



Center for
Children's
Advocacy

No One Can Stop Me Now Educational Rights of Children With Disabilities

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Protections Under Federal Law

“No otherwise qualified individual with handicaps...shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefit of, or be subjected to discrimination under a program or activity receiving Federal financial assistance.”

Section 504, Rehabilitation Act 1973

Devon

- Age 14
- Diagnosis - severe Sickle Cell Disease
- Medical History - frequent hospitalization
- Academics - good student
- Career Goal - politician



Dena

- Age 12
- Seasonal medication for allergies
- Quarterly medical appointment
- No absenteeism related to allergies
- Academics - low average, problems with reading and math



Children Protected Under 504

Physical or Mental Impairment
that substantially limits one or more
major activities, such as:

- walking
- seeing
- hearing
- breathing
- some emotional disabilities

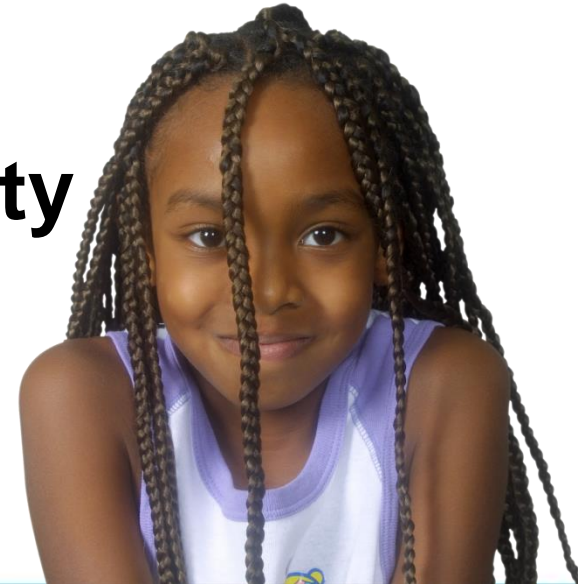
Children Protected Under 504

Record of impairment

School personnel (nurse, teacher, counselor) on notice that child has the disability

or

Regarded as having a disability



FAPE

Free and Appropriate Public Education to each qualified student with a disability who is in the school district's jurisdiction, regardless of nature or severity of disability.

FAPE

- Provision of related aids and services
- Designed to meet student's individual needs
- Meet educational needs of disabled students as adequately as needs of non-disabled students



FAPE – 504 Process

Obligations of school system

- Section 504 Coordinator
- Identification of children
- Notice to children and parents
- Grievance procedure
- Continuing notice of obligation to refrain from discriminating based on disability

504 Meeting

Participants: persons knowledgeable

- Parents
- Teachers
- Social worker
- School nurse



504 Meeting

Evaluation of Data

- Review medical documentation
- Review applicable tests
- Impact
 - accessing education
 - major life activity
- Periodic review

504 Accommodations

Unique to Child – Unique to Disability

Examples:

- Extra books at home
- Transportation
- Extended time
- Assisted technology
- Services and support

504 Accommodations

Criteria

- Meet educational needs of disabled students as adequately as needs of non-disabled students
- Standard is absolute
- Cost is not a criteria

Special Education vs. 504

Individuals with Disabilities Act (IDEA)

Special Education Law

Specific list of disabilities, usually related to learning challenges



IDEA Procedural Safeguards

- IEP/PPT Process
- Special education and related services
- Administrative Hearing
- “Stay Put”



Helping Our Students

Devon

Sickle Cell causes frequent absenteeism

Good student, no behavioral issues

Eligible Under 504?



Helping Our Students

Dena

Allergies, takes meds, limited absences,
learning issues, “attitude” issues

Eligible under 504?

Other Laws?



High School for Devon

504 accommodations in high school

- tutor
- door to door transportation
- extra books
- excused absences
- responsive school nurse and faculty

Post Secondary Education

**504 obligations for institutions
receiving federal dollars**

Access to curriculum

No obligation to modify curriculum

No special education obligation

Post Secondary Implementation

Obligation is on student

- Identify 504 coordinator
- Schedule meeting
- Develop 504 plan
- Proof of disability

Accommodations Examples

- **Academic**
Remote attendance
(Skype, online, assisted technology)
- **Housing and Access**
Housing with accommodations,
transportation, priority parking
- **Medical**
Emergency plan, access to medical services,
transportation to physician and hospital

Questions?

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