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
• Statue intended to
  • prevent any form of discrimination based on disabilities
  • “level the playing filed” 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:

<table>
<thead>
<tr>
<th>Neurological</th>
<th>Reproductive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Musculoskeletal</td>
<td>Digestive</td>
</tr>
<tr>
<td>Special sense organs</td>
<td>Genito-urinary</td>
</tr>
<tr>
<td>Respiratory</td>
<td>Hemic and lymphatic</td>
</tr>
<tr>
<td>Speech organs</td>
<td>Skin</td>
</tr>
<tr>
<td>Cardiovascular</td>
<td>Endocrine</td>
</tr>
</tbody>
</table>

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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)
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.
Once a student is identified as eligible for 504 services, is that student always entitled to such procedural safeguards?
Discipline
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.
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.
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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
<table>
<thead>
<tr>
<th>Funding</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>Civil rights law to present discrimination on the basis of disability (level playing field)</td>
<td>Specific regulations and funding law to assist states in educating children with disabilities</td>
</tr>
<tr>
<td>Eligibility</td>
<td>Students who have a physical or mental impairment that substantially limits one or more major life activities</td>
<td>Students who fall into one of the 14 disability categories and require special education to benefit from their education</td>
</tr>
<tr>
<td>Ages covered</td>
<td>Students in grades PreK-12 in Louisiana schools and any entity that accepts federal funds</td>
<td>Ages 3-21 in Louisiana</td>
</tr>
<tr>
<td>Individual plans</td>
<td>Individual Accommodation Plan (IAP)</td>
<td>Individualized Education Program (IEP)</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Office of Civil Rights (OCR)</td>
<td>Office of Special Education and Rehabilitation Services (OCR)</td>
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</tr>
<tr>
<td><strong>Evaluation</strong></td>
<td>Specific procedural requirements for the identification, evaluation, placement and procedural safeguards of preschool, elementary and secondary students</td>
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</tr>
<tr>
<td><strong>Notice</strong></td>
<td>Parents must be provided notice of actions regarding the identification, evaluation and placement of their children, but this does not have to be written.</td>
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</tr>
<tr>
<td><strong>Consent</strong></td>
<td>Consent required prior to initial evaluation.</td>
<td>Parents must provide written consent prior to the initial evaluation and the initial placement of their child.</td>
</tr>
</tbody>
</table>
“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)

<table>
<thead>
<tr>
<th>Math</th>
<th>Computer Lab</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading</td>
<td>Physical Education</td>
<td>Social Studies</td>
</tr>
<tr>
<td>Writing</td>
<td>Health</td>
<td>Field Trips</td>
</tr>
<tr>
<td>Art/Music</td>
<td>Vocational Electives</td>
<td>Gifted/Talented</td>
</tr>
<tr>
<td>Spelling</td>
<td>Library</td>
<td>Other</td>
</tr>
<tr>
<td>Science</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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
• Part J  Instructional Services/Interventions
• Part K  Special Considerations