

The Power of Section 504

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Interest-based Technical Assistance

Introduction

- Claudia Lowe, J.D., SENC
- Related history
- IBTA
- Special Educational Needs Consultant
- Transition Coach & Transition Specialist
- Conflict Mediation Coach
- Speaker and writer

Agenda

- Overview of key components of Section 504
- Educational Strategies
- Parent and student perspective
- Rights and responsibilities
- Q & A breaks

Perspective - Context

- Technical Assistance (TA)
 - basic advocacy
 - technical applications
- Interest-based Technical Assistance (IBTA)
 - advanced advocacy
 - practical applications

Perspective - Context

- Advanced-
 - It's not "tell me what Section 504/IDEA says" but "what does Section 504/IDEA mean to me and my child"
 - Not concerned about what "they" say and how to respond but how to use what they say

Perspective - Context

- Individual Needs Assessment Protocol

Perspective - Context

- Concepts Approach

Overview

- When determined eligible Section 504 applies to individuals with a disability that substantially limits a major life activity
- IDEA students automatically covered

Purpose

- The purpose of this part is to effectuate Section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance.

What are schools doing

- ???
- ??
- ???
- ??
- ???
- ??
- ???

Section 504 Components

- Location and notification (Child Find)
- FAPE
- Educational setting (LRE)
- Evaluation and placement
- Procedural safeguards
- Nonacademic services
- Preschool and adult education
- Private education

Child Find

- Sec. 104.32 Location and notification.
A recipient that operates a public elementary or secondary education program or activity shall annually:
(a) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education; and
(b) Take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under this subpart.

Consider: leverage point

Eligibility

- Needs vs diagnosis
- Handicapped person
- Physical or mental impairment
- Substantially limits
- Major life activity

Handicapped Person

- means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such impairment, or (iii) is regarded as having such an impairment.

Physical or mental impairment

- means (A) 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... or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major life activities

- Means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Substantially limits

- Not defined by Section 504, Department of Education, or OCR
- OCR has ruled that the phrase is to be defined by the local educational agency, and not OCR
- Under the ADA, a major life activity is substantially limited when "the individual's important life activities are restricted as to the conditions, manner or duration under which they can be performed in comparison to most people."

Evaluation process

- Sec. 104.35 Evaluation and placement.
 - (b) Evaluation procedures. . . standards and procedures for the evaluation and placement of persons who, because of handicap, need or are believed to need special education or related services which ensure that:
 - (1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
 - (2) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
 - (3) Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Team members

- Sec. 104.35 Evaluation and placement.
 - (c) Placement procedures.
 - (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options...

Consider: establish parents role

Q & A Break

- Questions are welcome at this time.

Needs & PLOPs

- Sec. 104.35 Evaluation and placement.
 - (c) ...
 - (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior,
 - (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered,

Consider: parent concerns, outside sources of information, INAP, parent attachment/report, lack of Child Find

Goals & Objectives

- Consider: Compliance Tracking with INAP as foundation
- Not about tracking procedural violations

Educational provisions

- Related aids and services
- Regular or special education
- Supports and services
- Accommodations and Modifications
- Compensations & Strategies
- Assistive technology
- Consider: personalized, individualized, specific, concise, compliance tracking, not based on diagnosis, K-12 CAMS

Q & A Break

- Questions are welcome at this time.

Least Restrictive Environment

- Sec. 104.34 Educational setting.

(a) Academic setting. . . shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped, to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.

(b) Nonacademic settings. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in Sec. 104.37(a)(2), a recipient shall ensure that handicapped persons participate with nonhandicapped persons in such activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

(c) Comparable facilities. If a recipient, in compliance with paragraph (a) of this section, operates a facility that is identifiable as being for handicapped persons, the recipient shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the recipient.

Placement

- 104.33 Free appropriate public education.

(3) A recipient may place a handicapped person in or refer such person to a program other than the one that it operates as its means of carrying out the requirements of this subpart. If so, the recipient remains responsible for ensuring that the requirements of this subpart are met with respect to any handicapped person so placed or referred.

(c) Free education.

(3) Residential placement. If placement in a public or private residential program is necessary to provide a free appropriate public education to a handicapped person because of his or her handicap, the program, including non-medical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

Other Components of Section 504

- Reevaluation
- Transportation
- Procedural Safeguards
- Postsecondary Education
- Behavior
- Discrimination
- Due Process
- And more...

Consider: another Webinar on Section 504

Educational Strategies

- Know Section 504 and its applications
- Know how the child learns
- Know how the child's disability impacts, substantially limits, his/her learning (major life activity)
- Access to the curriculum
- Individual Needs Assessment Protocol (INAP)
- Transition
- Basic advocacy vs advanced advocacy

Be proactive

- Safeguard your child's rights and the rights of all student's whose disabilities impact learning
- Get involved locally
- Talk about Section 504 rights at IEP and 504 meetings
- Get involved on a state and national level

Websites

- www.section504online.com
- www.ClaudiaLoweJD.com
- www.myleadgroup.com
- www.ldcan.com
- <http://cactechassistance.tripod.com>
- www.iepstudent.com
- www.504student.com
- www.caadvocates.com

Q & A Break

- Questions are welcome at this time.

Special Educational Needs Consultant

- Counsels students and their families on educational strategies and provisions for an appropriate IEP, 504 plan, and/or Transition plan based on the student's unique needs, individual learning and work styles, strengths, abilities, talents, and potential.

Favorite Quotes

- "If you wouldn't do it to an adult, don't do it to a child." Rick LaVoie
- "Children do well if they can." Ross Greene
- "I am not your response." Claudia Lowe

Workshops

- "K-12 CAMS for Students"
A one-day workshop that can be presented to students, teachers, or parents on how to effectively use K-12 CAMS for school work, home work, and to make educational progress.

Presenters: Claudia Lowe, B.S.L., J.D. and Cathy Manus, E.S.

- "If You Don't Teach Me the Way I Learn, You Are Not Teaching Me"
A one-day workshop with facilitated discussion and simulations to acquire skills and strategies to educate and engage students with disabilities that impact learning.

Presenters: Claudia Lowe, B.S.L., J.D. and Cathy Manus, E.S.

K-12 CAMS

K-12 CAMS Fact Sheets:

- Attention/Concentration
- Reasoning/Processing
- Memory
- Executive Function
- Interpersonal Skills
- Emotional Maturity
- Coordination/Motor Function
- Communication
- Reading
- Writing/Spelling
- Math Calculation/Application
