



WHEN A STUDENT'S RIGHTS ARE WRONGED

EAD-505
Education Law
Grand Canyon University
Masters in Education in Educational Administration



Introduction

- Information on an IDEA, Individuals with Disabilities Education Act
- Understanding legally what is a 504.
- 504 due to the Rehabilitations Act of 1973
- Difference between IEP and 504
- Possible services and accommodations for those who qualify.
- Viewing and applying knowledge of Case 38- When a Student's Rights are Wronged, applying the IDEA and 504 plan to support students with disabilities.

DEA Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act is a law that allows students with disabilities, and ensures appropriate public education is provided with equal educational opportunities as students without disabilities.

- Free Public Education is provided
- An IEP for students with disabilities, Individual Education Plan
- Related Services offered
- Protected by Due Process

Section 504

The U.S. Department of Education states that, “Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination on the basis of disability by state and local governments” (Protecting Students With Disabilities, n.d.) The 504 plan is designed to protect discrimination on the basis of disabilities against these students, they have the right to have the same opportunities as other students without disabilities. The 504 requires under the law that students with disabilities are provided educational services to meet the individual needs of students with disabilities. Where they may need and access services, additional support, related classes to have equal access to an equal education as students without disabilities.

- Students qualify if they have a physical or mental disability.
- The student may be evaluated by a team within the school district.
- If they qualify they will receive certain services and/or accommodations.

Common 504 Accommodations

- Changes to environment
- Changes to instruction
- Changes to presentation of curriculum
- Extra time on assessments
- Extra time on assignments
- Able to use different formats (i.e. computer instead of handwritten)
- *This can include things like sitting in the front of the room or testing in a different and quieter environment*
- *Examples of this can be including visual cues, rephrasing the directions in a simple way, and checking in frequently*
- *This includes getting outlines of lessons, getting notes beforehand that could be filled in instead of having to write it all down (What Is a 504 Plan, n.d.)*

IEP vs. 504

What's the Difference?



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Possible Services Provided by a 504 plan

- Modifications to the learning environment
- Instructional strategies
- Assistive technology
- Changes to testing procedures
- Physical accommodations
- Services from support personnel

Learning Environment

- A modification to the learning environment could include adjusting the lighting or sound in the classroom or providing a quiet place for the student to work
- Some instructional strategies that could be used include the use of graphic organizers or other visual aids to help the student understand the material
- Assistive technology can be seen in many different ways. Some examples are a computer with speech-to-text or a specialized keyboard for a student with limited dexterity.
- The changes to testing procedures could include giving the student extra time on tests, or the use of a calculator or other assistive device.
- Some physical accommodations are giving the student a chair with good back support, or a specialized desk to accommodate a student's needs.
- Some support personnel that could be providing support to the student include a school nurse, occupational therapist, or counselor.

Common Issues

Rights

- Parent does not want services for their child
- It is tough to follow the accommodations
- The IEP/504 plan is not working as intended
- The parent cannot make the meeting
- The general education teacher cannot make the meeting
- The child is homeschooled

Laws

- If the parent does not want their child to receive services, there is not much that can be done until they have changed their mind. You should keep working with them in small groups and doing what is best for them as long as it is legal (*Individuals with Disabilities Education Act, 2017*).
- The accommodations must be followed by law. If they are tough talk to colleagues for ideas on how to better integrate them.
- When the plan isn't working the goals might need to be changed. The goals should challenge the student without overwhelming them.
- Everything should be done to get a time and date that works for the parent. If it is an initial or re-evaluation the parent must be present. If it is a yearly update, they do not legally have to attend but must always be invited.
- If the general education teacher cannot make the meeting another teacher can be in their place. This should be avoided at all costs but if it does happen the general education teacher should submit a document with their observations.
- A child that is homeschooled, is still given the right to be evaluated by the public school in all states according to IDEA (*Individuals with Disabilities Education Act, 2017*). Different states will provide different amounts of services after that.

Cases related to IDEA and Rehabilitation Act of 1973

Cases

- Irving Independent School District v. Tatro
- Cedar Rapids Community School Dist. v. Garrett F.
- Honig v. Doe
- Forest Grove School District v. T.A.

Rulings

- Ruled the school must provide catheterization services because it was considered a necessary school health service instead of a medical service (Umpstead, R.R., 2022).
- Along with the first case, ruled a school had to provide certain services because they were required to keep the student in school (Cedar Rapids Community School Dist. v. Garret F., n.d.)
- Ruled a California school board could not indefinitely suspend a student for behaviors related to their disability (Steketee, A.M. 2023).
- A student withdrew from a school, for unrelated reasons, after the parents had sought for him to be evaluated. The school district was forced to provide reimbursement for the private education in accordance with (FAPE) (Forest Grove School District v. T.A., n.d.).

Community Resources

Parent Resources

- Arizona Early Education Program
- Early Head Start and Head Start
- Division of Developmental Disabilities
- Raising Special Kids

Types of Support

- Offers supports for young children, birth to two, with developmental disabilities
- Which program depends on age but both help with low-income families of children with disabilities
- Helps with getting different types of therapy services
- Gives consultations and support to families throughout the process (*Parents and Families, 2015*)

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