

COMPARISON OF SECTION 504 OF VRA & IDEA FOR PUBLIC SCHOOL STUDENTS

Section 504 of the Vocational Rehabilitation Act	Individuals with Disabilities Education Act
<i>Who must comply?</i>	<i>Who must comply?</i>
<ul style="list-style-type: none"> ✓ Recipients of federal financial assistance, including state & local education agencies, before & after-school programs, child care centers, colleges & universities, etc. 	<ul style="list-style-type: none"> ✓ State & local education agencies, & other state agencies & private schools or service providers contracted by the state or local education agencies to provide IDEA services
<i>Who is protected?</i>	<i>Who is protected?</i>
<ul style="list-style-type: none"> ✓ Individual who has, has had, or is perceived as having, a physical or mental impairment which substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working; limits ability to attend, participate in, receive benefit from, schooling ✓ <i>Examples:</i> Cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, diabetes, heart disease, HIV/AIDS, dyslexia, dysgraphia, rheumatoid arthritis, ADD/ADHD, cystic fibrosis, severe allergies, asthma 	<ul style="list-style-type: none"> ✓ Child, 0-21, with a disability that affects their ability to learn and requires special education and/or related services in order to benefit from their education ✓ <i>Covered disabilities:</i> Cognitive disability, hearing impaired, speech/language impaired, visually impaired, serious emotional disturbance, autism, traumatic brain injury, learning disabled, multiply disabled, deaf, blind, deaf-blind, other health impaired
<i>What is required?</i>	<i>What is required?</i>
<ul style="list-style-type: none"> ✓ In general, reasonable accommodations ✓ For students with disabilities in public school, a free appropriate public education in the least restrictive environment (FAPE in LRE) <ul style="list-style-type: none"> ○ <i>Child find/identify eligible students</i> ○ <i>Non-discriminatory assessment & eligibility determination (initial & annual) by a team knowledgeable about the child & the disability; parent consent required; right to independent evaluation, at own expense, and to provide relevant information that must be considered by the team</i> ○ <i>Development of a plan for services, & non-discrimination, reasonable accommodations, meaningful program access, & as adequate an education as other children</i> <ul style="list-style-type: none"> ✓ Accommodation examples: <ul style="list-style-type: none"> • Physical barrier removal • Seating placement • Extended time for testing • Testing modifications • Adjust class schedule • Rest periods 	<ul style="list-style-type: none"> ✓ For students age 3-21 in public school, a free, appropriate public education in the least restrictive environment (FAPE in LRE) <ul style="list-style-type: none"> ○ <i>Child find/identify eligible students</i> ○ <i>Non-discriminatory assessment & eligibility determination (initial, annual, triennial) by a multi-disciplinary team, including the parent, that identifies all areas of suspected disability & impact on all education areas; parent consent required; right to independent evaluation at district expense, & to provide relevant information that must be considered by the team</i> ○ <i>Development of a plan for services, an Individualized Education Program (IEP) with annual goals, short-term objectives/benchmarks (if the student will be taking alternate assessments), & method to determine if achieved</i> <ul style="list-style-type: none"> ✓ Special education & related services: <ul style="list-style-type: none"> • Administration of medication • Aides/paraprofessionals

<ul style="list-style-type: none"> • Use of aids (tape recorders, calculators, audio-visual equipment, computers, modified textbooks) ✓ Push-in or pull-out services: <ul style="list-style-type: none"> • Note taking • Oral catheterization • Administration of medication • Monitoring of blood levels • Monitoring of physical status • Positive behavioral supports (PBS) • Consultation • Service coordination • Tutors • Counseling, OT/PT, other related services ○ <i>Services in the least restrictive appropriate environment:</i> the class/ school the child would be in if not disabled; the nearest school; not be removed from regular class unless the child’s needs cannot be met in that class even with the use of supplementary aids and services; opportunities to interact with non-disabled peers; comparable facilities if segregated; meaningful program accessibility ○ <i>Confidentiality of records, & parent access to records (FERPA)</i> 	<ul style="list-style-type: none"> • Assistive technology • Audiology • Counseling • In-class supports • Medical services (for diagnosis) • Modified instruction • Accessible instructional materials • Parent counseling/ training • Peer supports • Physical therapy • PBS • Psychological services • Occupational therapy • Recreation • School Health services • Social work services • Speech pathology • Transition services • Other services needed to enable student to benefit from their education <ul style="list-style-type: none"> ○ <i>Services in the least restrictive appropriate environment:</i> the class/ school the child would be in if not disabled; nearest school; not be removed from regular class unless the child’s needs cannot be met in that class even with the use of supplementary aids and services; opportunities to interact with non-disabled peers; equal access to extra-curricular & non-academic activities; continuum of placements/services ○ <i>Confidentiality of records, & parent access to records (FERPA)</i>
<p><i>What are dispute resolution mechanisms?</i></p>	<p><i>What are dispute resolution mechanisms?</i></p>
<ul style="list-style-type: none"> ✓ Mediation not available unless state establishes a specific mediation process ✓ Complaints filed with LEA Section 504 Grievance Coordinator → ✓ US DOE OCR Complaint, or ✓ Immediate federal court hearing (Section 1983) ✓ Exhaustion of administrative remedies not required 	<ul style="list-style-type: none"> ✓ Mediation available; voluntary ✓ Complaints filed with LEA followed by LEA Resolution session → ✓ Due process/impartial hearing → ✓ Federal or state court hearing ✓ Exhaustion of administrative remedies required unless it would be “futile”