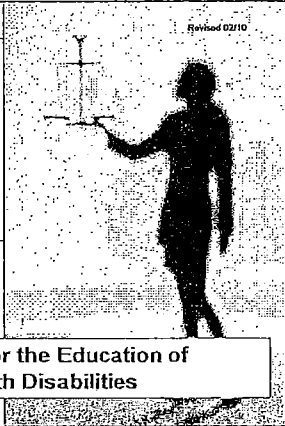


**Rehabilitation
Act of 1973**

**Section
504**

Ohio Coalition for the Education of
Children with Disabilities



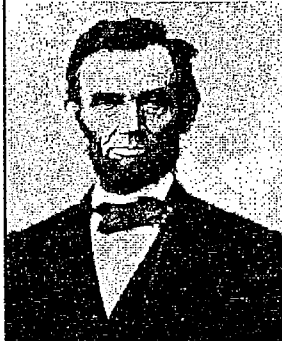
Would you believe?



Einstein was 4
years old before he
could speak and
7 years old before he
could read.

He dropped out of
school at the age
of 15 years.

Would you believe?



Abraham Lincoln
entered the
Black Hawk War
as a Captain
and came
out as a Private.

Would you believe?



When Thomas Edison was a boy, his teachers told him he was too stupid to learn anything.

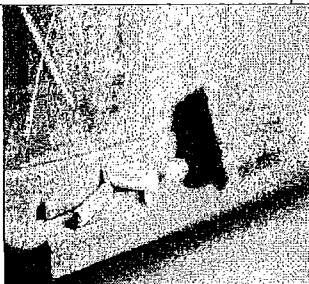
Would you believe?



A newspaper editor fired Walt Disney because he didn't have any good ideas.

Educational Rights

In order to truly understand the educational rights afforded children with disabilities, a brief review of the history is helpful.



When we know WHY things are the way they are, it is easier to apply them to our lives.

Amendment XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868. Section 1.

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

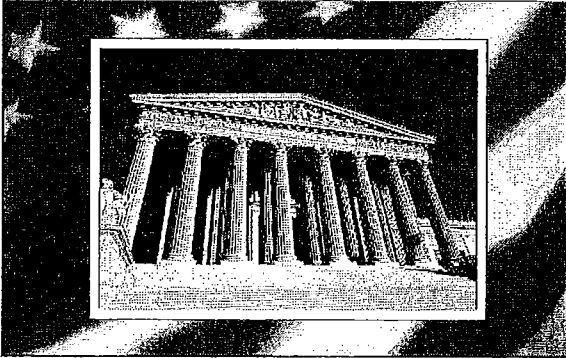
1865: Freedom From Slavery



1920: Women's Right to Vote



1964: Civil Rights Act



Senator Hubert Humphrey



Senator Humphrey tried to have disability rights written into the Civil Rights Act of 1964 but was unsuccessful.

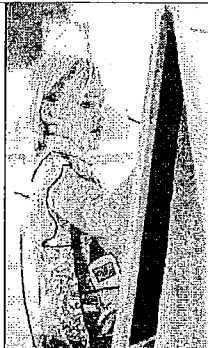
He did not stop and continued to advocate for rights of the disabled.

Rehabilitation Act of 1973

Prior to 1973, if a child's IQ was 50 or under they were not allowed to attend public school. Parents decided this was unacceptable, so they started filing discrimination lawsuits.

Thirty-six court cases were filed in 27 states.

Senator Humphrey was successful in getting education of children with disabilities included in what is known as Section 504 of the Rehabilitation Act.



"Justice delayed is Justice denied!"



Hubert Humphrey

"The time has come when we can no longer tolerate the invisibility of the disabled in America.

Children who are excluded from school. These people have a right to live, to work, to the best of their ability, to know the dignity to which every human being is entitled.

But too often we keep children who we regard as different or a disturbing influence out of our schools and community activities altogether rather than help them develop their abilities in special classes and programs.

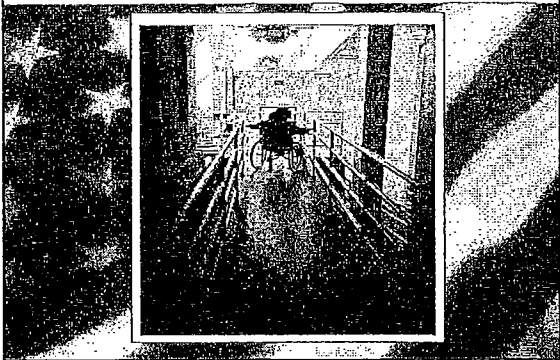
Every child gifted, normal, and disabled have a fundamental right to educational opportunity."

1973: Section 504

CIVIL RIGHTS LAW
"No otherwise qualified disabled individual in the United States shall solely by reason of his disability...
be excluded from participation in,
be denied the benefits of,
or be subjected to discrimination...
under any program or activity receiving federal assistance"



1974: "Ugly Laws" Repealed



1975: Education of Handicapped Children



1977: Section 504 Regulations Signed

It took until 1977, after sit-ins and demonstrations by people with disabilities, to get federal regulations signed.

1990: Americans with Disabilities Act

Title II of the Americans with Disabilities Act prohibits discrimination against people with disabilities by public entities, including public elementary and secondary schools and state colleges and universities.

Section 504 and Title II of ADA have similar compliance standards.

The definition of disability was affected by reauthorization of ADA in 2008.

2004: Reauthorization of IDEA

Individuals with Disabilities Education Act (IDEA) was signed into law in 1997.
The regulations regarding this law were revised and raised to higher standards and encouraged greater parent participation.
Reauthorization of IDEA took place again in 2004.

Who qualifies for services under Section 504?



- MENTAL or PHYSICAL impairment of a MAJOR LIFE Activity
- Have a record of an impairment
- Be regarded as impaired (treated as such)

ADA Amendment of 2008

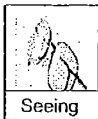
- Effective January 1, 2009, amends ADA and conforms definition of disability in Section 504 with Amendment Act.
- Retains the elements of the term disability but changes the meaning of:
 - “substantially limits a major life activity”
 - “regarded as” having an impairment
- Requires “disability” to be construed broadly

Major Life Activities

The qualifying factor for receiving accommodations under Section 504 is that the handicapping condition **MUST** substantially limit one of the **SEVEN MAJOR LIFE ACTIVITIES**.



Seven Major Life Activities



How would these affect students in the educational environment?

Seven Major Life Activities continued...

ADA Amendment Act includes a non-exhaustive list of major life activities and is divided into two categories – “general” and “major bodily functions.”

- General**
- Eating
 - Sleeping
 - Reading
 - Concentrating
 - Thinking
 - Communicating

- Bodily Functions**
- Digestive
 - Bowel functions
 - Brain
 - Bladder
 - Neurological
 - Endocrine

Mitigating Measures

Under the Amendment Act, the “ameliorative effects of mitigating measures” **MUST NOT** be considered when determining if an individual is a person with a disability.

The list is non-exhaustive and includes:

- assistive technology
- medications
- hearing aids



An impairment that is episodic or in remission is a disability, if it would substantially limit a major life activity.

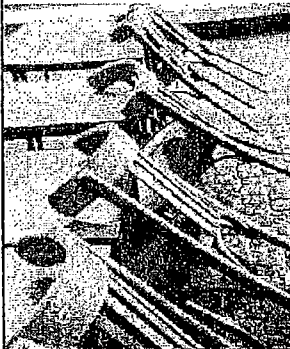
Do School Districts have a responsibility under...Section 504?

Yes, they do.
Each year districts are required to sign a document that they are in compliance with Section 504.



There is **NO MONETARY** reward for serving children on a Section 504 Accommodation Plan.

Schools must have in place:



- Written assurance of non-discrimination in student/parent handbook.
- Have a designated 504 Coordinator.
- Provide grievance procedures to resolve complaints.
- Provide parent or guardian with procedural safeguards.
- Annually identify and locate all students with disabilities.

Locate and Identify



Any student who needs or is believed to need special accommodations, related services or programs under Section 504 of the Rehabilitation Act of 1973, may be referred to the Section 504 Committee for evaluation.

The student's parents shall be notified of Section 504 Committee meeting at least 10 days prior to the meeting and invited to participate.

FAPE



Provide a "free appropriate public education" to each student with a disability, regardless of the nature or severity of the disability. This means providing regular or special education and related aids and services designed to meet the individual educational needs of disabled person as adequately as the needs of non-disabled persons are met.

What are the first steps in obtaining a Section 504 Plan?



Address a letter to your principal requesting a meeting with the Section 504 Coordinator.

Meet with school personnel to determine the next steps in the process.

Evaluation



School districts are required to individually evaluate a student who, because of a disability, needs (or is believed to need) accommodations, special education or related services.

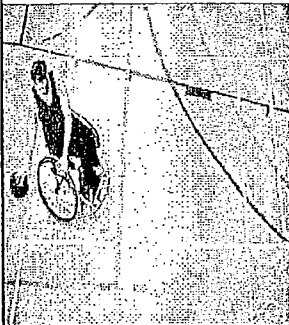
Establish procedures designed to ensure children are not:

- unnecessarily labeled
- incorrectly placed
- misclassified
- and that the evaluation information is correct

Evaluation continued...

- Must have periodic re-evaluations
- Establish standards and procedures to ensure test and other evaluation materials are validated and administered by trained personnel
- Materials tailored to assess specific areas of need
- Accurately measure aptitude or achievement and not disability

Determination Under Section 504



The Section 504 Committee determines whether the student is disabled under Section 504 and develops a written educational plan describing what accommodations, services or programs will be provided to meet the student's needs.

What is written in a Section 504 Accommodation Plan?

- Name of student
- Name of school
- Date of meeting
- Grade and date of birth of student
- Evaluation results
- Accommodations
- Participants names and signatures
- Next planned meeting



Sample Section 504 Accommodation Plan

Section 504 Accommodation Plan

- 1) Date of team meeting _____ District _____
- 2) Student name _____ DOB _____ Grade _____
- 3) Suspected disability/Reason for referral _____
- 4) Evaluation results: (Attach copies of documentation)

(This can include class work, statewide test results, interventions, medical reports, parent information, observations, evaluation results, past academic history...)
- 5) Describe how the physical or mental impairment limits one or more major life activities:

6) Classroom accommodations:

7) Nonacademic/extracurricular accommodations:

8) Team members in attendance:

Name _____	Title _____	Date _____
Name _____	Title _____	Date _____
Name _____	Title _____	Date _____
Name _____	Title _____	Date _____
Name _____	Title _____	Date _____

Date of next meeting to review Accommodation Plan _____

Extracurricular and Nonacademic

"Afford all disabled children an equal opportunity to participate in nonacademic and extracurricular services and activities."

"District must provide individuals with disabilities the same opportunities to participate in athletic activities as it provides non-disabled students."



Placement: Least Restrictive Environment

Consider information from a variety of sources:

- aptitude tests
- achievement tests
- teacher recommendations
- physical conditions...

Ensure that the placement decision is made by: a group of persons knowledgeable about the student.



Placement continued...



Ensure that each student with a disability is educated with non-disabled students to the maximum extent appropriate.

Provide placement in a regular education environment with supports first.

Accommodations for a Section 504 Accommodation Plan

- Assistive technology
- Accessibility issues
- Transportation
- Therapies
- Medications
- Physical education
- Academic needs
- Stamina
- Fire safety
- Self-help skills
- Medical support



Do the accommodations need to be followed?



Doe v. Withers


A high school teacher refused to implement the accommodations listed on a student's IEP. The student received all A's and B's in other courses but failed each six weeks of Mr. Withers class.

The jury awarded \$10,000 actual damages and \$15,000 in punitive damages against Mr. Withers.

WAIT !

What if I disagree?





YOU CAN...

ASK FOR A 504 COMMITTEE MEETING TO DISCUSS CONCERNS

If you still disagree...


YOU CAN FILE A COMPLAINT WITH OFFICE for CIVIL RIGHTS (OCR)

Procedural Safeguards

The school district must provide a system of procedural safeguards regarding identification, evaluation, and educational placement.

OCR will take action with respect to a complaint that has been filed within 180 calendar days of the alleged discrimination.

OCR has a complaint form on their website at www.hhs.gov/ocr




SECTION 504 and IDEA 2004

IDEA 2004 and Section 504 are interrelated because:

IDEA 2004 specifies what is included in education for children with disabilities and how that education is to be provided.

Section 504 specifies what equal educational opportunity means for disabled students.



How do 504 and IDEA 2004 Compare?

Section 504	IDEA 2004
<ul style="list-style-type: none"> •Civil Rights Law •Broad and general •Periodic reevaluation - written permission not required •504 Coordinator •Written plan but no required form •Enforced by OCR 	<ul style="list-style-type: none"> •Educational Law •Defined categories •Reevaluation every three years - must have written permission •Sp. Education Director •Must use state mandated form •Enforced by SEA

Broad and General



Remember, Section 504 is **BROAD and GENERAL** when it comes to those served and the guidelines given to accomplish the student's needed services.

- Section 504 covers more individuals.
- Section 504 does not have as much structure as an IEP.
- Section 504 is the law that will assist a student in college.



"The essence of our effort to see that every child has a chance must be to assure each an equal opportunity, not to become equal, but to become different – to realize whatever unique potential of body, mind, and spirit he or she possesses."

John Martin Fischer

QUESTIONS ?

THANK YOU

Ohio Coalition for the Education of
Children with Disabilities
1-800-374-2806
www.occdd.org
