

# 504 vs. IDEA



ANNUAL REVIEW



- ✓ Have an understanding of **Section 504**
- ✓ Have an understanding of **Special Education Law, IDEA**
- ✓ Have an understanding of **Similarities** between **504** and **IDEA**
- ✓ Have an understanding of the **Differences** between **504** and **IDEA**
- ✓ Know the differences between **ACCOMMODATIONS** and **MODIFICATIONS**
- ✓ Know your **responsibilities** as a teacher
- ✓ Become familiar with **resources** for you to readily access

◀◀◀◀ **Objectives** ▶▶▶▶





# Similarities

## Section 504 and IDEA (Special Education)

- Protects individuals with disabilities
- Federal Statutes that covers students' rights to a public education
- In the school setting, ensures that students have a Free and Appropriate Education, known as FAPE





# Similarities

## Section 504 and IDEA (Special Education) continued.....

### TEACHER RESPONSIBILITIES

- Adhere to LEGALLY BINDING 504 plan or IEP
- You MUST implement the 504 plan or IEP as written

**FOOTNOTE:** Additional information and recommendations to be included at the end of this presentation.



# 504 vs. IDEA


## DIFFERENCES



# **Section 504 Rehabilitation Act of 1973**





- Commonly referred to as Section 504
- A Civil Rights Law that prohibits discrimination on the basis of a disability
- Protects the rights of any individual with disabilities in any agency, school or institution that receives federal funds 
- Provides opportunities for individuals with disabilities to fully participate with their peers

## SECTION 504



- All individuals with a disability
- Defines disability as:
  - Having a physical or mental impairment
  - Limits one or more major life activity 🗣️
  - Have a record of such impairment
  - Regarded as having an impairment

## Section 504 Who is Protected?



## Section 504

- Schools must eliminate barriers
- Must provide full access to programs in the general education curriculum
- Must provide full access to services in the general education curriculum



# Requirements for delivery of services



- Does **NOT** require an IEP
- **DOES** require a documented plan
- **DOES** require reasonable accommodations be made for the student with a disability

## Section 504



# Section 504

## Requirements for delivery of services continued....

- Schools **MUST** provide reasonable accommodations, supports and auxiliary aides
- **Reasonable accommodations** allow the student to **participate fully** in the general curriculum



# Section 504

\$\$\$\$ **FUNDING** \$\$\$\$

- Does not provide funds
- IDEA funds may not be used to serve students found eligible under Section 504



## Section 504 Evaluation Procedures

- Evaluation information is obtained from a variety of sources
- Group decision is made by a team who is knowledgeable about the student
- Team reviews evaluation data
- Requires annual reevaluations or periodic review
- Does not allow for independent evaluations at school district's expense





## Section 504

### Procedural Safeguards

- Does not require written notice
- Requires notice before a significant change in placement
- Requires due process rights if referred for formal evaluation under IDEA, and if the team determined not to evaluate



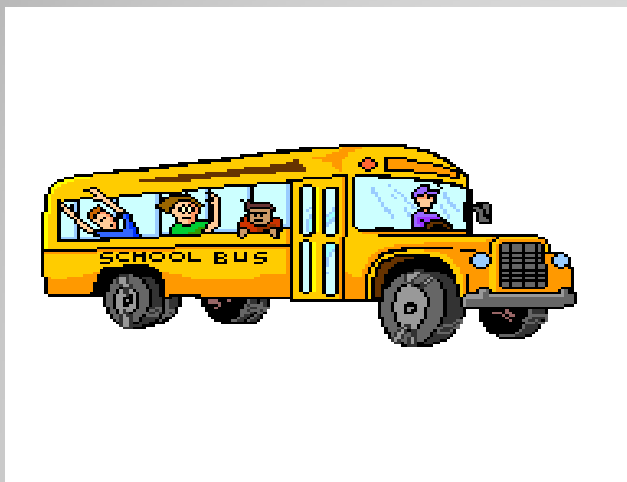
- Districts and schools must use information from a variety of sources
- Use team approach to make eligibility decisions
- Team must be knowledgeable about student, data and services available



**Section 504**

**Placement Decisions**





# Section 504 Placement

## Decisions continued.....

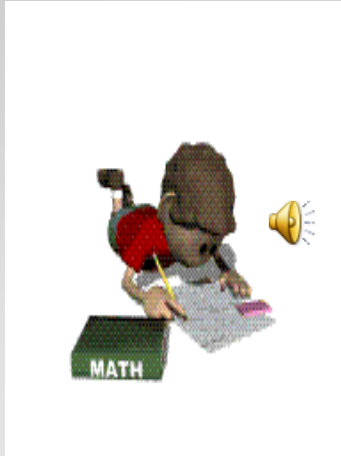
- Students must receive FAPE with his or her non-disabled peers
- A meeting is not required for a change of placement
- Students are served in general education with or without accommodations



- Requires districts to provide a grievance procedure
- Districts must have a 504 Coordinator
- Due process hearing not required before Office of Civil Rights (OCR)
- Compensatory damages possible

## Section 504 DUE PROCESS



- Structured learning environment
  - Repeated or simplified instruction
  - Behavior Management strategies
  - Amplification System
- 
- Access to word processor for all writing assignments
  - Calculator unless math calculations is being assessed
  - Allow for physical movement during class time

## Section 504

### Possible Accommodations



**Individuals with Disabilities  
Education Act  
commonly referred to as  
IDEA**



# PURPOSE

- A special education **State** and **Federal law**:
  - **State**: NH Rules for the Education of Children with Disabilities
  - **Federal**: IDEA
- Ensures a free and appropriate education (commonly referred to as **FAPE**) for students with disabilities
- Specific disability categories as defined by **Federal Law**

IDEA



- Autism
- Deaf-Blindness
- Developmental Delay
- Emotional Disturbance
- Hearing Impairment
- Mental Retardation
- Motor Ability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impaired
- Specific Learning Disability
- Speech-Language Impairment
- 🔊 Traumatic Brain Injury
- Visual Impairment/Blindness

## **IDEA**

# **AREAS of Disabilities**



# IDEA



## Who is Protected?

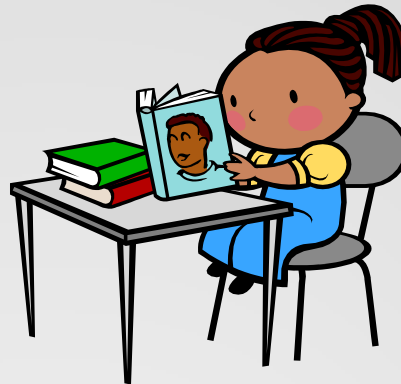


- Students between the ages of 3 – 21 found eligible based on:
  - ✓ Disability adversely affects the student's educational performance
  - ✓ And, ability to benefit from general education



# SERVICES

- Provides individual supplemental services
- Supports in addition to what is provided to students in the general curriculum
- Ensures the student has access to the general curriculum 🔔



# IDEA



# Services Continued.....

- Ensures the student benefits from the general curriculum
- Provided free of charge to the parent(s)



IDEA



- Requires a written plan, Individualized Education Plan (IEP)
- IEP must explain the disability
- Specify educational services to be delivered
- Course of study for students 14 and older, unless determined sooner by IEP team
- Transition plan for students 16 and older, unless determined sooner by IEP team
- Behavior Intervention Plan (BIP) for student with behavioral challenges

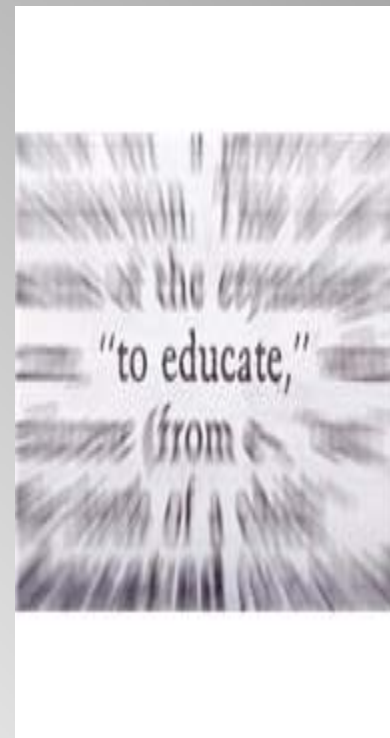


# IDEA

## Requirements for Delivering Services



- A program designed and provided for the student to have access to the general curriculum
- A program that provides educational benefit in which the student is able to participate in a meaningful way
- Related Services as required for student to access the general curriculum
- Related Services are aligned with specially designed instruction to support student's ability to participate in the general curriculum and extra-curricular activities
- Most common Related Services are: counseling, speech and language therapy, occupational therapy, physical therapy, nursing and transportation



## **IDEA**

# **Requirements for Delivering Services continued.....**



# IDEA

\$\$\$\$ FUNDING \$\$\$\$

**IDEA provides additional funding to states  
for eligible students**





# IDEA Evaluation Procedures



# IDEA Evaluation Procedures

- **Use of a variety of assessment tools required**
- **Assess all areas of suspected disability**



## IDEA Evaluation Procedures continued....

- Written parental consent required for all initial evaluations
- Reevaluation required every 3-years to determine continued eligibility



## **IDEA**

### **Independent Evaluation**

- IDEA allows parents to request an independent evaluation at the district's expense if they disagree with school results
- Independent evaluator must meet the same criteria as the district requires and must be approved by both parties



## IDEA Placement

- Team determines placement in the Least Restrictive Environment (LRE)
- Team must be knowledgeable about the student 🔊
- Team must be knowledgeable about the continuum of placements and services available



- Team determines **LEAST** to **MOST** Restrictive Environment based on student's needs:
  - ☐ Regular classroom
  - ☐ Regular classroom with consultative services
  - ☐ Regular classroom plus resource room assistance
  - ☐ Regular classroom plus part-time special class
  - ☐ Full-time special class
  - ☐ Full-time or part-time special day school
  - ☐ Full-time residential
  - ☐ Home-based programming
  - ☐ Hospital or institution

## IDEA Placement



- Procedural Safeguards are a set of requirements to ensure students with disabilities are provided FAPE
- Requires written notice to parents or adult student prior to: disposition of referral, evaluation, identification and/or placement
- Procedural Safeguards Handbook must be given to parents one time a year

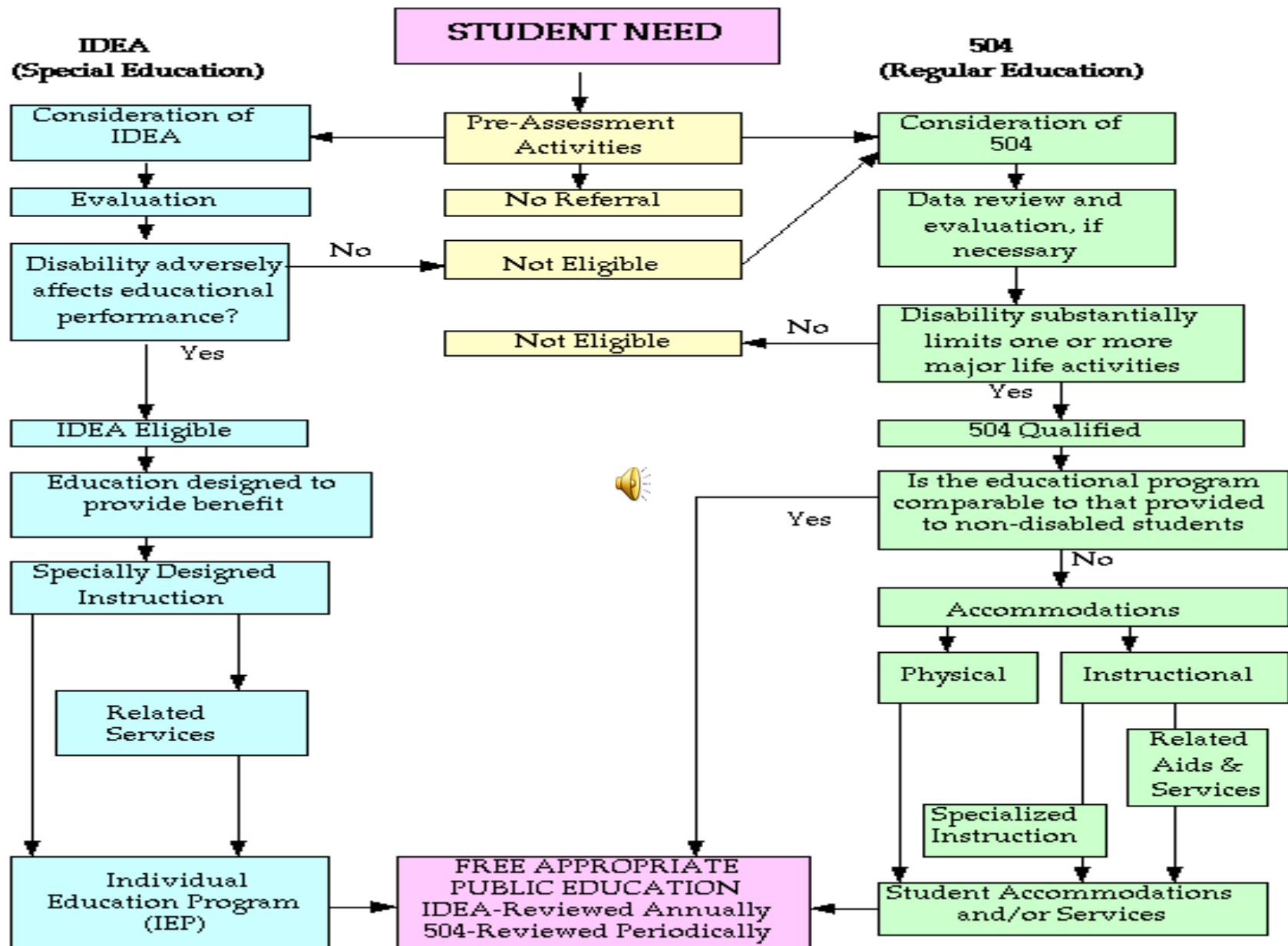
**IDEA**

## Procedural Safeguards



# Resources





# Special Education Process Timeline

## 15-Days REFERRAL

- A disposition of referral meeting must be held within 15 calendar days of school receiving the referral
- Parents must be invited

## 45-Days EVALUATION

- Upon parental written consent, testing must be completed within 45 calendar days
- Eligibility classification and educational needs are determined
- Eligibility is based on disability negatively impacting educational performance

## 30-Days IEP

- Within 30-days of student found eligible, IEP must be developed
- Parent has 14-days to sign the IEP

## PLACEMENT

- After IEP is approved in writing by parent, team determines the least restrictive environment in which student can receive services

## MONITORING

- Progress is monitored on an ongoing basis to ensure educational needs are being met
- If parent requests a meeting to discuss progress, school must respond within 21-days



## ACCOMMODATIONS

- Techniques and support systems that help students work around limitations related to their disability
- Designed to ensure that students with disabilities can participate as fully as possible in the general curriculum
- They are based on the nature of the disabling condition
- What the student needs in order to ensure equal opportunity and access when compared to his or her nondisabled peers
- Example: A student needs a quiet place to take a test due to attentional difficulties.



## MODIFICATIONS

- Changes made to what students are expected to learn if they are unable to work on the same grade level as same aged peers
- Curriculum changes necessary for a student to access grade level content
- An IEP team determines what curriculum modifications are needed for a student with a disability
- Must be determined by an IEP team
- Focusing on which curriculum requirements are most important will guide such determinations
- EXAMPLE: A student may not be able to learn large numbers of scientific facts or carry out complex sets of procedures independently, but may be able to gain some understanding of the ideas and concepts in a subject.

## Differences Between Accommodations and Modifications



- ✓ You must implement the 504 Plan or IEP as written
- ✓ You must read and understand the 504 Plan or IEP
- ✓ If you have questions regarding the 504 Plan, contact the Guidance Department in your building
- ✓ If you have questions regarding the IEP, contact the Special Education Department in your building
- ✓ When invited to attend a 504 meeting or an IEP meeting, you must attend

## TEACHER Responsibilities



- ✓ If a student with a 504 Plan experiences difficulty, academic or behavioral, speak with the student and notify the parent; inform Guidance
- ✓ If a student with an IEP experiences difficulty, academic or behavioral, contact the case manager immediately and decide who will notify parent
- ✓ Encourage self-advocacy for those students capable of understanding their progress and how they can self-monitor their work

## **TEACHER Responsibilities**

- ✓ Provide written input for all of your students with an IEP. Case managers will provide you the format to do so with a due date to complete
- ✓ Participate with special educators in collaborative planning, instruction, and evaluation of students with disabilities
- ✓ Work collaboratively with others to plan for transitions to facilitate student movement from grade to grade and building to building

## **TEACHER Responsibilities**

- ✓ Utilize effective instructional practices such as cooperative group learning, peer tutoring, and active learning to support effective LRE implementation
- ✓ Assume primary responsibility for including students with disabilities, who are assigned to your classes, in meaningful ways within instructional activities
- ✓ Participate with special educators in collaborative planning, instruction, and evaluation of students with disabilities

## **TEACHER Responsibilities**

- ✓ Work collaboratively with special education teacher(s) to identify and implement specific curricular adaptations and instructional strategies identified as needed by the student with a disability
- ✓ Work collaboratively with special education teacher(s) when assigning grades and other assessments/evaluations for students with disabilities
- ✓ Work collaboratively with others to ensure that parents are informed of the needs of their child with disabilities

## **TEACHER Responsibilities**

## **504 Plan**

- Guidance Counselor
- Principal
- Director of Student Support Services




## **IEP**

- Case manager/Special Educator
- Building Coordinator
- Director of Student Support Services

**Should you have questions, who can you go to?**



## Did we meet the objectives?

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- ✓ Know the differences between **Accommodations** and **Modifications** 
- ✓ Know your **Responsibilities** as a teacher
- ✓ Become familiar with your **Resources**

**See -->Check Your Understanding  
Summary, Reference #6**

## 504 vs. IDEA Review

