SAU #21 504 Presentation
Spring 2019
504 Review Team

- Dr. Ronna Cadarette, Assistant Supt. SAU #21
- SAU # 21 Guidance
- SAU # 90 Guidance
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
SAU #21 Counselors discuss growing concerns regarding 504 referrals and process.

Ongoing since 2009!

August 2017
Drummond and Woodsum Presentation to Summer Leadership

November 2017
Drummond Woodsum webinar for SAU #21 and SAU #90 Guidance and Special Education

February 2018
SAU #21 Guidance begins the process of rewriting the SAU #21 504 Handbook of 2009

March 4, 2019
SAU #21 Joint Board accepts the revised SAU #21 504 Handbook
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...”
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.
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

<table>
<thead>
<tr>
<th>Disabling Condition</th>
<th>Major Life Activities Considerations</th>
<th>Major Life Activity for 504 Plan</th>
<th>Accommodations</th>
</tr>
</thead>
</table>
| ADHD                | Concentration Reading Learning       | Concentration                    | - Classroom breaks  
|                     |                                      |                                  | - Extended time for assessments |
| Diabetes            | Concentration Operation of a Bodily Function | Operation of a Bodily Function | - 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

1. Disability is suspected & referral is initiated
2. Referral directed to building 504 Coordinator
3. 504 Coordinator presents the information to the Child Study Team.
4. 504 Coordinator convenes 504 Team
5. 504 Team determines eligibility via consensus
6. If eligible, the 504 Team writes the accommodation plan
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
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
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.
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.
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.

Frequently Asked Questions

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

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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

Webinar in 3 Parts

504 and Your School
Sessions I, II, III

November 2015

Section 504 Handbook 2015

www.slideshare.org

504 Basic Presentation

Section 504

www.bcbe.org

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