

504s and IEPs

Process Overview

SEPAC

11/11/23



We will complete

- An overview of the 504 Process
- An overview of the IEP Process
- A discussion of the similarities and differences between the two

Section 504 Overview

Rehabilitation Act of 1973

A civil rights statute that prohibits discrimination



- Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities.
- Grants equal access to qualified persons with disabilities to all programs and activities receiving federal funding

Section 504

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

29 USC 794

General Requirements for School Districts

- Provide notice of nondiscrimination ([Policy 5603](#))
- Designate 504 Coordinator and possible evaluation team members
- Identify, locate, and evaluate students with disabilities (Child Find)
- Establish a typical process for evaluation, plan development and implementation, and a timeline for subsequent meetings/evaluations
- Establish procedural safeguards
- Adopt grievance (complaint) procedures
 - Incorporate due process
 - Provide prompt, equitable complaint resolution
- Make this information available to the public



What is a 504 Person with a Disability?

- Section 504 is defines this as a person who:
 - has a **physical or mental impairment that substantially limits a major life activity**; or
 - has **a record of such an impairments**; or
 - is **regarded as having such an impairment**.

“Impairment”

Physical or Mental

- Physiological disorder or condition, cosmetic disfigurement, or anatomical loss
- Mental or psychological disorder
- Not an exhaustive list of specific conditions or diseases

Episodic

- When active, it substantially limits a major life activity

Temporary

- Results in substantial limitation of a major life activity for extended period of time
- Consider on a case-by-case basis

“Substantial Limitation”

...is the inability to perform a major life activity or major bodily function when compared to how the person in the general population performs the same major life activity or major bodily function

- Term not further defined in statute or regulations
- Based on on Individual assessment

“Major Life Activities”

- caring for one’s self
- performing manual tasks
- walking
- seeing, hearing, speaking
- breathing
- learning
- reading
- concentrating
- thinking
- sleeping
- eating
- lifting
- bending



Sample District 504 Process

Step 1: Referral

A referral for a 504 Plan can be made by the parent/guardian or by a educator who suspects that the student has a disability and needs accommodations.

If a parent makes a verbal request, the district must help them to navigate the process and ensure that the evaluation process moves forward, with consent.

What is consent?

A parent/guardian must provide consent for portions of the 504 process

- Consent is permission that the parent is granting
- The parent may withdraw their consent, which must be in writing and maintained by the district
- Consent must be a signature, physical or electronic
- Consent is required to evaluate and implement a plan



Step 2: Written Determination of Whether an Evaluation is Warranted

If you deny request to evaluation, the reason behind the decision must be documented in writing.



Step 3: Parent Consent to Evaluate

Once the determination is made that an evaluation is warranted, written parent consent must be obtained to conduct the evaluation..

School specific 504 teams determine whether or not a student has a physical or mental impairment that substantially limits a major life activity, therefore, qualifying for Section 504 benefits and protections.

Step 4: Evaluation and Eligibility

The determination of whether a mental or physical impairment substantially limits a major life activity is made by a group of persons within the district/charter who are knowledgeable about the child and depends on the nature and severity of the disabling condition

- Team draws upon information from various sources
 - Grades, District Assessments, Standardized Assessments, Parent Input, Teacher Input, Student Input, Medical Documentation, Psychological Evaluations, etc.
- Team determines eligibility if the evaluation shows:
 - Physical or Mental Impairments that
 - Substantially limits one or more major life activities or bodily functions

Eligibility

- Decision is made by school-assembled team.
- Review and consider:
 - Evaluation data
 - Disability impact in the school setting
 - Effects of mitigating measures, if any
 - Least restrictive environment



Step 5: 504 Plan

If a student is found eligible under Section 504, a plan **may** be developed which may include accommodations and/or services to provide equal access to the educational environment.

- A 504 Plan should meet the needs of a 504 student as adequately as the needs of a nondisabled peer
- A plan should create equal educational opportunities
- A plan should **reduce the impact** of the impairment - level the playing field
- Accommodations should be **directly related** to the impairment
- No guarantee of results or **maximization**

Accommodations

Changes in **how** a student accesses information and demonstrates learning. Accommodations do not substantially change the instructional level, content, or performance criteria. The changes are made in order to provide a student with equal access to learning and equal opportunity to show what he or she knows and can do.

- Presentation and/or response format and procedures
- Instructional strategies
- Time/scheduling
- Environment/setting
- Equipment & Materials

504 Resources

1. Parent and Educator [Resource Guide](#) to Section 504 in Public Elementary and Secondary Schools, US DOE for Civil Rights, December 2016
2. Michigan Alliance for Families, Section 504 [webpage](#)- has links to multiple resources



Special Education Overview

The Individuals With Disabilities Education Act

IDEA is a federal civil rights statute that guarantees

A free and appropriate public education

- Part C guarantees early intervention to eligible children ages birth through 2 years
- Part B guarantees specialized instruction for children ages 3 through 21

Michigan Administrative Rules for Special Education (MARSE)

- The Michigan-specific requirements for implementing IDEA
- State law or rules can be more restrictive than IDEA but not less

General District Requirements for Part B of IDEA

- Identify, locate, and evaluate students with disabilities (Child Find)
- Provide a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for all eligible students with a disability
- Comply with all requirements of IDEA



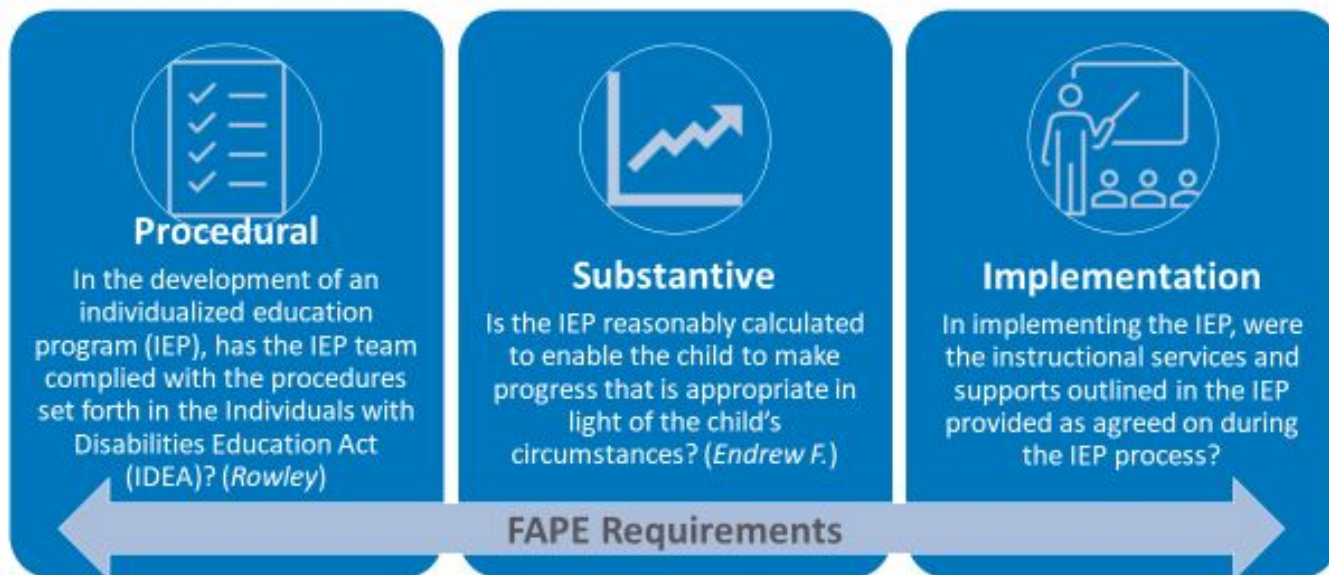
What is a student with a disability under IDEA?

- Student has been evaluated per the requirements of IDEA
- Meets the criteria laid out for 1 of 13 disabilities as determined by a team including the parent
- Requires special education or related services or both to progress in the general education curriculum

IDEA Foundational Principles

- Comprehensive Evaluation
- Free and Appropriate Public Education
- Individualized Education Program
- Least Restrictive Environment
- Parent and Student Participation
- Procedural Safeguards

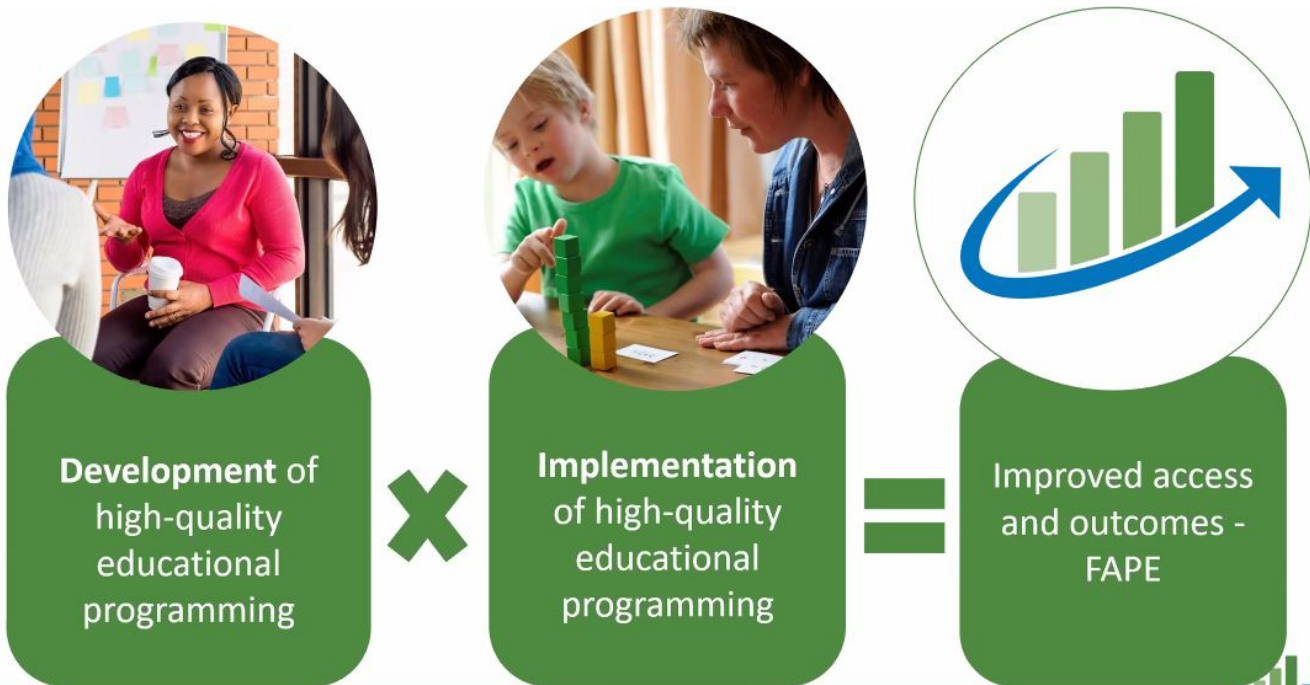
IDEA FAPE Requirements



PROGRESS Center at the American Institutes for Research*



FAPE Breakdown



PROGRESS Center at the American Institutes for Research®



IEP Process

IEP Process

- Child Find
- Evaluation (parent consent required)
- Eligibility (13 eligibility categories)
- IEP Development
- IEP Notice
- IEP Implementation (parent consent for initial implementation)
- IEP Amendment

IEP Development

- Section 1 Demographic
- Section 2 PLAAFP
- Section 3 Secondary Transition
- Section 4 Goals and Objectives
- Section 5 Supplementary Aids and Services
- Section 6 Assessment
- Section 7 Program



Section 1 – Demographics

Key things to remember

- Important to check all information for accuracy
 - Contact information
 - Eligibility



Section 2 - PLAAFP

Present Level of Academic Achievement and Functional Performance (Present Level)

- Key Points and factors to consider
 - Student Strengths
 - Parent Concerns – best to be prepared!
 - Evaluation Results



Section 4 – Goals/Objectives

- Goal – Meaningful and Measurable
- Objectives written as Short term objectives or benchmarks
- Must align with
 - Needs identified in the PLAAFP
 - Michigan Content Expectations
 - Secondary Transition Considerations (Section 3)



Section 5 - Supplementary Aids and Services

- Based on needs in the PLAAFP
- Based on the unique needs of the student specific to:
 - Accessing instruction
 - Accommodations to the content
 - Environmental adjustments



Accommodation vs. Modification

- There is a difference between Accommodation and Modification of student academic work (*Wait! They're not the same?!*)
- Find your 12:00 clock partner.
 - Read-Pair-Share the excerpt from [Special Education | Center for Parent Information and Resources](#)
 - Read the [Adaptations and Modifications](#) Section
 - Highlight important information
 - Discuss with your partner
 - Share out one idea to the group

Section 6 – Assessment Participation and Provision

State Testing

- Aligned to Grade Level Content Expectations
 - MSTEP
- Aligned to Extended Grade Level Content Expectations
 - MI Access Functional, Supported, Participation



District Testing

Section 7 – Programs and Services

- Related Services
- Program
- Extended School Year

Notice for Provision of Services and Programs

What are all the things the team considered that were not included in the IEP and why were they left out?

**IMPORTANT
NOTICE**

Amendment

- Make changes while the IEP is in effect
- Does not change IEP date
- Agreement but not meeting is required

IEP Toolkit

- [MDE's Parent Resources](#)
- [MDE IEP Fact Sheet](#)
- [MDE Family Matters Fact Sheets](#)
- [Progress Center IEP Tip Sheets](#)



How is a 504 Different Than an IEP?

While both 504s and IEPs support students with disabilities, there are differences. [FLOWCHART](#)

- 504 plan support provides equal **access** to all programs and activities receiving federal funding
 - Typically through accommodations
- IEPs outlines specialized instruction
- There are additional funding streams with IDEA (federal, state, and local, but none to support students with 504s.

Gots and Wants

Please remember to put your Gots and Wants
sticky up on the wall!

Thank you so much!

Questions?

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