation

The student is unable to perform a major life activity that the average student of the same age can perform **or that the student is significantly restricted as to the condition, manner or duration under which a particular major life activity is performed as compared to the average student of approximately the same age.**

What information is used in documenting the substantial limitation?

- Grades over the past several years
- Teachers reports
- Information from parents or other agencies
- State assessment scores or other school-administered tests
- Observations, discipline reports, attendance records
- Health/Medical records
- Intervention results (including RTI and PBIS)

Eligibility Decisions (continued)

Simplified

- Three main questions
 - Is there a physical or mental impairment that “substantially” limits one or more life activities?
 - Is there a record of the impairment?
 - Is the student regarded as having an impairment (not temporary)?

Who decides whether a student is qualified and eligible for services under Section 504?

Eligibility and service decisions are made by a group of persons who are knowledgeable:

- about the child
- about the meaning of the evaluation data
- program/placement options
- least restrictive environment requirements, and
- comparable facilities

NOTE: Eligibility determination should **never** be made by only **one** person, and should **never** be made using only **one** data source.

Reevaluations

Once a student is identified as eligible for 504 services, is that student always entitled to such procedural safeguards?

Discipline

Discipline

10/26/2016

A school may suspend a qualified student provided that the district follow procedures for ensuring the student receives FAPE. In the student's current placement, a qualified student may be suspended for no more than ten consecutive days or a series of suspensions that creates a pattern of exclusion totaling ten school days before a significant change of placement occurs.

Discipline (continued)

10/26/2016

Before a significant change in a student's placement, the school district must conduct a re-evaluation. The school district must convene a group of people which meets Section 504 requirements to determine whether the misconduct is a direct manifestation of the student's disability. The decision must be based upon evaluation procedures that conform to Section 504 regulations.

Discipline (continued)

10/26/2016

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Discipline (continued)

10/26/2016

An exception to Section 504 states that schools may take disciplinary action in situations where Section 504 students are “currently” engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against non-disabled students.

Differences Between 504 and IDEA

	504	IDEA
Funding	No	Yes
Purpose	Civil rights law to prevent discrimination on the basis of disability (level playing field)	Specific regulations and funding law to assist states in educating children with disabilities
Eligibility	Students who have a physical or mental impairment that substantially limits one or more major life activities	Students who fall into one of the 14 disability categories and require special education to benefit from their education
Ages covered	Students in grades PreK-12 in Louisiana schools and any entity that accepts federal funds	Ages 3- 21 in Louisiana
Individual plans	Individual Accommodation Plan (IAP)	Individualized Education Program (IEP)
Enforcement	Office of Civil Rights (OCR)	Office of Special Education and Rehabilitation Services (OSERS)

	504	IDEA
Enforcement	Office of Civil Rights (OCR)	Office of Special Education and Rehabilitation Services (OCR)
Evaluation	Specific procedural requirements for the identification, evaluation, placement and procedural safeguards of preschool, elementary and secondary students	Specific procedural requirements for the identification, evaluation, placement and procedural safeguards of preschool, elementary and secondary students
Notice	Parents must be provided notice of actions regarding the identification, evaluation and placement of their children, but this does not have to be written.	Parents must be provided written notice of actions regarding the identification, evaluation and placement of their children.
Consent	Consent required prior to initial evaluation.	Parents must provide written consent prior to the initial evaluation and the initial placement of their child.

Documenting Services

“The Louisiana Individual Accommodation Form”

Eligibility (page 1)

- Part A. Section 504 Disability
 - Dyslexia
 - Dysgraphia
 - Other Academic/Learning Disability
- Social/Emotional Characteristics
- Medical

Part B. Areas(s) Where IEP is Needed (page 2)

Math

Reading

Writing

Art/Music

Spelling

Science

Computer Lab

Physical Education

Health

Vocational Electives

Library

English

Social Studies

Field Trips

Gifted/Talented

Other

Accommodations (pages 2 – 5)

- Part C: Settings
- Part D: Presentation/Response
- Part E: Time Demands
- Part F: Behavior Concerns
- Part G: Assistive Technology
- Part H: Classroom Tests/Quizzes
- Part I: Statewide Assessment

IAP (page 6)

- Part J Instructional Services/Interventions
- Part K Special Considerations