

# IEP v. 504

## Duchenne Muscular Dystrophy

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# 504

- Section 504 is the part of the Rehabilitation Act of 1973 that applies to persons (including students) with disabilities. Section 504 is a civil rights act that protects the civil rights of persons with disabilities.
- The Law states that no person with a disability can be excluded from or denied benefits of any program receiving federal financial assistance.

# 504 Eligibility

- The child must have a mental or physical impairment that substantially limits one or more of a person's major life activities.
- “Major life activities” include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- The child’s disability must impact their education in order to qualify for educational accommodations.
- This determination is made by a school team, including the parents.

# Accommodations

- Accommodations are adjustments made by the classroom teacher(s) and other school staff to help students benefit from their educational program. In some cases a plan should be developed outlining services and accommodations.
- Accommodations need to take into account both the functional limitations of the individual and the alternative methods of performing tasks or activities to participate without jeopardizing outcomes.

# Responsibilities

- Provide written assurance of nondiscrimination.
- Designate a 504 Coordinator.
- Provide grievance procedures to resolve complaints of discrimination.
- Provide notice of nondiscrimination in admission or access to its programs or activities. Notice must be included in a student/parent handbook.
- Annually identify and locate all qualified children with disabilities who are not receiving a public education.
- Annually notify persons with disabilities and their parents or guardians of the district's responsibilities under Section 504.
- Provide parents or guardians with procedural safeguards.
- Conduct a self-evaluation of school district policies, programs, and practices to make sure discrimination is not occurring.

# Examples of Accommodations

- Being late to class
- Longer test taking time
- Less problems for homework once knowledge is demonstrated
- Speech to text software
- Tape recorder
- Scribe or note-taker
- Organizational time

*\* Not changing content! That's a modification*

# Chain of Command

- Coordinator of 504
- Principal
- Superintendent
- Office of Civil Rights/ Denver Colorado

# IEP

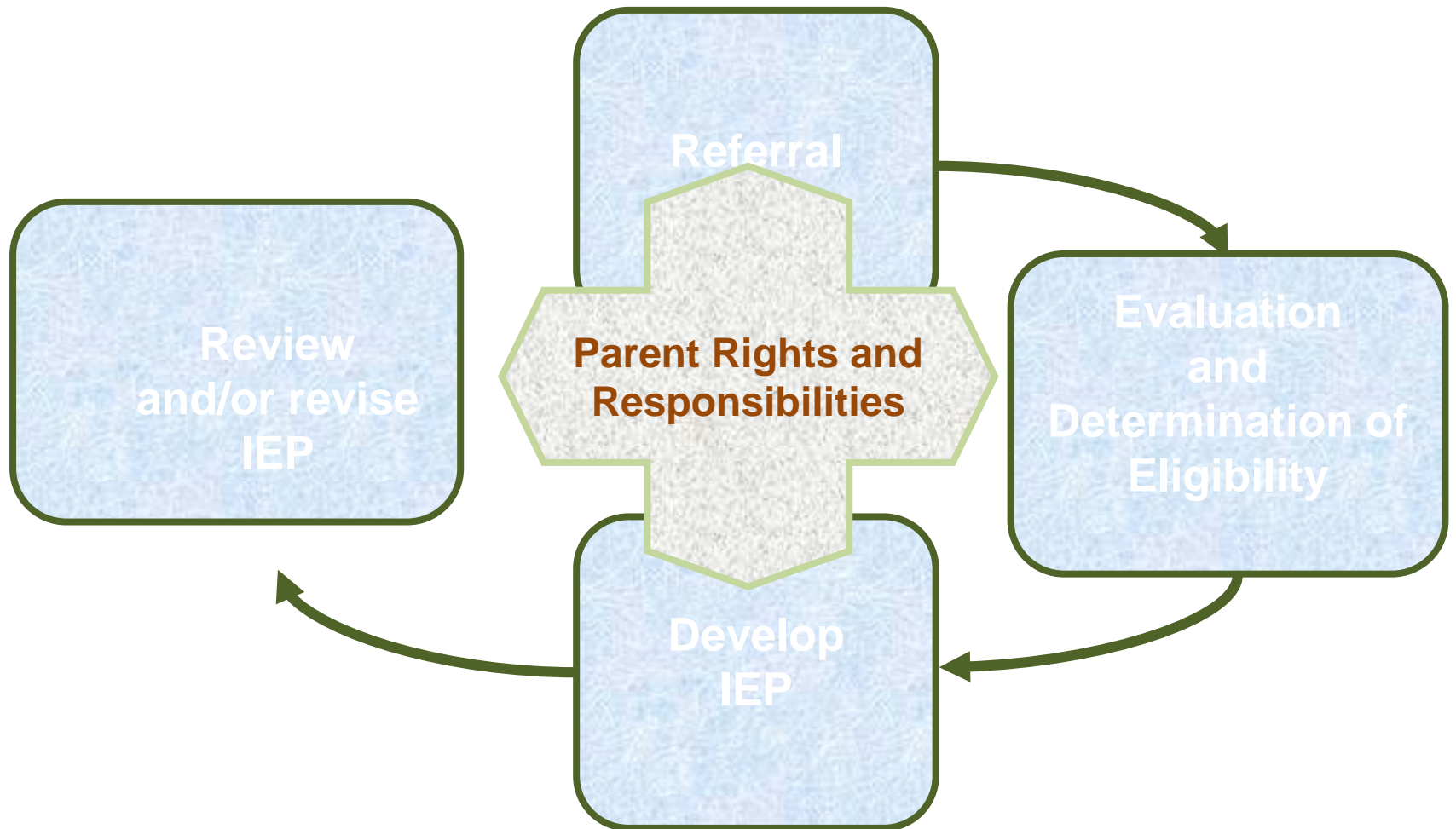
- Individuals with Disabilities Education Act (IDEA) 2004
- Special Education
- Must meet criteria for 1 of 13 Disability Categories
  - OHI or OI
  - Autism/ cognitive disability /SLD
- Must show the “***need for specialized instruction***”



# IDEA '04

- **§ 300.301 Initial evaluations. (a) (b)**
- (a) *General. Each public agency must* conduct a full and individual initial evaluation, in accordance with §§ 300.305 and 300.306, before the
- initial provision of special education and related services to a child with a disability under this part.
- The PEA has 60 days from the date of signed informed parental consent to complete a comprehensive educational evaluation.
- The 60 day timeline doesn't start from the date the parent sent a letter requesting an evaluation. The 60 day timeline starts from the day the PEA receives the request and permission to evaluate no matter who is in the office to receive the letter.

# Special Education Process



# IEP Includes...

- Present levels of academic achievement and functional performance (PLAAFP), including special factors;
- Measurable annual goals and the way progress toward the goals will be measured and reported to parents;
- Special education and related services;
  - OT, PT, AT, Adaptive PE, Modified curriculum
- Supplementary aids, services, and accommodations; and
- Assistive technology considerations

# Notices

- Procedural Safeguards Notice (PSN)
  - Explains your rights
  - [www.parentcenternetwork.org](http://www.parentcenternetwork.org)
  - PTI (parent training and Info)
- Meeting Notice
  - 3 attempts to include parent
- Prior Written Notice (PWN)
  - AFTER meeting, BEFORE a change
  - Keep these!

# FBA & BIP

- Functional Behavioral Assessments
  - Data collection by Psychologist or BCBA
  - Same 60 day timeline when asked for in writing
  - Looking for the function of the behavior
- Behavior Intervention Plan
  - Attached to IEP
  - Everyone follows with fidelity
  - Positive behavior support/ not just punishment

# Dispute Resolution

- State Complaint/ Procedural Error
  - Compensatory services
  - Investigation & corrective action plan
- State Mediation/ Philosophical difference
  - Free
  - Third impartial party
  - Agreement attached to IEP
- Due Process

# Common Questions

- How do I get an IEP instead of 504?
- How do I get an aide?
- What services should I ask for?
- How do I get his friends at school to understand?
- How do I help him make friends?

# Suggestions

- Ask your child, allow them to be part of the decision making
- Very powerful for a child to attend a meeting (even via video)
- Bring work samples
- Always have a list for a meeting to stay on task
- Remember it's a work-in-progress. Your signature only means you were in attendance.
- This is a relationship that needs to be fostered

**\*\*\*RAPPORT IS POWER!**



# Parent Training and Information Centers

- Every state has a federally funded Parent and Training Information center. PTI's will help parent connect with other parent mentors as well as offer support navigating the special education process.
- <http://www.parentcenterhub.org/find-your-center/>

[http://community.parentprojectmd.org/  
page/resources](http://community.parentprojectmd.org/page/resources)

- IPAD APPS
- AT Ideas for writing, etc
- Behavior goals in IEP
- FBA info
- DMD AT Handout
- Free AT
- Services Dog Case law
- How to file Complaints w/ OCR
- Transition Checklist
- Sensory Integration
- ADHD/ Dyslexia
- Evaluation Process
- Social Skill Interventions
- Jillannecastle@gmail.com