Texas Education Agency

The Rehabilitation Act of 1973: Section 504

A High Level Overview



Agenda

1. Equitable Supports

- Section 504
- ADA/ADAA

2. Referrals & Evaluations

- Child Find & Multi-Tiered Systems of Supports
- Referrals
- Evaluations

3. Eligibility

- Impairment
- Substantially Limits
- Major Life Activity

4. Meetings and Plans

- Initial and Periodic Re-evaluations
- 504 Accommodations Plans

5. Disputes and Disagreements

- Procedural Safeguards
- Local Resources
- Office for Civil Rights

Equitable Supports

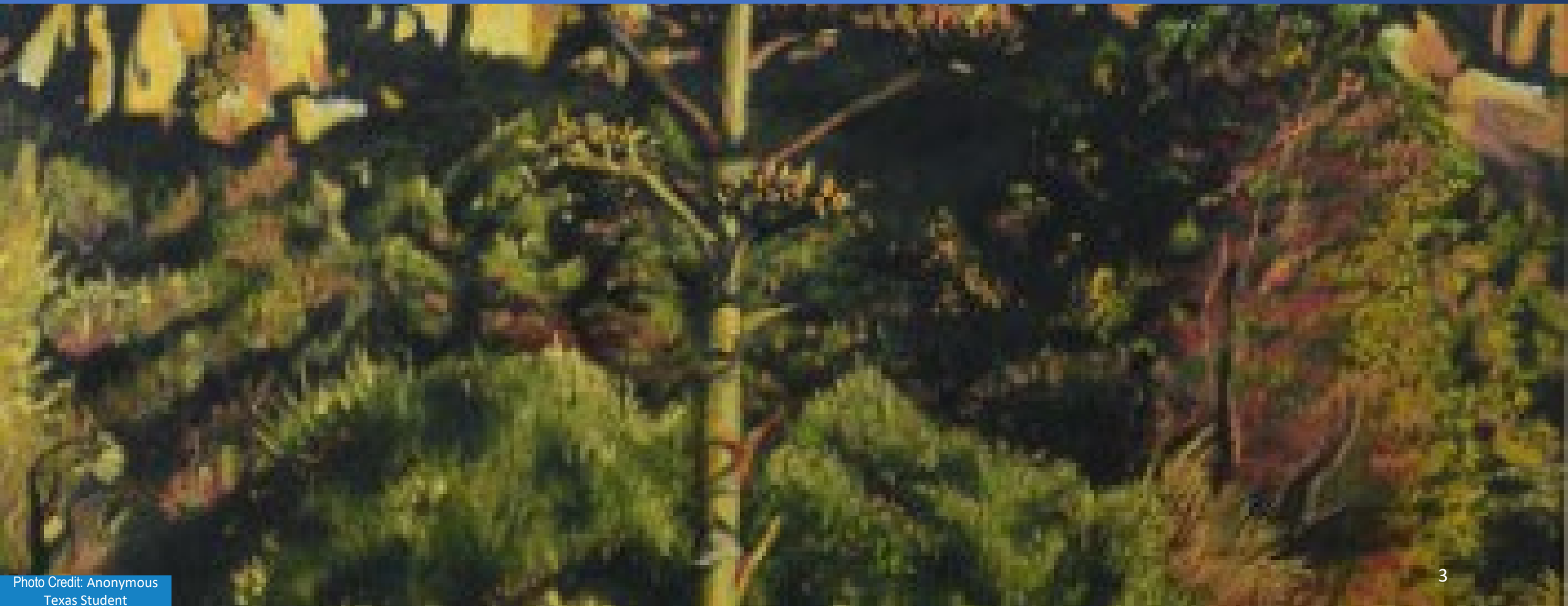
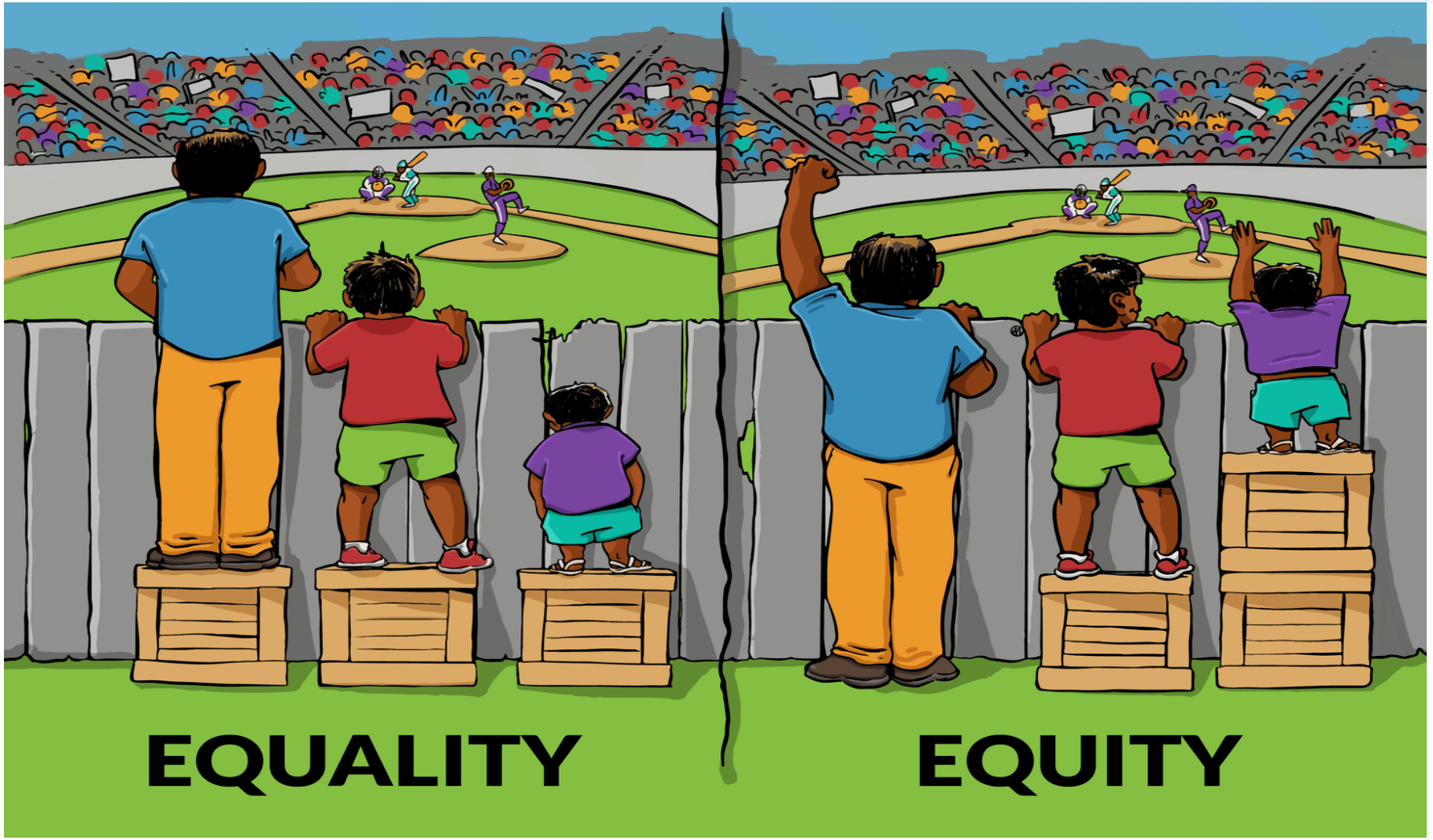
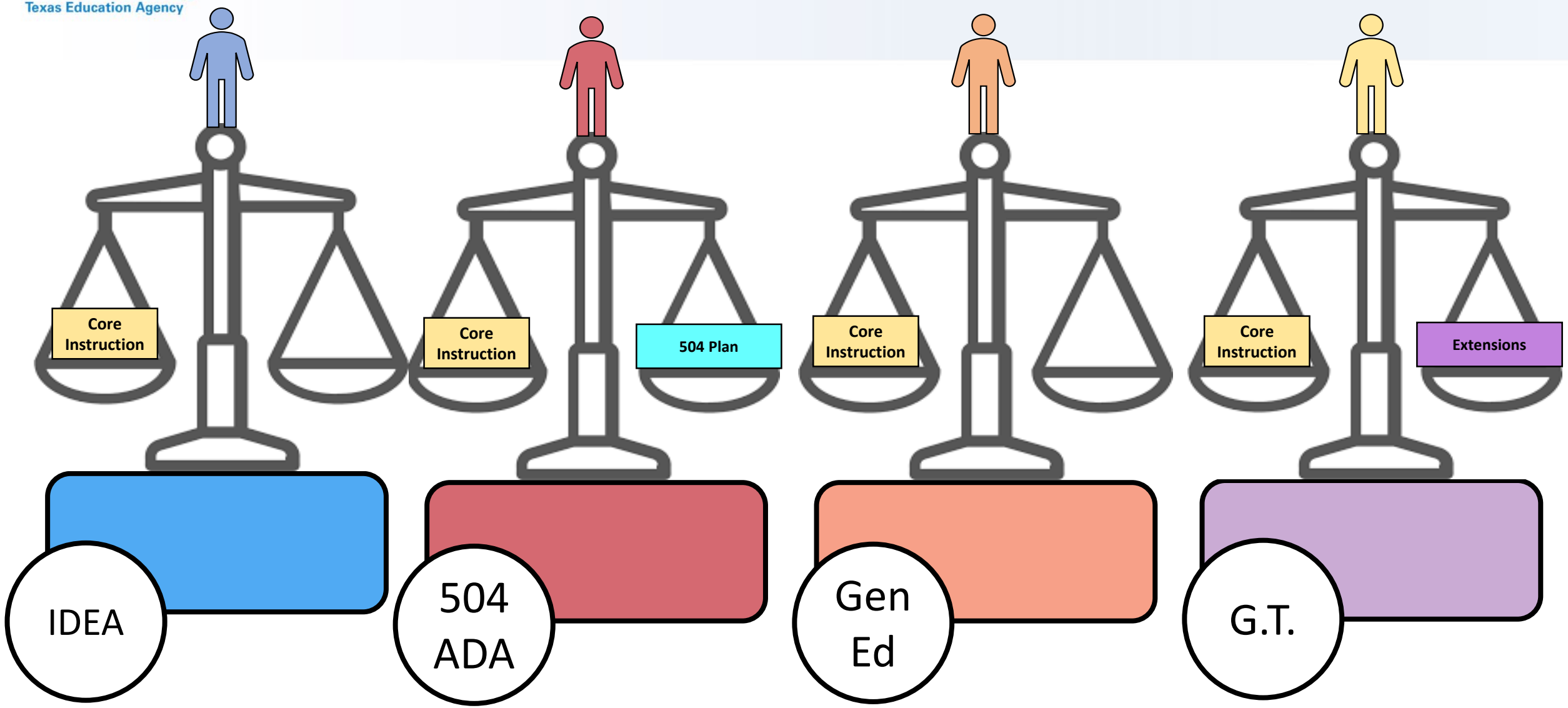


Photo Credit: Anonymous Texas Student

Equitable Access



Equitable Supports



Section 504 of the Rehabilitation Act, 1973

Act signed 1973

Pressure by activists

Regulations signed 1978



Photo Credit: Wall ISD

The Americans With Disabilities Act (ADA), 1990

Act Signed 1990

Title II



Photo Credit: Harlingen ISD

Americans with Disabilities Act Amendments, 2008 & 2016 (ADA AA)

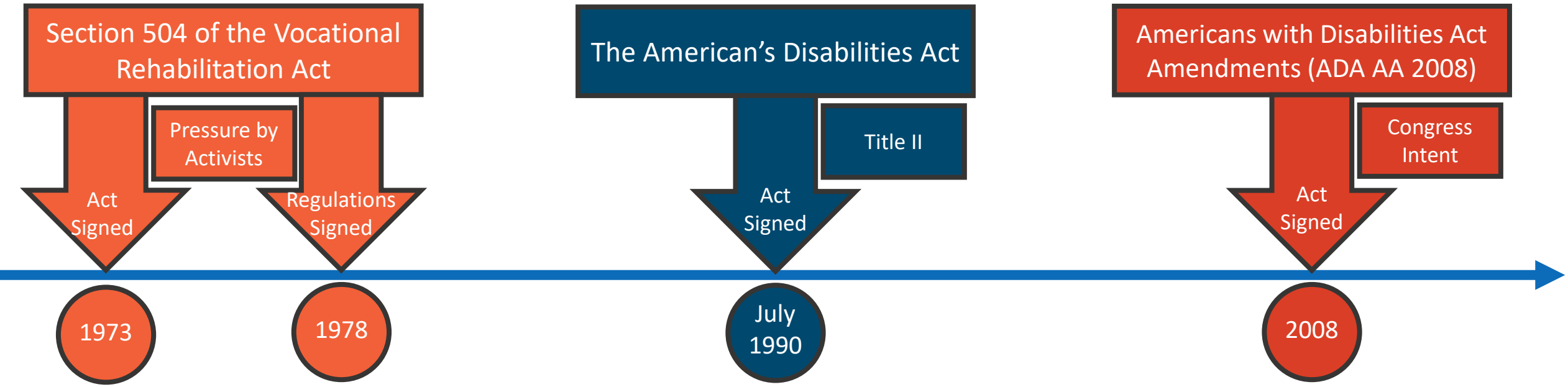
Act signed 2008 & 2016

Congress intent



Photo Credit: Anonymous Texas Student

Timelines


Section 504 of the Vocational Rehabilitation Act
Pressure by Activists
Act Signed
Regulations Signed
1973
1978
The American's Disabilities Act
Title II
Act Signed
July 1990
Americans with Disabilities Act Amendments (ADA AA 2008)
Congress Intent
Act Signed
2008

Referrals and Evaluations

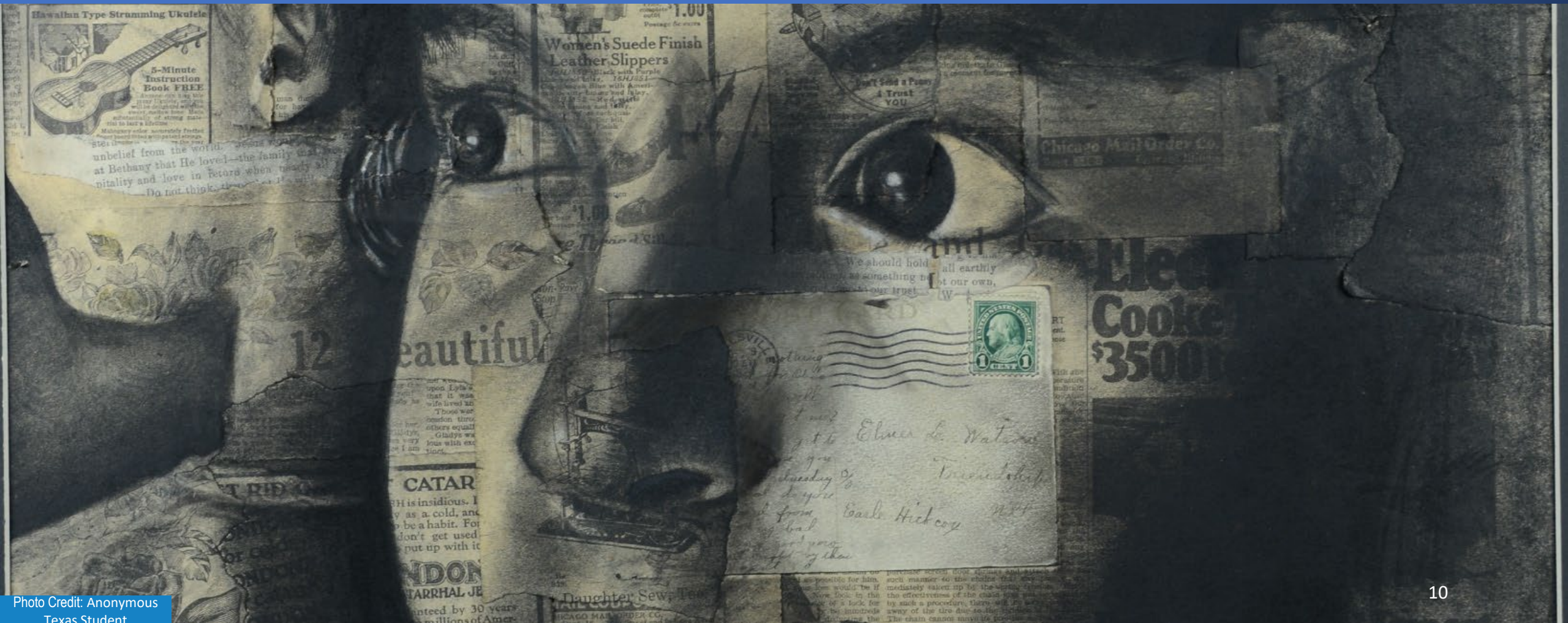


Photo Credit: Anonymous Texas Student

Child Find

Districts Must Annually:

Identify and locate

Notify persons & parents/guardians

[34 CFR 104.32]

OSEP Definition

"A multi-tiered instructional framework such as RTI is a schoolwide approach that addresses the needs of all students including struggling learners and students with disabilities, and integrates assessment and intervention within a multi-level instructional and behavioral system to maximize student achievement and reduce problem behaviors."

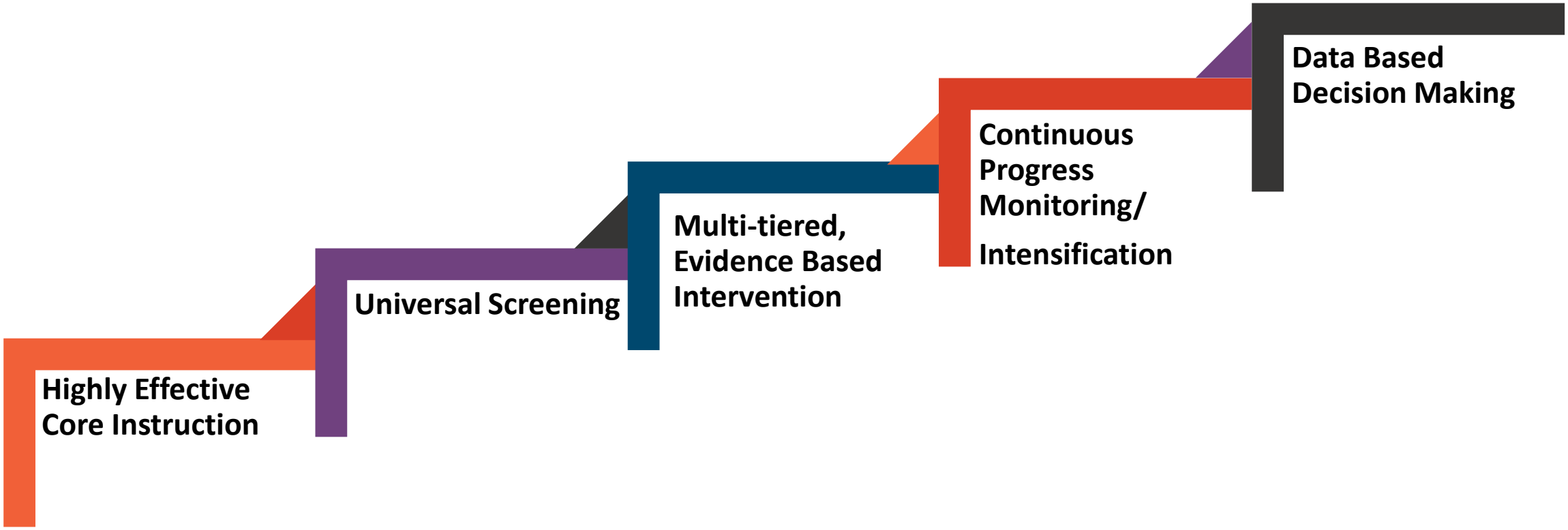
-9/10/2013,Letter to Zirkel, Musgrove

Multi-Tiered Systems of Supports (MTSS)

"MTSS is a prevention framework that organizes building-level resources to address each individual student's academic and/or behavioral needs within intervention tiers that vary in intensity."

-Center on Response to Intervention at American Institutes for Research (2014)

Core Characteristics of Multi-Tiered Systems of Supports



TEC 26.0081



Each school year, school districts must notify the parent of each child who receives assistance from the school district for learning difficulties, including intervention strategies that the school district provides to the child.

Section 504 and MTSS

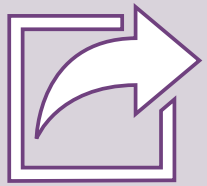
Section 504 protects the right of students with disabilities to have the opportunity to participate or benefit from the aid, benefit, or services afforded to their peers without disabilities.



Section 504 committees can convene to consider data if a student has been referred for, or is receiving, tiered interventions and the 504 coordinator can monitor progress.



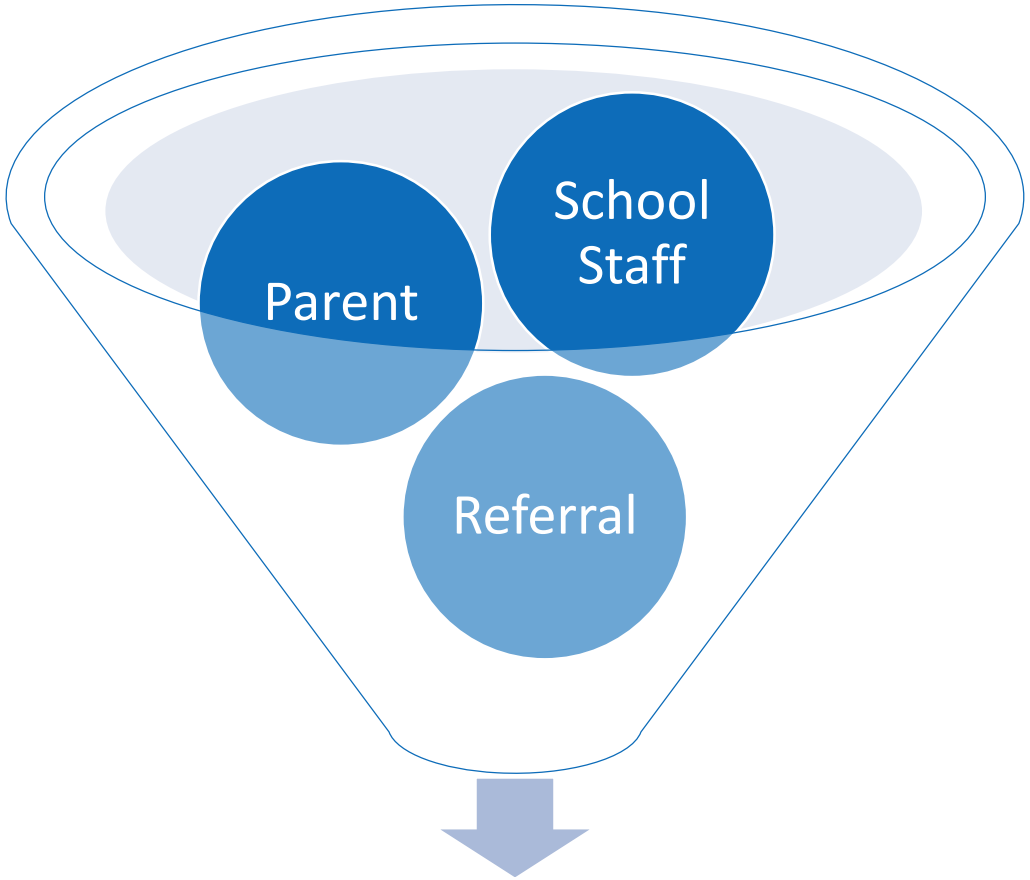
If at any time, there is a suspicion that the student may have a disability that requires special education, a referral for an evaluation should be requested.





No intervention process or Section 504 evaluation may be used to delay or deny the provision of a Full and Individual Evaluation to a child suspected of having a disability and in need of special education and related services.

Section 504 Referrals



Campus Section 504
Coordinator Initiates Evaluation

Preplacement Evaluation

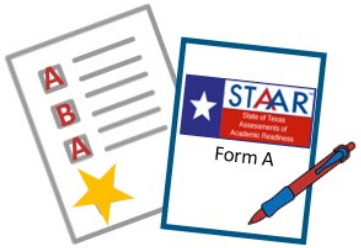
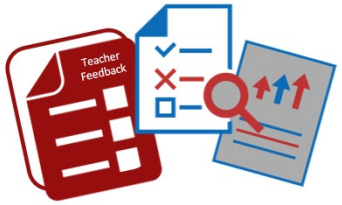
Before taking any action with respect to the initial placement of a student in regular or special education, the district must conduct an evaluation if a student needs or is believed to need special education and related services.

Parental consent is required.

Evaluation data must be collected from a variety of sources.

[34 CFR 104.35 (a)(c)]

Section 504 Evaluations

				
Evaluation Data Sources	**Medical/Health**	**Social Behavioral**	**Academic**	**Individuals**
Examples	Hearing & Vision, School Health records, Individual Health Plan, Outside Medical Evaluations	Behavioral Data, Disciplinary Records, Outside Psychological Evaluations, Multi-Tiered Services and Supports Behavior Progress Monitoring Data, Full Individual Evaluation	Universal Screening Data, Intervention Progress Monitoring Data, Curriculum Based Assessments, State Assessment Results, Grades, Benchmarks, Quizzes, Unit Tests	Observations and Input From: Student, Parent, Teachers, Behavior Specialists, Counselors, School Nurse, Interventionist, Campus Administrator

Evaluations must be completed in a timely manner. Following IDEA timelines is one way of meeting the standard.

Eligibility



Photo Credit: Anonymous Texas Student

Eligibility for Civil Rights Protections Section 504

Handicapped Person: Has a physical or mental impairment which substantially limits one or more major life activities.

Per ADA AA: Mitigating measures may not be considered except regular eyeglasses or contact lenses.

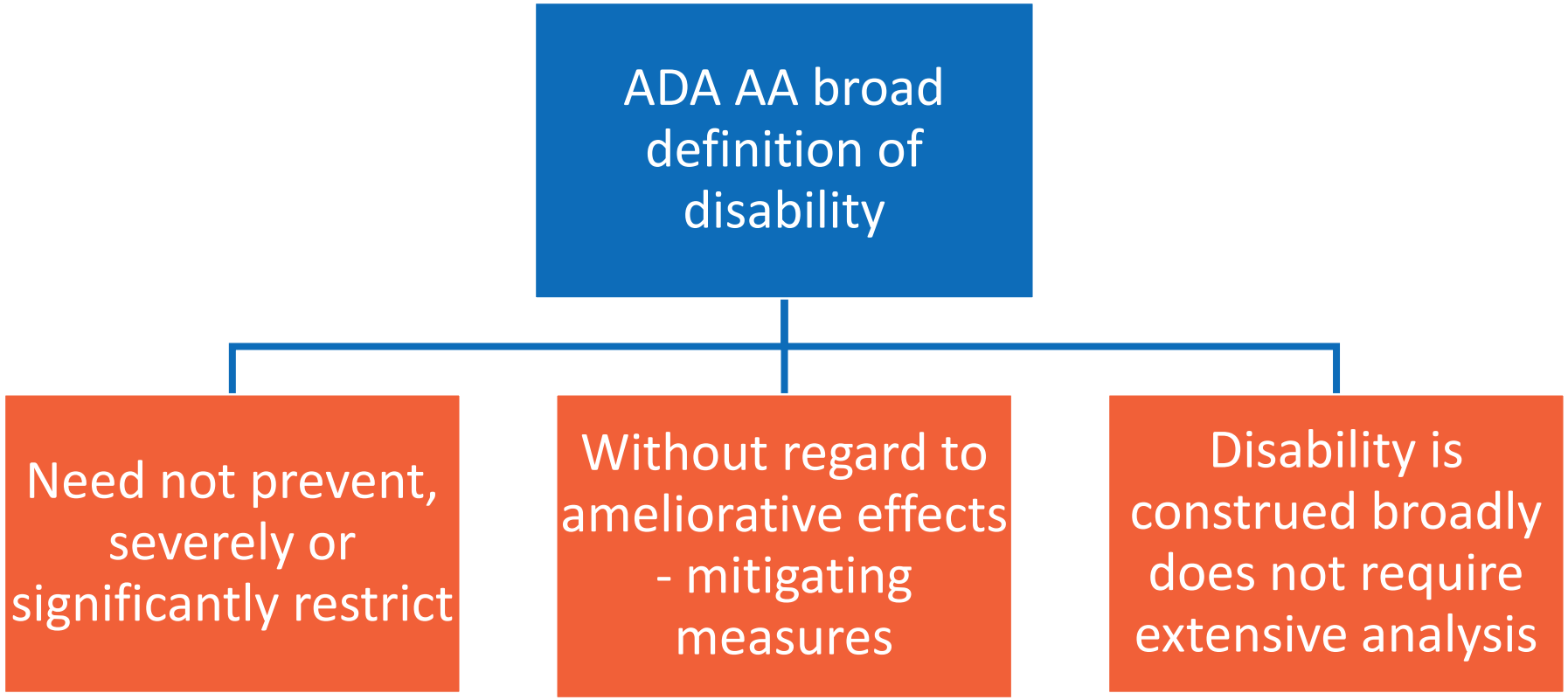
Eligibility for Civil Rights Protections: Physical or Mental Impairment

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems

Eligibility for Civil Rights Protections: Physical or Mental Impairment

Any mental or psychological disorder

Eligibility for Civil Rights Protections: Substantial Limitation



Eligibility for Civil Rights Protections: Major Life Activities

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

Per ADA AA: impairment need only limit one major life activity

Least Restrictive Environment

Students with disabilities are to be educated to the maximum extent appropriate with their peers without disabilities in academic and nonacademic settings.

The expectation is placement in general education unless the district can demonstrate that education in the general education environment with supplementary aid and services cannot be achieved.

[34 CFR 104.34 (a)(c)]

Free Appropriate Public Education (FAPE)

"A recipient that operates a public elementary or secondary educational program or activity shall provide a free, appropriate public education to each qualified handicapped person who is in the recipient jurisdiction regardless of nature or severity of the person's handicap."

34 CFR 104.33

Appropriate Education

The provision of regular or special education and related aids and services that:

Are designed to meet the individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met

Are based on adherence to Section 504 regulatory procedures

Implementation of an Individualized Education Program (IEP) in accordance with IDEA is one means of meeting the established standard.

[34 CFR 104.33 (b) (1) (2)]

Placement Procedures



Information obtained from a variety of sources must be documented and carefully considered.

Meetings and Plans



Photo Credit: Anonymous Texas Student

The Section 504 Meeting

Who should attend the Section 504 Meeting?

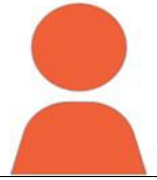
Section 504 regulations require members who:

- Can make placement decisions
- Are knowledgeable about the student
- Can interpret the meaning of the evaluation data









Someone who:	Can Make Placement Decisions	Is Knowledgeable about the Student	Can Interpret the Meaning of Evaluation Data
Examples of Appropriate Members	Principal, Vice/Assistant Principal, Counselor, District 504 Coordinator	Student, Parents or Guardians, Teachers, Counselor, Behavior Specialist, Campus 504 Coordinator, or other Related Service Providers	School Nurse, Diagnostician, Licensed Specialist in School Psychologist, Reading Interventionist, Dyslexia Teacher, Language Proficiency Assessment Representative, Related Service Providers, or Texas Workforce Commission Representative

Parents

Parents are **partners** with educators, administrators, and school district boards of trustees in their children's education.



TEC §26.001(a)

Reevaluations and Meetings

Section 504 regulations require districts to develop procedures for periodic reevaluation of students.

Following IDEA timelines is one way of meeting this requirement. ***[34 CFR §104.35 (c)]***

When to call a meeting?

In some instances, committees may need to convene more frequently to adjust the plan. Examples could include, but are not limited to :

- A need for special education is suspected.
- Student may need a homebound placement
- Manifestation Determination is required
- Prior to any change of placement

Components of the Section 504 Plan

- Documentation of all data sources used to build the plan
- Document all committee discussion
- Describe the physical or mental impairment
- List major life activities substantially limited
- Accommodations including: classroom, testing, behavior
- Who will monitor the plan?
- Signatures, Procedural Safeguards, Addendums

Accommodations

The purpose of an accommodation is to change how students access learning and the physical school environment.

Accommodations should "level the playing field" as opposed to giving any advantage and should never change what a student learns, which would be a modification.

Accommodations must be created based on the impact of the impairment on each individual student's ability to access the aid, benefits and services of the general education environment.

Accommodations should address all impacted areas of the student's school environment such as: classroom, testing, state and district assessments and behavior.

Small Group Testing - Limit Distractions

Example:

Student will take tests and quizzes in the learning lab (test materials will be delivered to the testing center prior to the class period). – Math and Science

Non-Example:

Student will take tests and quizzes in the learning lab - at student request.

Behavior – Cue Student to Stay On-Task

Example:

During independent work time, monitor and provide frequent verbal or nonverbal reminders to return to task (student will put his head down or take out his phone when off task) - All Classes

Non-Example:

Cue student to return to task.

Extra Time to Complete Assigned Work

Example:

Student will receive extra time to complete assigned work with a writing component after check-in with teacher to review progress, provide feedback and agree upon extended time required to complete the task. - ELA and Social Studies

Non-Example:

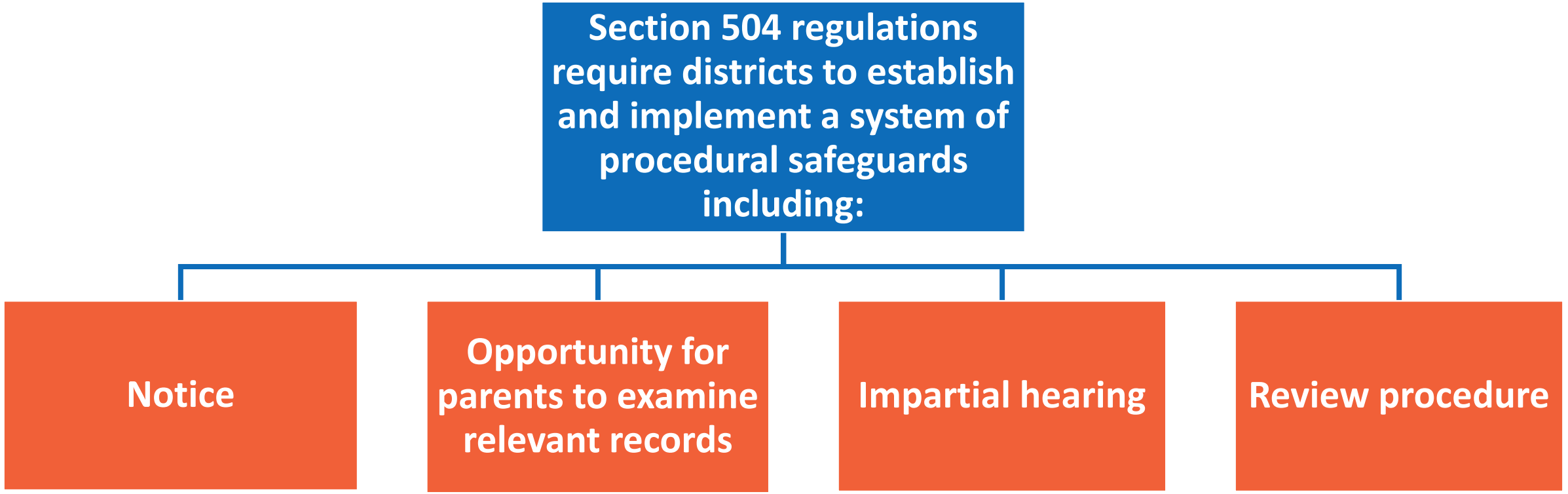
Student will receive extra time to complete assigned work.

Disputes and Disagreements



Photo Credit: Anonymous Texas Student

Procedural Safeguards



[34 CFR 104.36]

Compliance with IDEA procedural safeguards is one way of meeting this requirement.

Local Level Resolutions

School districts with 15 or more employees must adopt grievance procedures that incorporate

- Due process standards
- Prompt, equitable resolution of complaints alleging any prohibited action.
- [31 CFR 104.7]

Parents should not be required to exhaust grievance procedures prior to pursuing an impartial hearing or lodging a complaint with the Office for Civil Rights.

Impartial Hearing

Impartial hearing resolves disagreements between the district and parents regarding:

- Identification
- Evaluation
- Educational placement

District must arrange for the hearing:

- Parents have the opportunity to participate
- Parents may be represented by counsel

Office for Civil Rights

Anyone can file a civil rights complaint whether they are the complainant or are filing the complaint on behalf of an individual.

Complaints should be filed within 180 days of the last act of discrimination.

Complaints may be filed online, via email, mail, or fax.

Contact information

Laura Wilk
Section 504 Coordinator
Laura.Wilk@tea.texas.gov
512-463-9625

Texas Education Agency



Thank you!