What Every *School Administrator* Should Know About <u>Section 504</u>

(SOP1200-012: Section 504 Procedural Manual)

June 22, 2022 I 8AM -12PM I 3rd Floor Conference Room, GDOE
Student Support Services Division

FAPE

OCR

Accomodations

Training Agenda

1. Understanding the basics of Section 504
2. Eligibility, Re-Evaluation
3. Education Accommodation Plan
4. Responsibility of the School Administrator
5. Requesting for 504 Service/Accommodation with an Associated Cost
6. Students Moving from Special Education to Section 504

Section 504 is about accessibility.

Students under 504 want to come to school.

Students under 504 want to take care of themselves.

Students under 504 need support and/or service to succeed.

Appropriate documentation is key.

They need a person and a place they are comfortable to seek information.

Leveling the playing field

Accessibility

Understanding the Basics of Section 504

Section 504 of the Rehabilitation Act of 1973
Federal law designed to protect the rights individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.

1. Requires "free appropriate public education" (FAPE)
2. Provides accommodations
3. May provide related aids and services

EAP

Civil Rights Law

Equal Rights

Section 504

Services

No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receive federal financial assistance.

—34 C.F.R. Part 104

About the Law

- **A civil rights law**
- Passed by Congress in 1973
  - Special Education Law passed in 1975 (Education for Handicapped Act, Renamed Individuals with Disability Education Act – IDEA in 1990)
- Regulations when into effect in 1977
- Office of Civil Rights, USDOE monitors compliance of Section 504
- Precursor to the Americans with Disabilities Act of 1990

Why is Section 504 important for children with disabilities in school?

- Protects children from disability-based discrimination and harassment
- Promotes inclusion – least restrictive environment and access to activities
- Requires individualized determination
- Provides protections to children not eligible for services under special education

Qualified Individual under Section 504

01
Mental or Physical Impairment

02
Substantial Limitation

03
One or more major life activities
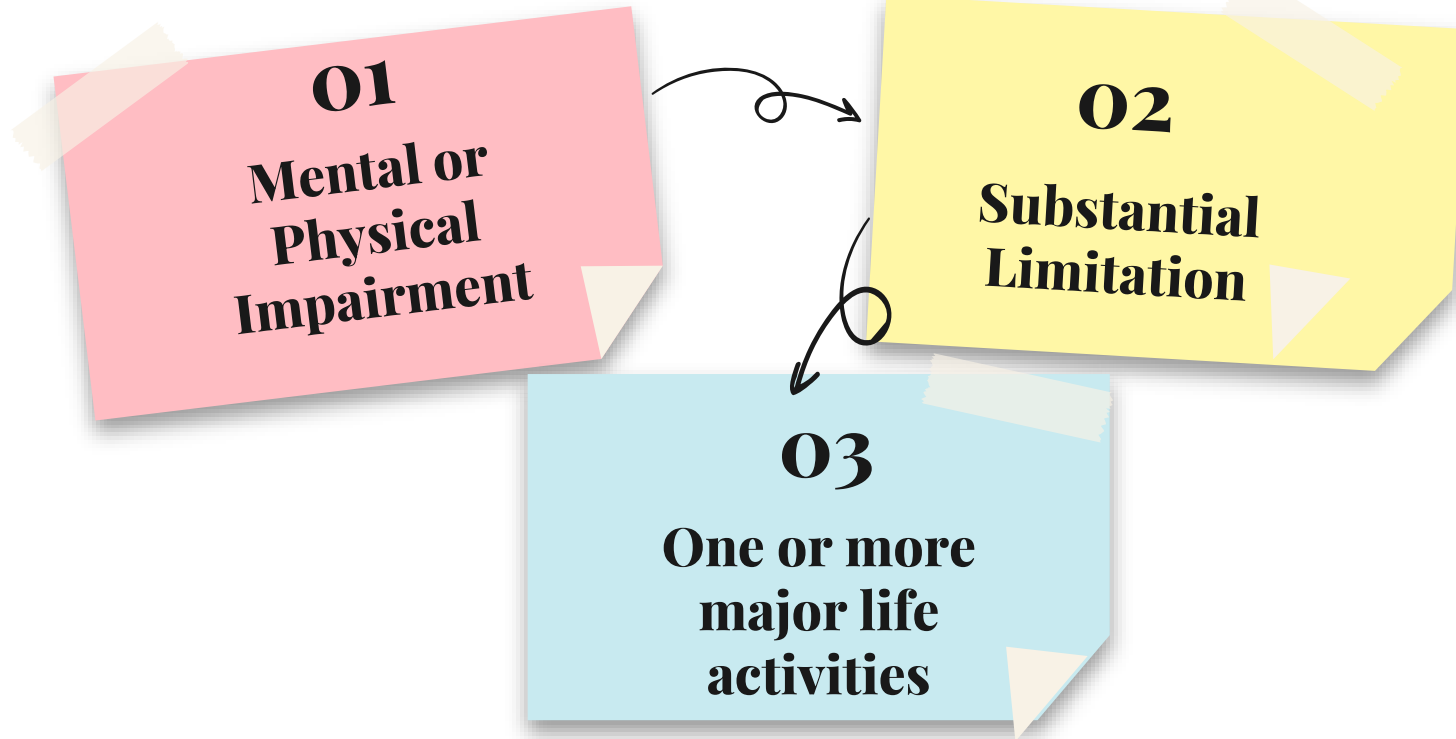
Mental or Physical Impairment

- Physiological disorder/condition
- Mental/Psychological disorder
- Three Prongs
    1. Has one or more physical or mental impairment which substantially limits one or more major life activities.
    2. Has a record of such an impairment.
    3. Is regarded as having such an impairment.

Substantial Limitation

- What is the condition, manner, or duration under which an individual can perform a particular activity as comparted the average person in the general population?

Major Life Activity

- Those functions that are important to people's daily lives.

Ability versus Performance

A student under Section 504 is able to perform the activity, but…

How do we level the playing field (accessibility) for the individual?

Eligibility/Re-Evaluation

Opportunity to examine records

Conducting evaluation = Draw upon a variety of sources

1. Use student work samples, test assessments, grades, attendance records
2. Review medical documents, reports, and/or information
3. Review other formal evaluations, such as SPED documents
4. Gather input from parent, student, other individuals working closely with the student
5. Discuss and document information on the student's strengths and weakness
   - What is the student using or not using?
   - Compare what he or she is performing to what is appropriate for grade level and subject matter .
   - How does the student appear to feel about the accommodation being implemented at the classroom/school level?
   - What alternatives are available?

Education Accommodation Plan (EAP)

The EAP is a legal entitlement to FAPE and defines the accommodation and/or service so a student can access our schools.

An EAP must include these major components:

1. Student's area of need
2. Accommodation and/or service that will be provided
3. What source to review in determining if the accommodation is supporting the student's need?

Note: EAP should be reviewed annually

Responsibility of the School Administrator

1. Make sure sufficient time is given to the 504 team to fulfill their responsibilities.
2. Support the EAP process logistically as well as being a proactive member.
3. Ensure accessibility of the EAP to each person responsible for implementing the EAP.
4. Ensure accommodation and/or service specified in the EAP is provided and implemented.

Requesting a Service/Accommodation with an Associated Cost

School should maximize all resources at the school-level prior reaching out to 504 Office/SSSD.

1. Schools are required to contact 504 District Coordinator, and request the service/accommodation. The school will need to furnish justification on the need.
2. 504 District Coordinator will review the request, and submit to SSSD Administrator/DSESCL for approval.
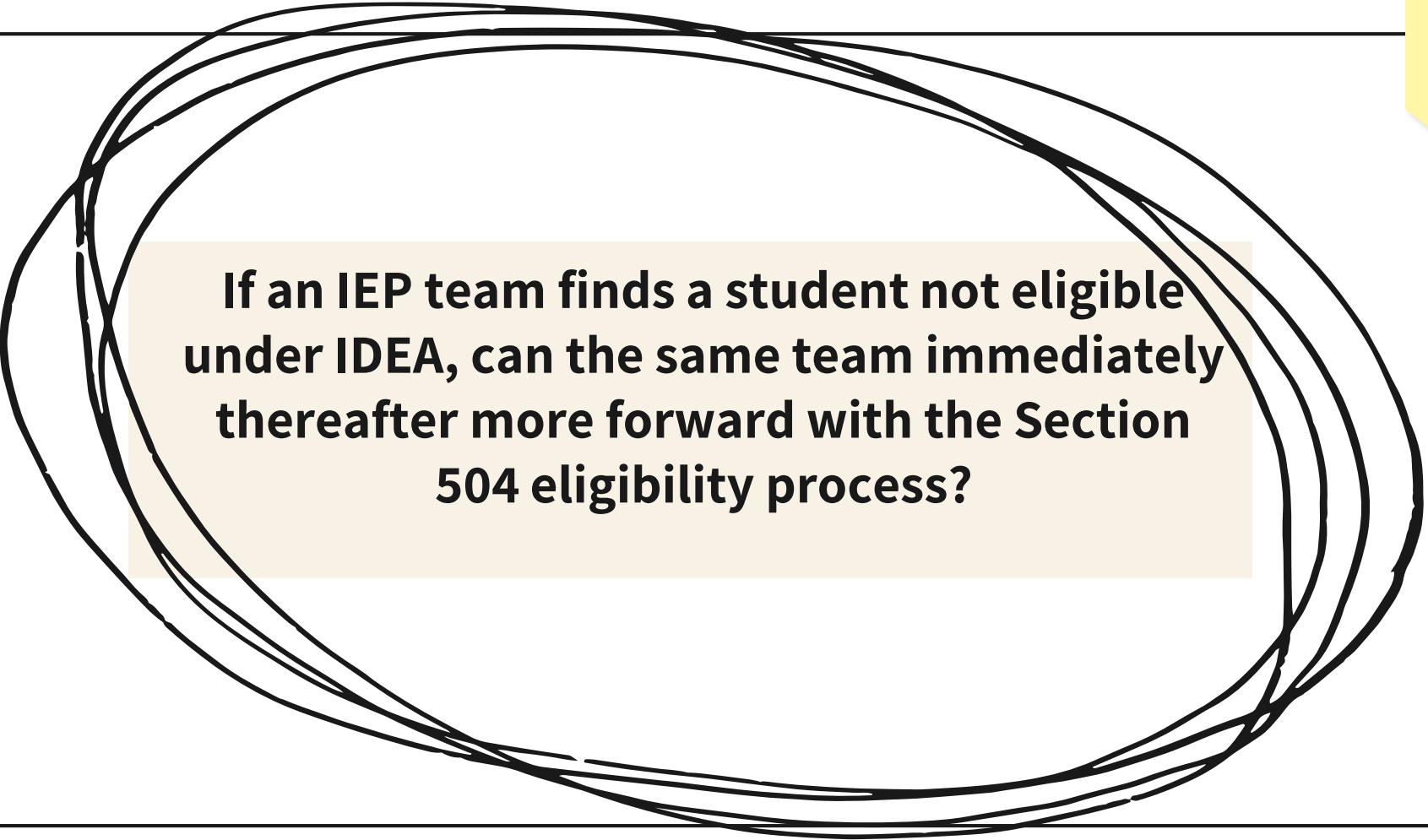3. If approved, 504 Team can include the service/accommodation in the EAP.

If an IEP team finds a student not eligible under IDEA, can the same team immediately thereafter more forward with the Section 504 eligibility process?

YES -

1. So long as student has a mental or physical impairment that substantially limits a major life activity
2. So long as the IEP team clearly adjourns the eligibility meeting and indicates the IEP team is moving into a 504 eligibility meeting
3. So long as the appropriate 504 team members are part of the meeting

Conducting consecutive meetings – IEP Eligibility/Re-Evaluation and 504 Eligibility – is okay

However ⚠️

1. Section 504 is not special education
2. Section 504 is not a consolation prize to IDEA
3. A student without special education services is not automatically eligible for Section 504

Please ensure school team follows 504 procedures

Process for moving students from IDEA to 504
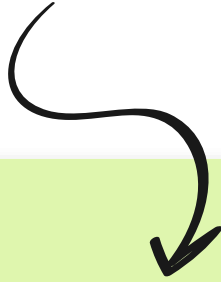
IEP Team should do the following:

1. The IEP Team should prepare for dual-eligibility meetings –
   1. If the student's current IEP is not compliant to special education law (disability + specialized instruction); or
   2. There may be an anticipated referral to Section 504.
2. IEPC/CRT must communicate with parent/guardian that other team members (504) have been invited to join the meeting.
3. IEPC/CRT must ensure the required 504 team members are part of the meetings. *Invite the 504 School-Site Coordinator to the meeting.*

Process for moving students from IDEA to 504

IEP Team **should do the following:**

4. Should the IEP Team determine the student is not eligible for services under IDEA, the facilitator must clearly adjourn the IEP Eligibility Meeting and clearly state the team is transitioning and convening the Section 504 Eligibility Meeting.
5. **IEPC/CRT must complete 504 Form A: Intake Form.**
6. IEPC/CRT must ensure copies of the "special education records" are provided to the Section 504 School-Site Coordinator for student's 504 file.
7. The Section 504 School-Site Coordinator will assume the facilitation of the Section 504 Meeting to determine eligibility.

Practice **Pointer**

IDEA: IEPC/CRT may leave the meeting when the 504 meeting begins. However, it is good practice for evaluators to remain for the 504 Eligibility Meeting.

Process on moving students from IDEA to 504

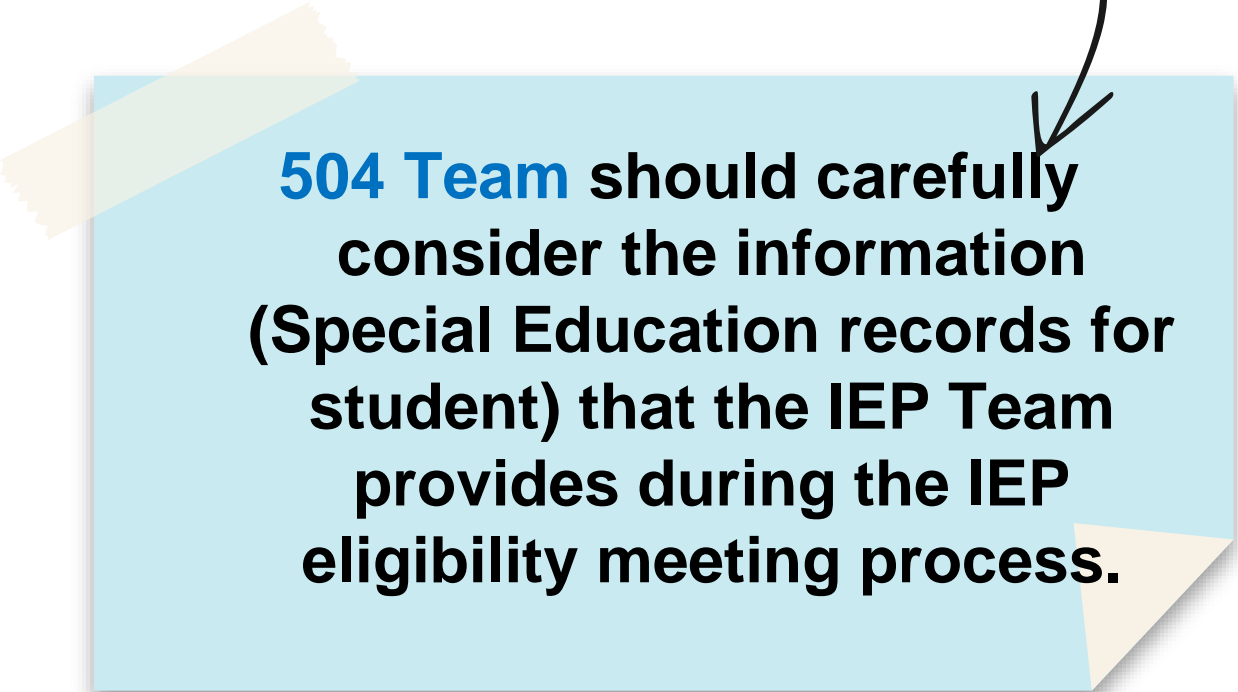**504 Team** should do the following:

1. The Section 504 School-Site Coordinator must clearly state the 504 Eligibility Meeting will begin.
2. The 504 Team will decide if the Special Education records are enough to determine if the student has:
   1. A physical or mental impairment; and
   2. Does the impairment substantially limit a major life activity?

Process on moving students from IDEA to 504

504 Team should do the following:

3. If *yes*, 504 Team will begin the 504 Eligibility Process and complete the Education Accommodation Plan.
4. If *no*, 504 Team should stop the meeting and determine what is needed for eligibility and reconvene on a later date. Some reasons to stop meeting:

    - The need for more sources for evaluation
    - The need to include other team members

Practice **Pointer**

504 Team should carefully consider the information (Special Education records for student) that the IEP Team provides during the IEP eligibility meeting process.

Thanks!

Do you have any questions?

Terry Naputi
tinaputi@gdoe.net
300-1638

District 504 Coordinators Assignments

SY 2022–2023

Terry Naputi

tinaputi@gdoe.net
671-300-1638

1. Adacao ES
2. Agana Heights ES
3. Astumbo ES
4. B.P. Carbullido ES
5. C.L. Taitano ES
6. Finegayan ES
7. Inarajan ES
8. J.Q. San Miguel ES
9. M.U. Lujan ES
10. Merizo Martyrs' Memorial ES
11. Ordot-Chalan Pago ES
12. Talofofo ES
13. Wettengel ES
14. Agueda Johnston MS
15. Astumbo MS
16. Inarajan MS
17. Vicente Benavente MS
18. George Washington HS
19. J.P. Torres/Central Success
20. Okkodo HS
21. Tiyan HS

Dr. Carmen Garrido

clgarrido@gdo.net
671-300-1623

1. Chief Brodie ES
2. C.H. Price ES
3. D.L. Perez ES
4. Harry S. Truman ES
5. J.M. Guerrero ES
6. Lyndon B. Johnson ES
7. Liguan ES
8. M.A. Ulloa ES
9. Machananao ES
10. Marcial Sablan ES
11. P.C. Lujan ES
12. Tamuning ES
13. Upi ES
14. Jose Rios MS
15. F.B. Leon Guerrero MS
16. L.P. Untalan MS
17. Oceanview MS
18. John F. Kennedy HS
19. Simon Sanchez HS
20. Southern HS