

Understanding Section 504

Providing students with equity to learn, grow and benefit from school opportunities

- Donald R. Griffin, M.S. – Muscogee (Creek) Nation
- BIE Section 504 Program Coordinator





***Donald Griffin, M.S., Special Education
BIE Section 504 Program Coordinator
BIE Alternate Assessment (MSAA) Coordinator
Bureau of Indian Education/ Chief Academic Office - BIE/CAO
Muscogee (Creek) Nation***

Don's extensive quarter-century career in education has been in providing education and services for students with disability as a teacher, case manager and education administrator.

Don is a tribal member of the Muscogee (Creek) Nation of Oklahoma. His Bachelor degree is from Regis University - Denver. His graduate work was accomplished through Ft. Hays State University. He has a Master degree in Special Education and in K-12 Building Administration.

Don has been married to his wife Rhonda for 44 years. Their home is in Garden City, Kansas. They are the parents of 3 grown sons and the grandparents to 6 grandchildren, 4 girls and 2 boys.

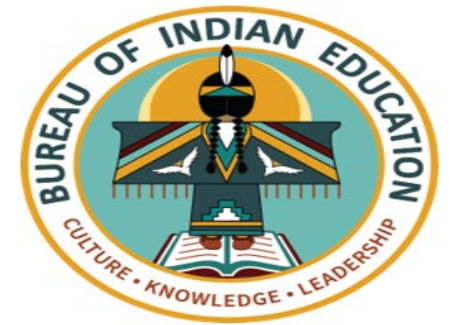
Learning Objectives

At the end of the presentation,

Participants will:

- Understand the basic legal obligations owed to students with disabilities under Section 504
- Be able to describe Section 504 obligations
- Be able to implement Section 504 obligations
- Able to differentiate situations where Section 504 and IDEA procedures apply

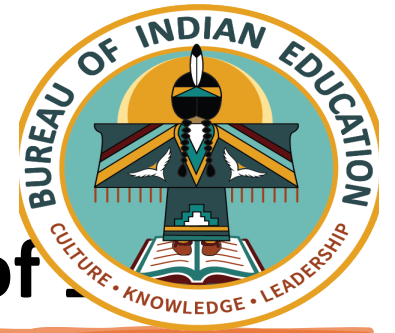




Section 504 of Rehabilitation Act of 1973

Section 504 is a federal civil rights law that prohibits agencies that receive federal funding from discriminating against persons with disabilities on the basis of a disability.

This Act was the first federal civil rights law protecting the rights of persons with a disability.



Indian Affairs Manual, Part 30, Chapter 15, Education (Management), Section 504 of the Rehabilitation Act of 1973

Indian Affairs Manual (IAM) - Section 504 of the Rehabilitation Act of 1973

- Signed and issued as of 6/7/2022;
- Provides guidance on the nondiscrimination prohibitions based on disability;
- Is applicable to educational programs, dormitories, and activities conducted by the Department;
- Explains how BIE-operated schools will implement these regulations.

The IAM has been published online to the IA Policy and Directives website: <https://www.bia.gov/policy-forms/manual>.

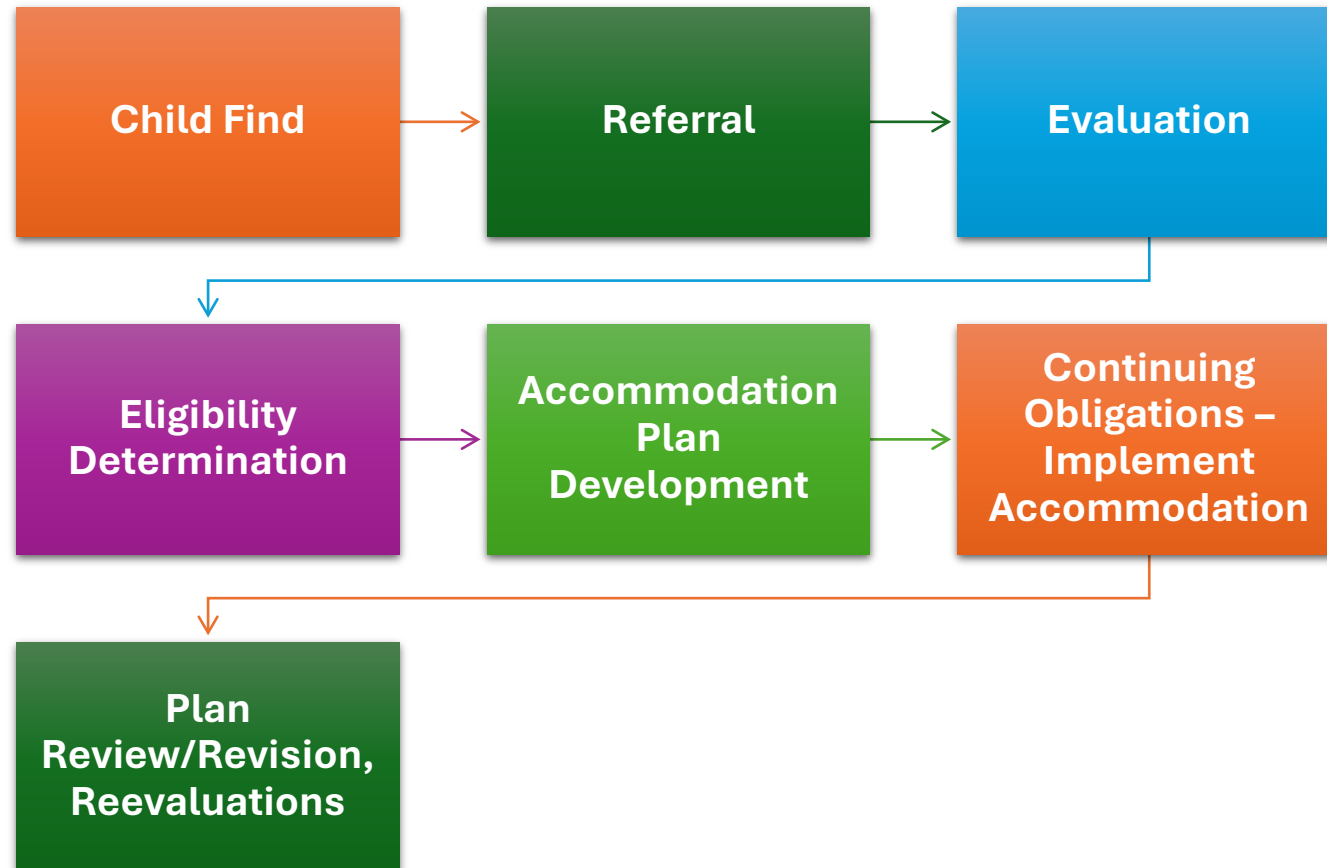
Relationship Between Section 504 and IDEA



**Students eligible for Special Education are a subset
of students eligible for 504 Protections**



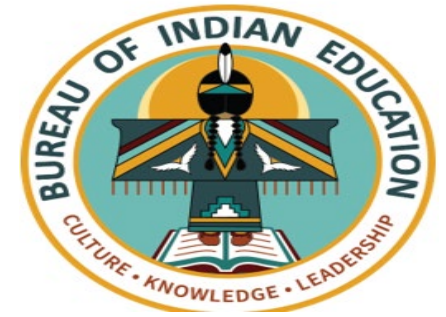
Understanding the 504 Process





Child Find

- **Under the IDEA and the DOI/BIE Section 504 Indian Affairs Manual (IAM), each school has an obligation to identify students with disabilities.**
- **While Child Find is a Special Education requirement, the process also identifies students who are eligible for 504 services.**



504 Referral

- **Anyone can make a referral to determine if a student is eligible for protection pursuant to 504.**
- **The referral should be made in writing, and receipt of the referral should be acknowledged in writing.**
 - Parent / Legal Guardian
 - Teacher / School Administrator
 - Counselor / Therapist
 - Pediatrician
 - School Nurse



When should a Section 504 Referral be Made?

- Student is chronically absent from school for medical or mental health reasons
- Student is returning to school from serious illness or injury
- Student is failing to advance from grade to grade despite general education interventions being put in place
- Student is displaying a pattern of behavior problems that do not dissipate with interventions or progressive discipline
- Student diagnosed with life threatening health condition
- Student was referred to special education for evaluation but was determined not to be a candidate for an evaluation or found ineligible



504 Eligibility Conducting an Evaluation

- **Must obtain parental consent to conduct a 504 evaluation**
- **Conducting a 504 evaluation is a team making decisions on specific questions based upon data, and parents are part of the team**
- **May be broad, including the consideration of aptitude and achievement data, medical and psychological data, social and cultural information**
- **Or narrow, considering just medical data**

504 Eligibility



➤ Who Qualifies for Section 504?

➤ The Student:

- Has a **disability**, which means, with respect to an individual:
 - Has a **physical or mental impairment** that **substantially limits** one or more of the **major life activities** of the individual;
or
 - Has a **record of an impairment**;
or
 - **Is regarded** as having an **impairment**.



504 Accommodation Plan

➤ What is a 504 Accommodation Plan?

- A written plan that lists the necessary accommodations to minimize the impact of the impairment. The goal is to create a level playing field and granting equal access.
- Accommodations, not modifications:
Accommodations do not change the content of the material or level of accomplishment needed. Accommodations change how a student gains access or how the student demonstrates learning/proficiency.



504 Accommodation Plan

➤ Who creates a 504 Accommodation Plan?

- Persons that work with the student: parents, school administrator, counselor, teachers, nurse
- Whoever works with the student (think outside the box to include bus driver, cafeteria staff, dormitory staff, lunch/hall monitors, etc.) that might encounter a situation where the impairment manifests itself.
- Consider all school environments and requirements. Get input from a variety of sources, including the nurse, student, parent, and relevant outside professionals (doctor).



504 Accommodation Plan

➤ What is included in a 504 Accommodation Plan?

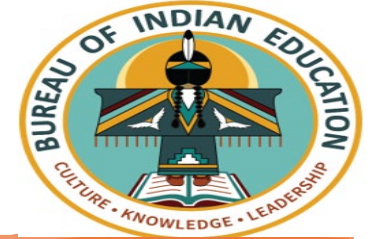
- The 504 Plan accommodations are designed to help remove any barriers that may prevent a student with a disability from fully accessing their education and reaching their full potential.
- **Academic accommodations**
 - modifications to the curriculum
- **Social accommodations**
 - Behavior Intervention Plan
- **Physical accommodations**
 - Health Plan; Transportation
- **Dormitory accommodations**



504 Accommodation Plan

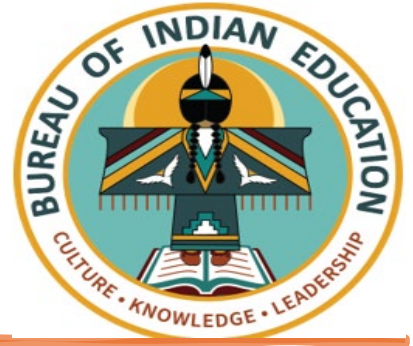
➤ Who should be provided access to the 504 Accommodation Plan?

- Each teacher serving the student (don't forget 2nd semester teachers?)
- Other school staff who will need to implement provisions of the Plan (bus driver, dorm staff, cafeteria staff, nurse, supplemental service provider, etc.)
- Student if able to understand and self-advocate
- Parent (written copy)



Points to Remember

- **Accommodations, not Modifications**
- **Reasonable Accommodations**
- **Equal Access**
- **Refusal to implement a 504 Plan is willful discrimination and a Statutory violation of law.**



Points to Remember

- **Current drug and alcohol use/sale automatically cancel 504 protections**
 - (504 protections are not automatically removed for mere possession; school has the burden of proof for use/sale)

- **DOI/BIE uses the same IDEA guidelines for evaluations:**
 - **1- year Plan Review/Revision**
 - **3 - year Re-evaluation** of Eligibility
 - **Manifestation Determination** for suspension/expulsion considerations greater than 10 days in a school year.

- **Family Educational Rights and Privacy Act (FERPA)**
 - Confidentiality provisions apply to Section 504

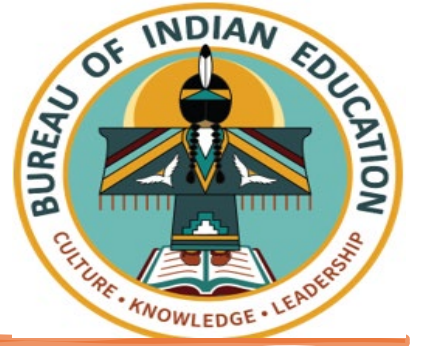
Good Steps to Take



➤ **All BIE-Operated Schools:**

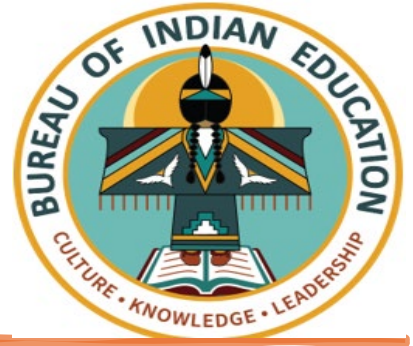
- Establish/identify a school level Section 504 Program Coordinator
 - Report identity of School Section 504 Program Coordinator to BIE Section 504 Program Coordinator
- Appoint a member of each student's Section 504 Team as Team Lead
- Post IAM Part 30, Chapter 15 (Section 504 Guidance Policy) on your school website and commons area bulletin board, include in school handbook, and provide an annual notice to parents of how to access the IAM or request a copy and the name and contact information of the school's Section 504 Program Coordinator.
- Conduct Child Find Activities for Students with Disabilities (IDEA and 504)

Good Steps to Take



➤ **School 504 Coordinator:**

- Monitor implementation of 504 Plans in the school
- Recommend to serve as the 504 Team Lead
- Have the school administration support to compel staff members to comply with 504 Plan implementation
- Maintain a database of due dates for evaluations (3 years) and 504 Plans (1 year)
- Have good rapport with parents of students with disabilities



Good Steps to Take

➤ **Be Mindful of cost Issues associated with Section 504**

- Schools should budget funds to purchase equipment/services beyond the usual, (e.g. computer software/hardware, aide for field trips, wheelchair accessible bus, dormitory support staff).
- Utilize staff meetings (Staff Meeting, SAT, administrator and school level) to review 504 issues and discuss possible solutions before problems arise.

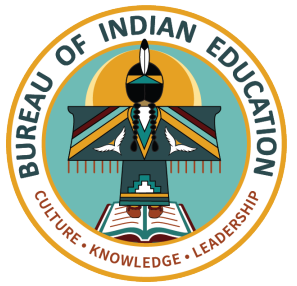


Good Steps to Take

- Use differentiated instruction, accessible mainstream technology, and assistive technology to assist all students. If students are succeeding and have access to what they need in the regular routine, they won't need to be identified. There will not be a “substantial limitation”.

**“Some students need special education...
Others need something special in their education.”**

NASIS-BIE Section 504 Program Editor



New **Save** **Delete** **Print Summary Report**

***Start Date** **End Date**

Referral Date **School Section 504 Coordinator**

***BIE 504 Disability**
 Select Values

Learning Disability Type

Other Disability Description

***BIE Major Life Activity Affected**
 Select Values

Other Major Life Activity Description

***BIE 504 Accommodation**
 Select Values

Other Accommodation Description

*** Was parent notified of intent to evaluate? If yes, Date**

***Was consent to Evaluate and Receipt of Parent Rights given? If yes, Date**

***Was Section 504 Parents Rights and Procedural Safeguards Form given? If yes, Date**

***School 504 Coordinator completed the 504 Eligibility Determination Form and is in Student's Cumulative file?**

Annual Review Date

Reevaluation Date: *Must occur at least every 3 yrs

Comments (up to 250 characters)



NASIS On-line Section 504 Program Fillable Forms

- **Section 504 Checklist**
- **504 Parent/Guardian Consent for Initial Evaluation**
- **504 Rights and Procedural Safeguards**
- **504 Teacher Input (Evaluation)**
- **504 Meeting – Parent Input**
- **504 Identification Determination Summary (Eligibility Determination)**
- **Parent/Guardian Invitation to 504 Meeting**
- **Section 504 Plan**
- **Section 504 Manifestation Determination**
- **BIE Schoolwide Referral**

Question and Comment Session

