

Leveling the Playing Field

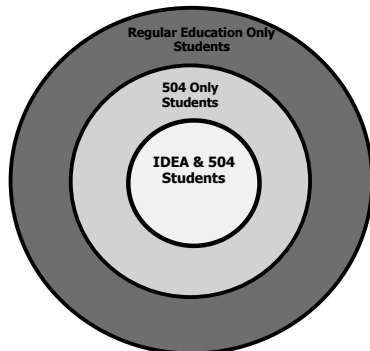
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Student Support Services Project
FL DOE

Overview of Section 504

- Rehabilitation Act, 1973
- Civil Rights law
- Americans with Disabilities Act, 1990 (ADA)
- Florida Educational Equity Act (S. 1000.05)
- Office for Civil Rights (OCR) US DOE

How Does Section 504 Fit?



Section 504 States:

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

Eligibility

- Three prongs
- Impairment
- Life activities
- Definition
- Substantially limits

Three Prongs

An individual is protected, if:

1. Has a physical or mental impairment which substantially limits one or more of such person’s major life activities,
2. Has a record of such an impairment, or
3. Is regarded as having such an impairment

(29 U.S.C. Sec. 706(8))

Prong 2 & 3

Students described under Prongs 2 or 3 are protected from discrimination.

But, they are **not** eligible for services &/or accommodations other than those provided the general student population. They should be afforded any remedial or corrective aids and services they made need that are made available to the general student population.

Physical or Mental Impairment

- 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, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

Major Life Activities:

- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

Eligibility

Eligibility is based on the definition of a disability to the extent that there must be a substantial limitation in a major life activity before a person is considered eligible for protections and services under Section 504

Substantially limits can be defined as:

1. Unable to perform a major life activity that the average person in the general population can perform, or
2. Significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform the same major life activity.

Guides to Eligibility

- Nature and severity of the mental or physical impairment
- Duration or expected duration of the impairment
- Permanent or long term impact resulting from the impairment

Best Practices/Plans

- Understandable
- Measurable
- Who monitors
- Accommodation plan completed only for Prong 1

What Schools Must Do to Meet the Requirements of Section 504

OCR (1989) describes the following requirements:

- Undertake annually to identify and locate all children with disabilities who should be served.
- Provide a "free appropriate public education" to each student with disabilities, regardless of the nature or severity of the disability. This means providing regular or special education and related aids and services designed to meet the individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met.

School Requirements, Continued:

- Ensure that each student with disabilities is educated with nondisabled students to the maximum extent appropriate.
- Establish nondiscriminatory evaluation and placement procedures to avoid the inappropriate education that may result from the misclassification or improper placement of students.
- Establish procedural safeguards to enable parents and guardians to participate meaningfully in decisions regarding the evaluation and placement of their children.
- Afford children with disabilities an equal opportunity to participate in nonacademic and extracurricular services and activities.

Grievance procedures

- Filing compliant/grievance through district's established procedure
- Request hearing by impartial hearing officer
- File complaint with OCR

Resources

- Section 504 online tutorial: <http://sss.usf.edu>
- www.ed.gov/about/offices/list/ocr/504faq.html
- www.ed.gov/about/offices/list/ocr/qa-disability.html
- www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html
- BEESS Clearinghouse:
www.firn.edu/doe/commhome/clerhome.htm

Section 504

Online Introductory Tutorial

<http://sss.usf.edu/504tutorial>

Contact information

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