

Reading Public Schools Section 504 and IDEA Training

2020-2021 School Year

Section 504 of the Rehabilitation Act of 1973

- Section 504 is a federal non-discrimination statute that prohibits discrimination on the basis of disability.
- Section 504 contains specific provisions applicable to any educational program that receives federal funding.



What does Section 504 Require?

- Section 504 requires that schools provide the accommodations, and in some cases, services, designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met.



Section 504 - Eligible Student

- A student who has a physical or mental impairment that substantially limits one or more major life activities.
 - A student does not have to be limited in his/her ability to learn to be eligible for accommodations or services.



Section 504

Qualifying Physical or Mental Impairments

- 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
- Any mental or psychological disorder, such as organic brain syndrome, emotional or mental illness, and specific learning disabilities.



Section 504

Major Life Activities

- Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working
- Operation of major bodily functions (e.g., immune system, digestion, circulation, respiration, reproduction)





When do we need to refer for a Section 504 evaluation immediately?

1. The parent/guardian requests an evaluation and there is reason to suspect that the child has a disability.
2. The student is found to have a disability but to be ineligible under the IDEA.
3. Teacher observations, student behavior, or other information (e.g., notice of a diagnosis from a parent) leads the district to **suspect** that the student has a mental or physical impairment which substantially limits a major life activity.

Procedures Following a Section 504 Referral

- Provide Notice of Section 504 Rights;
 - Obtain signature indicating that parents have been informed as to their rights under Section 504.
- Obtain parent/guardian consent to initial eligibility determination and any assessments;
- Schedule and conduct recommended assessments;
- Convene the Team to consider the evaluation data and to determine eligibility.



Notice of Section 504 Rights

1. Notice of any action taken in regard to identification, evaluation and placement;
2. Notice of opportunity for parent/guardian to examine relevant records;
3. Notice of right to due process – impartial hearing with participation of counsel (BSEA); and
4. A review procedure (Federal Court).



Consent

- Parent/guardian consent required prior to initial evaluation/eligibility determination:
 - Need consent prior to conducting any assessment .
 - Also need consent **prior** to initial implementation of 504 Plan.
- Once you have received consent, provide written notice of the date and time of the evaluation meeting.





Evaluation Timeline

- Evaluation must be completed within a “reasonable time period” after a request for evaluation; and
- Before an initial placement or a significant change in placement.
- Use special education regulation timelines as general guide:
 - 30 school days to complete testing/assessments;
 - 45 school days to convene 504 Team to determine eligibility.



The 504 Team

- A group of persons knowledgeable about the child, the meaning of evaluation data, and the placement options.
 - Teacher(s)
 - Other staff involved with the delivery of services to the student or with unique expertise
 - Parents



The 504 Plan

- The 504 Plan is a written statement of the services and/or accommodations necessary to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met.
- The 504 Plan is developed at a meeting of a group of individuals knowledgeable about the student
- Parents must be provided with the opportunity for meaningful participation in the process



Components of the 504 Plan

- Names of student and Team members;
- Identification of the student's impairment;
- Summary of how the impairment substantially limits the major life activity(ies);
- Statement of the services and/or accommodations to be provided.





504 Rights

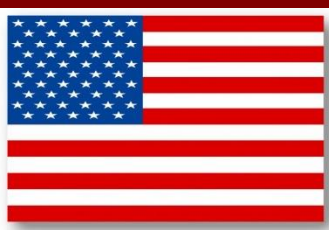
- In addition to the accommodations and/or services identified in the 504 plan, a finding of eligibility entitles the student to:
 1. The right to a free appropriate public education;
 2. The right to due process prior to a change in placement;
 3. The right to additional procedural protections when subject to disciplinary sanctions;
 4. Equal opportunities to participate in non-academic and athletic activities.



Consequences of Failing to Provide Necessary Accommodations

- State and Federal Complaints and Hearings
 - U.S. Department of Education
 - Office for Civil Rights – Region I
 - MA Department of Elementary and Secondary Education
 - Program Quality Assurance
 - MA Division of Administrative Law Appeals
 - Bureau of Special Education Appeals
- Civil Suits
 - Monetary damages / Personal liability





The Individuals with Disabilities Education Act (I.D.E.A.)

- The IDEA entitles eligible students to an individualized program of specially designed instruction and/or related services that are reasonably calculated to provide educational benefit to the student in the least restrictive setting consistent with that goal



Students Eligible for IDEA Services

- A student with a disability who, because of that disability, requires specially designed instruction and/or related services to progress effectively in the general curriculum.



3 Basic Obligations of the IEP Team

- **Determine Eligibility**
 - Propose, conduct, and review comprehensive and appropriate evaluations with the informed consent of the parent.
- **Develop an IEP**
 - Obtain input from parents, the student, regular educators, and special educators.
- **Make a placement decision**
 - Always consider the least restrictive environment (LRE) first
 - LRE = The amount of time a student is included with typical (non- disabled) peers determines the restrictiveness of the placement.



IEP Team – Required Members

- The student, when appropriate
- At least one special education teacher
- An individual with the ability to interpret evaluation results
- A school district representative with the authority to allocate resources
- At the Parent’s or the District’s discretion, others with knowledge of the Student
- **At least one general education teacher if the child is, or may be, participating in regular education**



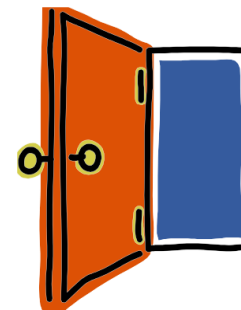
The Regular Educator as an IEP Team Member

- Responsibilities:
 - Participate in the development and review of IEPs;
 - Participate in the review of evaluations;
 - Be knowledgeable about, and prepared to describe, student's ability to progress in the general curriculum.



IEP Team - Excusal

- A required member of the Team may be excused from attending the meeting, in whole or in part, when the meeting does not involve a modification to or discussion of the member's area of curriculum or related service if:
 - The parent consents to the excusal in writing.
- A required member of the Team may be excused from attending the meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related service if:
 - The parent consents to the excusal in writing; and
 - the member submits, in writing, input into the development of the IEP prior to the meeting.
- Alternative means of participation
 - Telephone
 - Teleconference



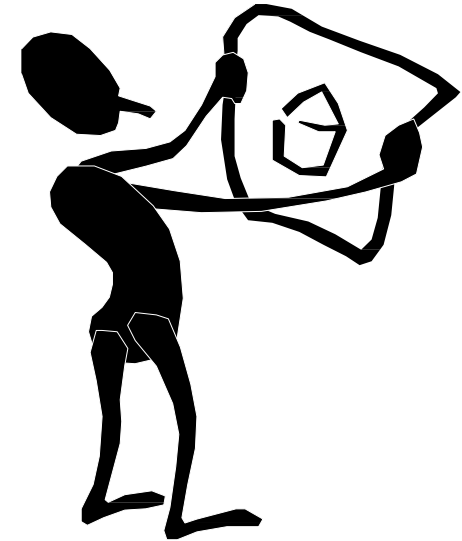
Determination of Eligibility

- Within five (5) school days of referral, an evaluation consent form must be sent to the parent(s).
- Within thirty (30) school days or receipt of parent consent, all evaluations must be completed.
- Within forty-five (45) school days of receipt of parent consent, a properly comprised IEP Team must determine eligibility and, if appropriate, develop an IEP.



Individualized Education Programs (IEP)

- Annual written statement of:
 - The student's current strengths and weaknesses
 - Annual goals for the student
 - Description of the special education services, accommodations and placement necessary to enable the student to progress toward the goals and to make effective progress in the general curriculum
- The IEP is an enforceable contract.



IEP Development: Transition Planning

- The IDEA requires IEP Teams to engage in planning for the student's transition to post-secondary school employment or education beginning with the IEP to be in effect on the student's 14th birthday.
 - Transition Planning is an “outcome oriented process.”
- The IEP that will be in effect as of the student's 14th birthday must contain:
 - Appropriate measurable postsecondary goals based upon age appropriate transition assessments; and
 - Transition services necessary to enable student to achieve those postsecondary goals.



Reading Public Schools

**Thank you for participating in our
Section 504 and IDEA module**