

SAU #21 504

Presentation



Spring 2019

504 Review Team

- Dr. Ronna Cadarette, Assistant Supt. SAU #21
 - SAU # 21 Guidance
 - SAU # 90 Guidance
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Objectives

Inform the faculty of SAU #21 schools about the 504 process by introducing the new 504 Handbook for SAU #21.

You play a vital role in the 504 process!

Materials

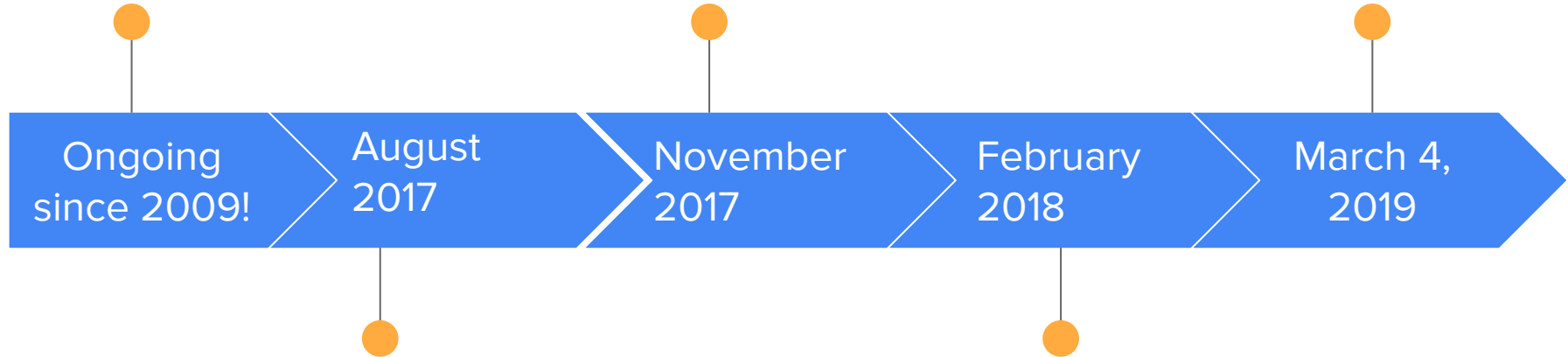
- SAU #21 Section 504 Handbook (will be on SAU website)
 - Section 504 Referral Form
 - Section 504 Eligibility Form
 - Section 504 Plan
 - 504 Process Flow Chart
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Timeline

SAU #21 Counselors discuss growing concerns regarding 504 referrals and process.

Drummond Woodsum webinar for SAU #21 and SAU #90 Guidance and Special Education

SAU # 21 Joint Board accepts the revised SAU # 21 504 Handbook



Drummond and Woodsum Presentation to Summer Leadership

SAU #21 Guidance begins the process of rewriting the SAU #21 504 Handbook of 2009

Presentation Format

Review 504 Law

Definitions

Review of SAU #21 504 Process

Presentations of Forms

Questions and Answers

504 Law

The Rehabilitation Act of 1973

First civil rights law for individuals with disabilities

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

Public Law 94-142

Education for All Handicapped
Children Act
1975

This law became known as the IDEA which established education as a right, not a privilege.

Section 504 works together with the ADA and IDEA to protect children and adults with disabilities from exclusion, and unequal treatment in schools, jobs and the community.

504 Enforcement

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

Failure to maintain and implement 504 policies and procedures can result in complaint investigations, compliance reviews, and enforcement proceedings by the Office for Civil Rights.

Aside from federal agency monitoring, parents can file due process hearing requests and initiate court proceedings.

Civil court, not criminal court

Definitions

Free and Appropriate Public Education (FAPE)

The Section 504 regulations require a school district to provide a **free appropriate public education (FAPE)** to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability.

Eligibility is determined by a student having a **disabling condition** that causes **substantial limitation** of a **major life activity**.

Disability

3 Broad Categories of Eligibility

A person with a disability.

A person with a record of a physical or mental impairment.

A person regarded as having such an impairment.

Physical Impairments

Impacts Bodily Functions

“Physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting on or more of a long list of bodily functions”.

Disabling condition in virtually all cases:

Deafness

Blindness

Intellectual disability

Autism

Cancer

Missing limbs

Diabetes

Cerebral Palsy

Mental Impairments

“ any mental or psychological disorder”

DSM V (Diagnostic Statistical Manual of Mental Disorders) is the guide not the law.

Schools should not dispute eligibility for these disorders:

Major depressive disorder

Bi-polar disorder

PTSD

Obsessive Compulsive disorder

Schizophrenia

Substantial Limitation

It does not mean that the student is not working up to his/her potential or earning the best grades he/she can earn.

The disability materially and significantly impacts the student's overall educational performance and experience in an adverse manner.

Substantial Limitations

Does not have to be a severe limitation.

Can be “Unable” or “Substantially restricted” in performance of an activity which most people in the general population can perform.

Can be construed broadly.

A doctor’s note is not enough to determine substantial limitation of a major life activity.

Major Life Activities

Congress and Department Of Justice have expanded what is considered a major life activity.

Examples of Major Life Activities
(not just learning!)

Reading

Concentrating

Learning

Thinking

Breathing

Lifting

Eating

Sleeping

The operation of a major bodily function

Major Life Activities Impact and Possible Accommodations

DISABLING CONDITION	MAJOR LIFE ACTIVITIES CONSIDERATIONS	MAJOR LIFE ACTIVITY FOR 504 PLAN	ACCOMMODATIONS
ADHD	Concentration Reading Learning	Concentration	<ul style="list-style-type: none">● Classroom breaks● Extended time for assessments
Diabetes	Concentration Operation of a Bodily Function	Operation of a Bodily Function	<ul style="list-style-type: none">● Test Blood Sugar● Have snacks available

504 Plans

The Goal of the 504 Plan is to provide services sufficient to provide **equal opportunity** to participate and benefit and not **equal outcome**.

Does not require potential-maximizing educational programming.

Legal duty to provide an accommodation solely arises from the evaluation data

Accommodations are not modifications and don't require specially designed instruction.

504 Plans Continued

The Plan might include direct services.

But only if necessary to provide meaningful access; not to remediate a disabled skill set!

All accommodations and supports ordered by 504 team are legally binding

What is the legal standard for when to order an accommodation?

Is it the “happiness standard”?

No

Is it the “helpfulness standard”?

No

Is it the “necessity standard”?

Yes

504 Team

Determines student eligibility

Must contain persons knowledgeable of

The student

The meaning of evaluation data

The placement options

Relies on evaluations

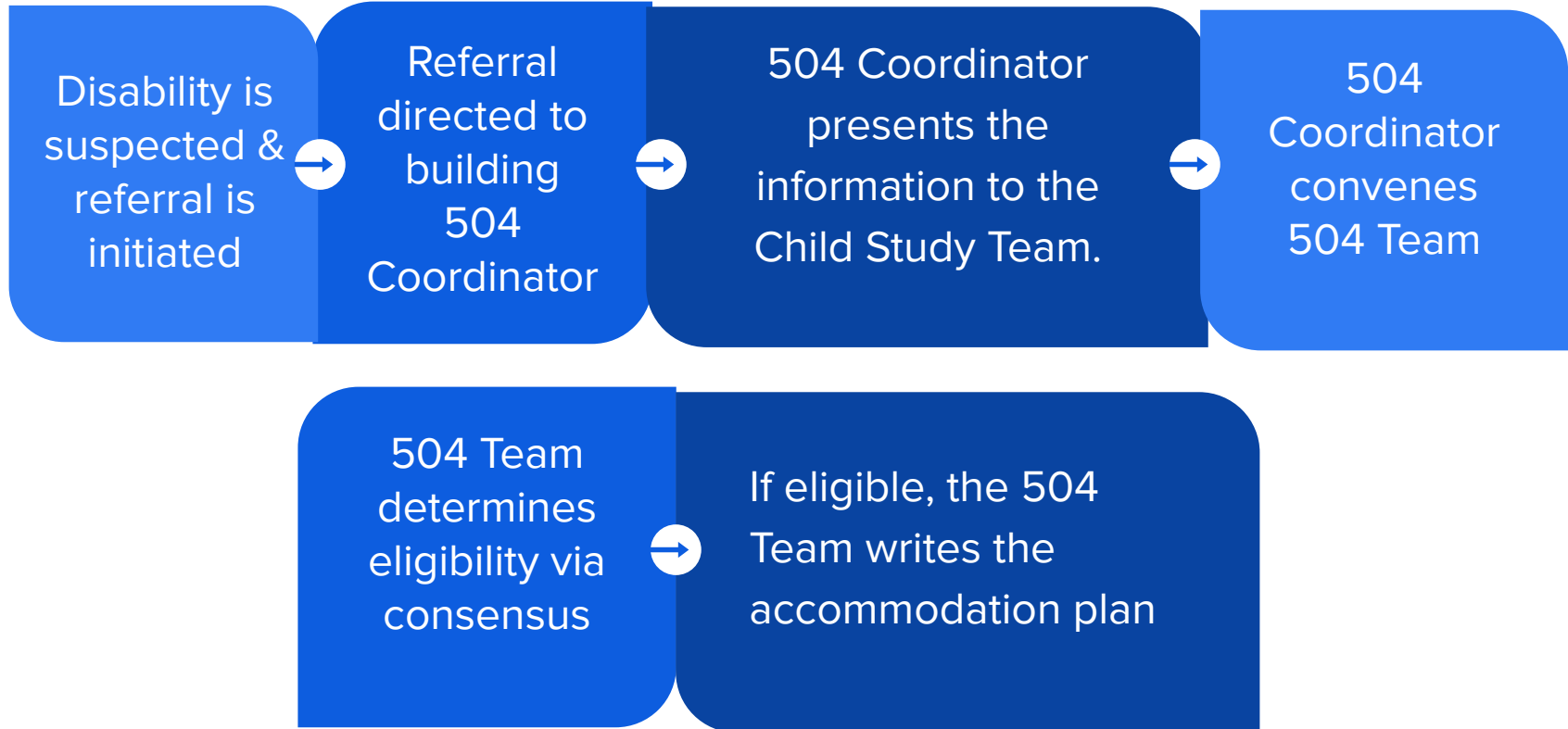
Evaluation

Academic Information
Observations
Formal assessments

The collecting, gathering, and interpreting of data from a variety of sources about the student's educational functioning constitutes an evaluation

504 Process

Process begins with referral



504 Plan

Plan is distributed to all staff who have a responsibility to the student under the plan.

The plan is reviewed periodically.

The plan requires written consent for the student's initial 504 eligibility determination by the parent.

The accommodations on the plan do not require parental consent.

Subsequent changes to the 504 plan do not require parental consent.

Minimum requirements for a 504 plan include the nature of major life activity impacted, necessary accommodations, placement or location of accommodations/services, and a beginning date/ending date.

**End of Video
Presentation**

504 Forms

Identifies the Contact Person.

Contains date and time.

Determines the purpose of the 504 Team Meeting.

Initial

Plan Review

Parent Request

Identifies who has been invited.

Notice of 504 Team Meeting

Lists the Rights that a Parent has under Section 504

States the complaint procedures

- Local Complaint Procedures
- Impartial Hearing Procedures
- Federal Court Hearing

Identifies the 504 Coordinator

Procedural Safeguards

Identifies who is making the referral.

Documents the concerns and what has been tried

Asks if there has been a meeting.

Asks if there is a history of referrals.

Requires a suspected or diagnosed impairments.

Section 504 Referral Form

Purpose of Meeting

Participants and what they are knowledgeable about:

- Child

- Meaning of Evaluation Data

- Accommodations/Placement Options

Sources of Information

Impairment “Substantially limits” major life activities.

Eligibility Determination

- Does not

- Does

 - Requires accommodations

 - Does not require accommodations

Section 504 Eligibility Determination Form (Short)

Parents are asked to consent to the placement of their eligible child in the 504 systems and the implementation of a plan.

Parents can decline initial placement.

Parental Consent for Initial Section 504 Placement

Identifies who attended the meeting and what they are knowledgeable about.

Accommodations

The School Will.

Participation in Assessments: School based, not the College Board

Section 504 Plan

Purpose of Meeting.

Summary.

Determinations.

504 Meeting Notes

Frequently Asked Questions

What are the contents of a plan meant to do?

Most often, a 504 plan includes accommodations.
sometimes it might include direct services
only if necessary to provide meaningful access;
not to remediate a disabled skill set!

Most often a 504 plan involves supports or
accommodations in your school.
sometimes it might be outside the school, such as
extracurricular activities

504 plans usually do not include supports or
accommodations actually available to all students

What are the educational goals of a 504 Plan.

To level the playing field.

Prohibit discrimination of any program on the basis of
any disability.

Provide appropriate educational services to the same
extent as needs of non-disabled.

Necessary for the child to have meaningful access to
programs or services otherwise available!

Not necessary to fully actualize potential!

Not necessary to remediate an impacted skill set!

Not necessary to keep up with peers!

FAQ

What about extracurricular activities?

Duty not to discriminate

No obligation to eliminate “essential eligibility requirements”

If student meets essential requirements, schools will need to accommodate the student’s disability in the activity.

No obligation to “fundamentally alter” the nature of the activity through accommodations

What about grading?

No, being 504-eligible is not about being guaranteed passing grades or all A’s.

The initial question to ask is whether assignments or tests that were failed were the result of school error in not implementing accommodations (at all, or fully) or whether the plan was not appropriate to begin with.

However, the Office of Civil Rights (OCR) has said that student effort counts.

Sources

Drummond and Woodsum

www.slideshare.org

Webinar in 3 Parts

504 Basic Presentation

504 and Your School
Sessions I,II,III

Section 504

November 2015

www.bcbe.org

Section 504 Handbook 2015

Section 504 Manual “serving
Students with Disabilities Section 504 for
BCBOE.” July 30, 2015 Inservice by
Rodney Lewis, Attorney at law

Baldwin County Public Schools, Alabama