I.D.E.A.: Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act (IDEA) is a United States federal law that was signed into law by President George H. W. Bush in 1990 and had significant amendments in 2004. IDEA regulates how states and public agencies provide educational related services to children ages 0-21 who have been diagnosed with a disability. There are currently thirteen categories of disabilities in which a child may fall under and require services under IDEA.

IDEA essentially replaced the Education for All Handicapped Children Act (EHA) that was enacted by Congress in 1975. This act required equal education for children with physical and mental disabilities. Before this law was enacted, only 20% of all children with disabilities were being educated by public schools. Most states had laws that did not allow children with certain disabilities from attending. When EHA was enacted, there were more than one million children who did not have access to public education due to their disability.

Another important component of IDEA is that the law only pertains to states and their local agencies who accept federal funding under IDEA. States who choose not to accept any of these federal monies are not subject to IDEA. However, all states have currently chosen to accept monies and are subject to IDEA.

One of the major facets of the 2004 IDEA amendments was the clarification that each child with a disability will be provided by a Free Appropriate Public Education (FAPE) that prepares them for further education, employment, and independent living. In addition, all qualified children from preschool through age 21 will be provided services specific to their unique learning needs.

Referral of Student for Student Assistance Team (S.A.T.) Review

All of the information in this section can be found on the Creston School district Website under 'OUR DISTRICT' and 'LEARNING PROGRAMS' at http://www.creston.wednet.edu/Page/53.

Section 504

Section 504 — just what exactly is it? You've probably heard about it, but every school district addresses Section 504 in a different manner. Some districts have even been heard to say, "We don't do that in this district." But in fact, compliance to Section 504, which is a federal statute, is not optional. This article attempts to answer basic questions pertaining to the implementation of Section 504 in public school systems.

What is Section 504?

Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.

Section 504 states that:

"No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, shall, solely by reason of her or his disability, 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 U.S.C. §794(a), 34 C.F.R. §104.4(a)].

Who is covered under Section 504?

To be covered under Section 504, a student must be "qualified" (which roughly equates to being between 3 and 22 years of age, depending on the program, as well as state and federal law, and must have a disability) [34 C.F.R. §104.3(k)(2)].

Who is an "individual with a disability"?

As defined by federal law: "An individual with a disability means any person who: (i) has a mental or physical impairment that substantially limits one or more major life activity; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment" [34 C.F.R. §104.3(j)(1)].

What is an 'impairment' as used under the Section 504 definition?

An impairment as used in Section 504 may include any disability, long-term illness, or various disorder that "substantially" reduces or lessens a student's ability to access learning in the educational setting because of a learning-, behavior- or health-related condition. ["It should be emphasized that a physical or mental impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities" (Appendix A to Part 104, #3)].

Many students have conditions or disorders that are not readily apparent to others. They may include conditions such as specific learning disabilities, diabetes, epilepsy and allergies. Hidden disabilities such as low vision, poor hearing, heart disease or chronic illness may not be obvious, but if they substantially limit that child's ability to receive an appropriate education as defined by Section 504, they may be considered to have an "impairment" under Section 504 standards. As a result, these students, regardless of their intelligence, will be unable to fully demonstrate their ability or attain educational benefits equal to that of non-disabled students (The Civil Rights of Students with Hidden Disabilities under Section 504 of the Rehabilitation Act of 1973—Pamphlet). The definition does not set forth a list of specific diseases, conditions or disorders that constitute impairments because of the difficulty of ensuring the comprehensiveness of any such list. While the definition of a disabled person also includes specific limitations on what persons are classified as disabled under the regulations, it also specifies that only physical and mental impairments are included, thus "environmental, cultural and economic disadvantage are not in themselves covered" (Appendix A to Part 104, #3).

Referral of Student for Student Assistance Team (S.A.T.) Review

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Referral for Special Education Assessment Flowchart

Academic Concerns

- 1. Teacher, parent or specialist expresses concern about a student's academic progress to the school administrator or school counselor.
- 2. Teacher and parent begin to access available resources available at the school.
- 3. Administrator or designee schedules a student assistance team meeting involving the parent, student and other specialists as appropriate.

1st SAT Meeting

- 1. Previous interventions are reviewed with parents and teachers. Learning strategies discussed and documented in SAT meeting notes.
- 2. Suggest further intervention and services. **Documentation** of every attempt to modify the general education classroom environment is necessary. Establish plan for classroom observation, data collection, or informal assessments.
- 3. Those responsible for interventions and recommendations are noted and review date established.
- 4. May suggest consultation with special education school psychologist or other specialist.

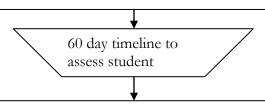
Interventions Unsuccessful

2^{nd} SAT convenes with Special Ed. Representative & School Administrator

- 1. Meeting is scheduled involving the parents and educational team.
- 2. Review all interventions implemented. **Document** reasons why the interventions were not effective.
- 3. Discuss referral for special education eligibility assessment.
- 4. Special education services described to the parent and visitation of special education programs is encouraged.
- 5. A referral for services may be initiated. A 15 day timeline to set up an assessment plan is activated upon receipt of referral.

Interventions successful!

May review progress in future.



Initial IEP or 504 Plan

- 1. Report on assessments.
- 2. Determine eligibility.
- 3. Determine goals and services if eligible.

STUDENT ASSISTANCE TEAM REPORT

STUDENT INFORMATION

Student:	DOB:	Age:	
Teacher:	Grade:	Gender:	
Parents:			
Other:			

REASON FOR REQUEST

1. A review of available information suggests that this student's problem is PRIMARILY (check one):

Academic Behavioral	Speech/Language	O.T.
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2. Identify any areas in which the student displays a significant strength (S) or weakness (W). Gather work samples that illustrate the student's weaknesses.

READING	MATHEMATICS
sight word recognition	computation
phonics skills	reasoning
comprehension	
WRITTEN LANGUAGE	ORAL EXPRESSION
sentence structure	communicating with peers
vocabulary	communicating with adults
organization	comprehension of oral language
spelling and/or punctuation	oral expression
	communicating with peers
	following verbal directions

3. Identify areas in which the student displays significant difficulties or functions significantly below the expected level.

ADAPTIVE SKILLS
socially immature
immature language
delayed self-help skills
SOCIAL ADJUSTMENT
develops appropriate friendships
relates appropriately to teachers - adults
emotional outbursts
withdrawal
chronic lying
chronic cheating
chronic absences
stealing
bullying
difficulties at home

4. Based on classroom performance, estimate the student's grade equivalent for each area:					
	READING	MATHEMAT	TICS	WRITTEN LANGUAGE	
	5. Attach copies of test reports or a profile for most recent standardized testing. (If appropriate) Please provide a commentary concerning the academic performance indicators for the student:				
		J			
SPE	CIAL SERVICES HISTO	DRY			
	Special Education	Title IA		ESL	
	S.L.P.	O.T.		Other: (I.D.):	
INTI	INTERVENTIONS RECORD PRIOR TO SAT REQUEST				
	Intervention	Outcome of Intervention			
	Student conference				
	Parent contact				
	Referral to counselor				
	Consultation with colleagues				
	Adjusted workload				
	Alternative teaching methods				
	Modified materials				
	Modified presentations				
	Change in text/materials				
	Change in grouping				
	Change in seating				
	Behavior contract				
	Token system				

If there is additional information that will be helpful in making a determination by the Student Assistance Team (S.A.T.), please attach to this report.

Section 504 Process Flow Chart

1. Refer the Student:

• Complete Student Support Team Referral form.

2. Decide Whether to Evaluate the Student:

- Does the SST know or suspect that, because of a disability, the student needs special education or related aids or services to participate in or benefit from school?
- Provide parent or guardian Notice of Action/Consent and Notice of Rights form.
- Obtain consent for initial evaluation.

3. Evaluate the Student:

• Evaluate the specific areas of the student's educational needs.

4. Determine the Student's Eligibility:

- · Review evaluation results and determine eligibility.
- Complete the Eligibility Determination form.
- Provide parents Notice of Action/Consent and Notice of Rights form.

5. Develop a Section 504 plan for the Student:

- Develop a Section 504 Plan. May combine with eligibility meeting.
- Assign a case manager to monitor implementation and student progress.
- Provide parent or guardian Notice of Action/Consent and Notice of Rights form and copy of Section 504 Plan.
- · Obtain consent for initial placement.

6. Annually Review the Student's Section 504 Plan:

- Review and revise the student's Section 504 Plan.
- Provide parent or guardian Notice of Action/Consent and Notice of Rights form.

7. Periodically Re-Evaluate the Student:

- At least every three years.
- Before any significant change in placement.
- Provide parent or guardian Notice of Action/Consent and Notice of Rights.

Individual Accommodation Plan (IAP) Section 504 of the Rehabilitation Act of 1973

Student Name	Grade		Date	DateBirth Date	
School			_ Birth Date		
Teacher(s)					
Describe educational, related aids, and	services the studen	t requires to receive	ve a free appropriate	education:	
Instructional:					
Environmental/Accessibility:					
Behavioral/Social:					
<u>Denaviorar/overa</u> .					
Assessment/Testing/MSP:					
Other:					
Implementation Date		Review	Date		
Team Members:					
NAME	ROLE	NAN	ME	ROLE	
NAME	ROLE	NAN	ME	ROLE	
NAME	ROLE	NAN	ME	ROLE	

<u>Copies</u>: 504 Team, Student's cumulative file, student support services, parent/guardian

Attach: Procedural Safeguards/Parent Rights