

# Driving Forces: How Law Impacts Services for Children with Disabilities

Kimberly Kode Sutton, Ph.D.  
*Assistant Professor of Education*  
*York College of Pennsylvania*  
*ksutton1@ycp.edu*

# In this webinar, you will learn:

1. How a disability is defined by Section 504 of the Vocational Rehabilitation Act and Public Law 94-142
2. How children qualify for special services under Section 504 of the Vocational Rehabilitation Act and Public Law 94-142
3. What special education services are available to children who qualify under each law

# Two main laws that drive Special Education:

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**Vocational Rehabilitation  
Act,  
Section 504**

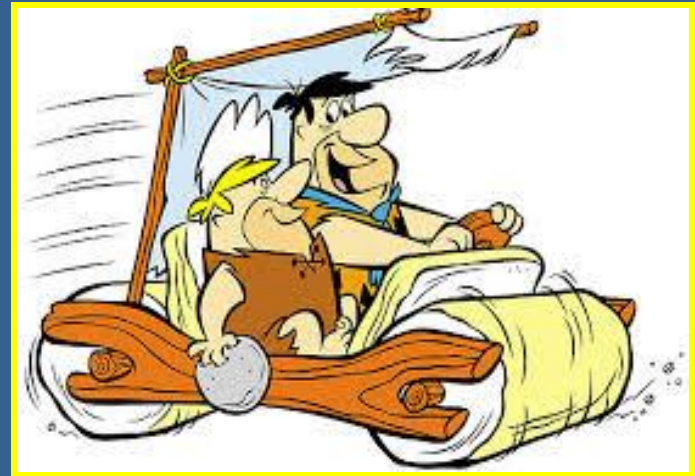
**Public Law 94-142  
(Education for All  
Handicapped Children Act)**

# Two main laws that drive Special Education:

Vocational Rehabilitation  
Act,  
Section 504

# Vocational Rehabilitation Act, Section 504

- Passed in 1973
- Civil Rights Law
- First attempt in law to provide special services to children with disabilities in school



# Vocational Rehabilitation Act, Section 504

Defines an individual with a disability as any person who:

- has a mental or physical impairment that substantially limits one or more major life activities
- has a record of such an impairment or
- is regarded as having such an impairment

# Vocational Rehabilitation Act, Section 504

## Qualifying Question:

Does the student have  
a mental or physical impairment  
that substantially limits one or more  
major life activities?



# Vocational Rehabilitation Act, Section 504

Does the student have  
a mental or physical impairment  
that substantially limits one or more  
major life activities?

- Assessment information from a variety of sources must be provided
- Decision regarding qualification is made by group of individuals knowledgeable about the student

# Vocational Rehabilitation Act, Section 504

Does the student have  
a mental or physical impairment  
that substantially limits one or more  
major life activities?

No

Student does not get  
services under  
Section 504

Yes

Student does get  
services under  
Section 504

# Vocational Rehabilitation Act, Section 504

Student does get  
services under  
Section 504

- Students are provided with a 504 Plan
- Plans vary by state, county, district...
- All 504 Plans must include information regarding accommodations required for the student
- Plans require “periodic reevaluation”

# ACCOMMODATION PLAN

Student \_\_\_\_\_ DOB \_\_\_\_\_ GRADE \_\_\_\_\_

Committee Members: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Beginning date of plan \_\_\_\_\_  
Ending date of plan \_\_\_\_\_

Concerns/Problems (List problems requiring accommodations) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Accommodations Plan (List accommodations to be made related to each concern/problem) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Method of Evaluation (Indicate who will determine if the modifications are being made and how modifications and progress will be monitored) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Review: \_\_\_\_\_





# Vocational Rehabilitation Act, Section 504

How do you know if a student has  
a 504 Plan?

Step 1: Check Student Cumulative File

Step 2: Check Student Confidential File



# Vocational Rehabilitation Act, Section 504

Why is it important to know if a student has  
a 504 Plan?

Majority of students with 504 Plans  
receive services

in the regular education classroom by the  
regular education teacher

# Vocational Rehabilitation Act, Section 504

## Problems with Section 504

- Children with disabilities still excluded from public schools
- Children with disabilities still receiving inappropriate or inadequate services
- Federal government does not provide any funding for Section 504 Services



# Two main laws that drive Special Education:

**Public Law 94-142  
(Education for All  
Handicapped Children Act)**

# Public Law 94-142

- Passed in 1975
- Special Education Law
- Guaranteed an education for all children with disabilities
- Federal government provides funding for services



# Public Law 94-142

- Has been amended/reauthorized four times since 1975
  1. Education for All Handicapped Children Act Amendments (1986)
  2. Individuals with Disabilities Education Act (IDEA) (1990)
  3. Individuals with Disabilities Education Act (IDEA) Amendments (1997)
  4. *Individuals with Disabilities Education Improvement Act (IDEA04) (IDEIA) (2004)*

# Public Law 94-142

Contained a series of provisions that guide services for children with disabilities

# Public Law 94-142

## Provisions

1. Child Find
2. Zero Reject
3. Confidentiality
4. Nondiscriminatory Testing
5. Handicapping Conditions
6. Free and Appropriate Public Education (FAPE)
7. Individualized Education Plan (IEP)
8. Least Restrictive Environment (LRE)
9. Related Services
10. Due Process Rights

# Public Law 94-142

## Provision: Child Find

Each state is required  
to attempt to locate, identify,  
and refer as early as possible  
all young children with disabilities

# Public Law 94-142

## Provision: Zero Reject

No child with disabilities can be  
refused services

# Public Law 94-142

## Provision: Confidentiality

Steps must be taken to ensure the  
confidentiality  
of the student's educational records and  
assessment results





# Public Law 94-142

## Provision: Confidentiality

How do you know if a student gets special services under PL94-142?

Step 1: Check Student Cumulative File

Step 2: Check Student Confidential File



# Public Law 94-142

## Provision: Nondiscriminatory Testing

Child must be tested in their first language

# Public Law 94-142

## Provision: Handicapping Conditions

Students receiving special education  
must be classified  
according to one of the categories  
identified under federal law

# Public Law 94-142

## Provision: Handicapping Conditions

### 1975 List

1. Deaf
2. Deaf-Blind
3. Hearing Impaired
4. Mental Retardation
5. Multiply Handicapped
6. Orthopedically Handicapped
7. Other Health Impaired
8. Severe Emotional Disturbance
9. Specific Learning Disabled
10. Speech or Language Impaired
11. Visually Impaired

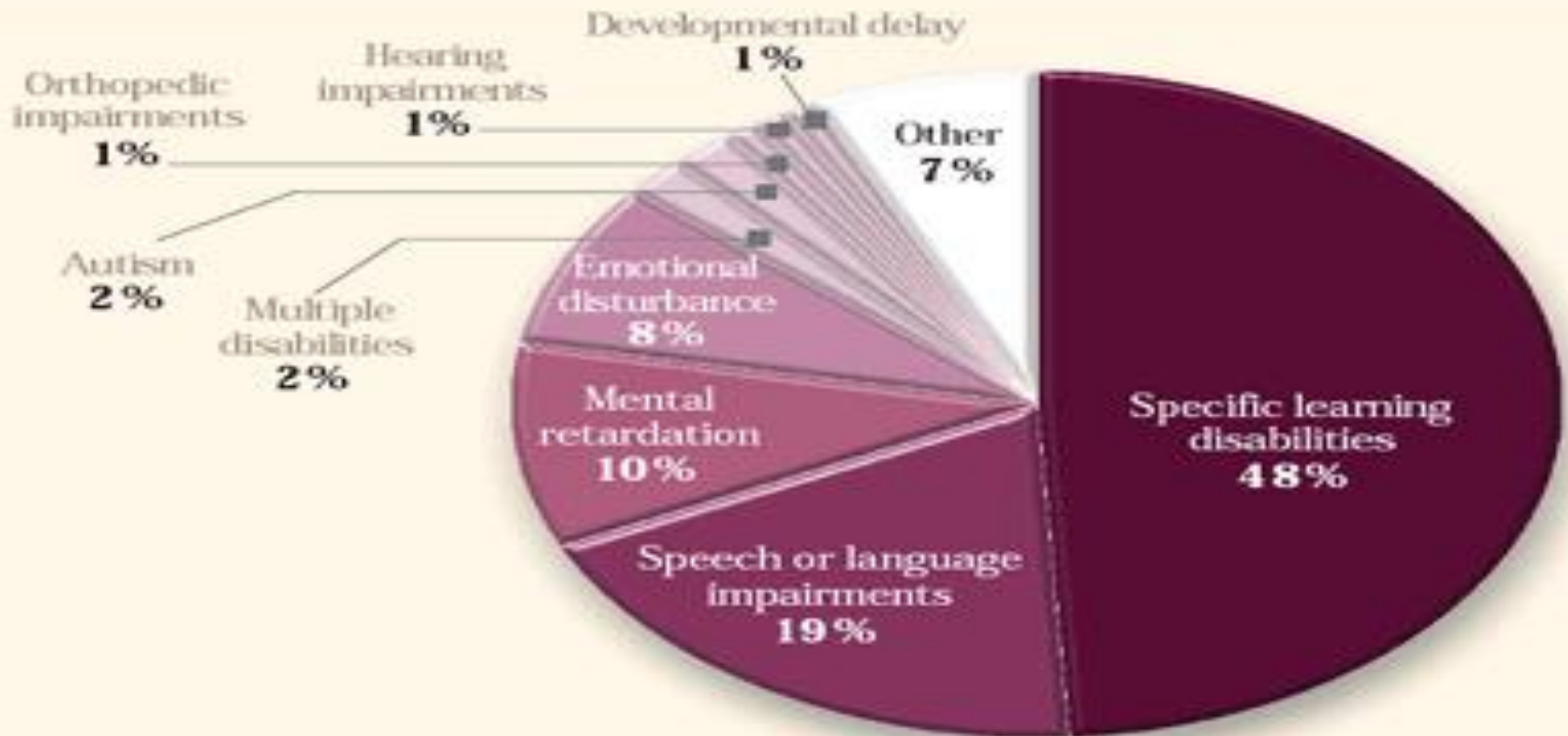
### 2004 List

1. Hearing Impairment, including Deafness
2. Deaf-Blind
3. Mental Retardation (Intellectual Impairment)
4. Multiple Disabilities
5. Orthopedic Impairment
6. Other Health Impaired
7. Emotional Disturbance
8. Specific Learning Disability
9. Speech and Language Impairment
10. Visual Impairment
11. Traumatic Brain Injury
12. Autism
13. Developmentally Delayed

# Public Law 94-142

## Prevalence

Based on the numbers of children in each category



# Public Law 94-142

## Provision: Handicapping Conditions

Qualifying for services under the category of  
Intellectual Impairments

In order to qualify for special education services under the category of intellectual disabilities the student must demonstrate...

“significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance.” (IDEA04)

# Public Law 94-142

## Provision: Handicapping Conditions

Qualifying for services under the category of  
Intellectual Impairments

In order to qualify for services in this category, evaluations must prove:

1. significantly subaverage general intellectual functioning
2. concurrent with deficits in adaptive behavior
3. that manifested during the developmental period
4. and that *adversely affects a child's educational performance* (IDEA04)

# Public Law 94-142

## Provision: Handicapping Conditions

*...that adversely affects a child's educational performance...*

This line is part of almost every identified handicapping condition.

It has to be proven that the impairment impacts the student's educational performance or the student will not qualify.



# Public Law 94-142

Provision: Free and Appropriate  
Public Education (FAPE)

Two important ideas:

Free

School cannot  
charge parents  
to educate their child  
with disabilities

Appropriate

Education provided  
must be suited  
to the  
child's individual needs

# Public Law 94-142

## Provision: Individualized Education Plan (IEP)

A legally binding document  
that describes the educational program  
designed to meet that child's  
unique needs

# Public Law 94-142

## Provision: Individualized Education Plan (IEP)

1. Written by a multidisciplinary committee
2. Reviewed annually
3. Re-evaluated every 3 years
4. Changes require IEP committee meeting
5. Volumes of information!

# Public Law 94-142

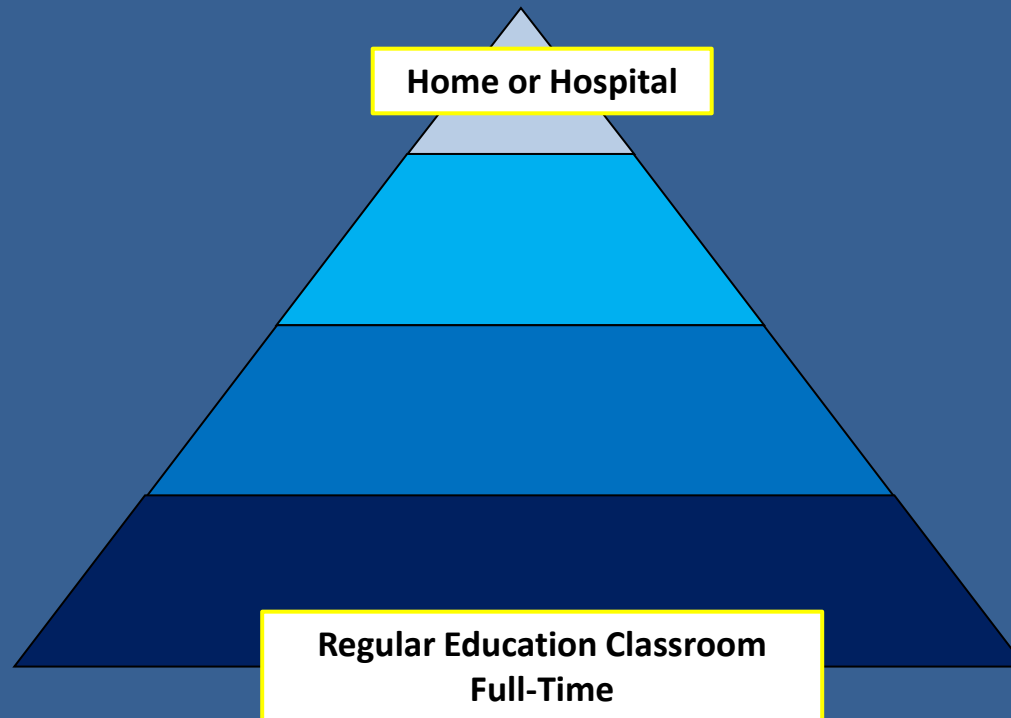
## Provision: Individualized Education Plan (IEP)

- |   |  |
|---|--|
| 1. Area of Eligibility                                | 7. Placement (LRE)                       |
| 2. Present Level of Performance                       | 8. Transition Plan (14+ years)           |
| 3. Annual Goals, Objectives/Benchmarks                | 9. Extended School Year (ESY)            |
| 4. Evaluation Procedures, Schedule, Modifications     | 10. Local Education Agency (LEA)         |
| 5. Related Services                                   | 11. Assistive Technology (AT)            |
| 6. Modifications/Specially Designed Instruction (SDI) | 12. Functional Behavior Assessment (FBA) |
|   | 13. Behavior Intervention Plan (BIP)     |

# Public Law 94-142

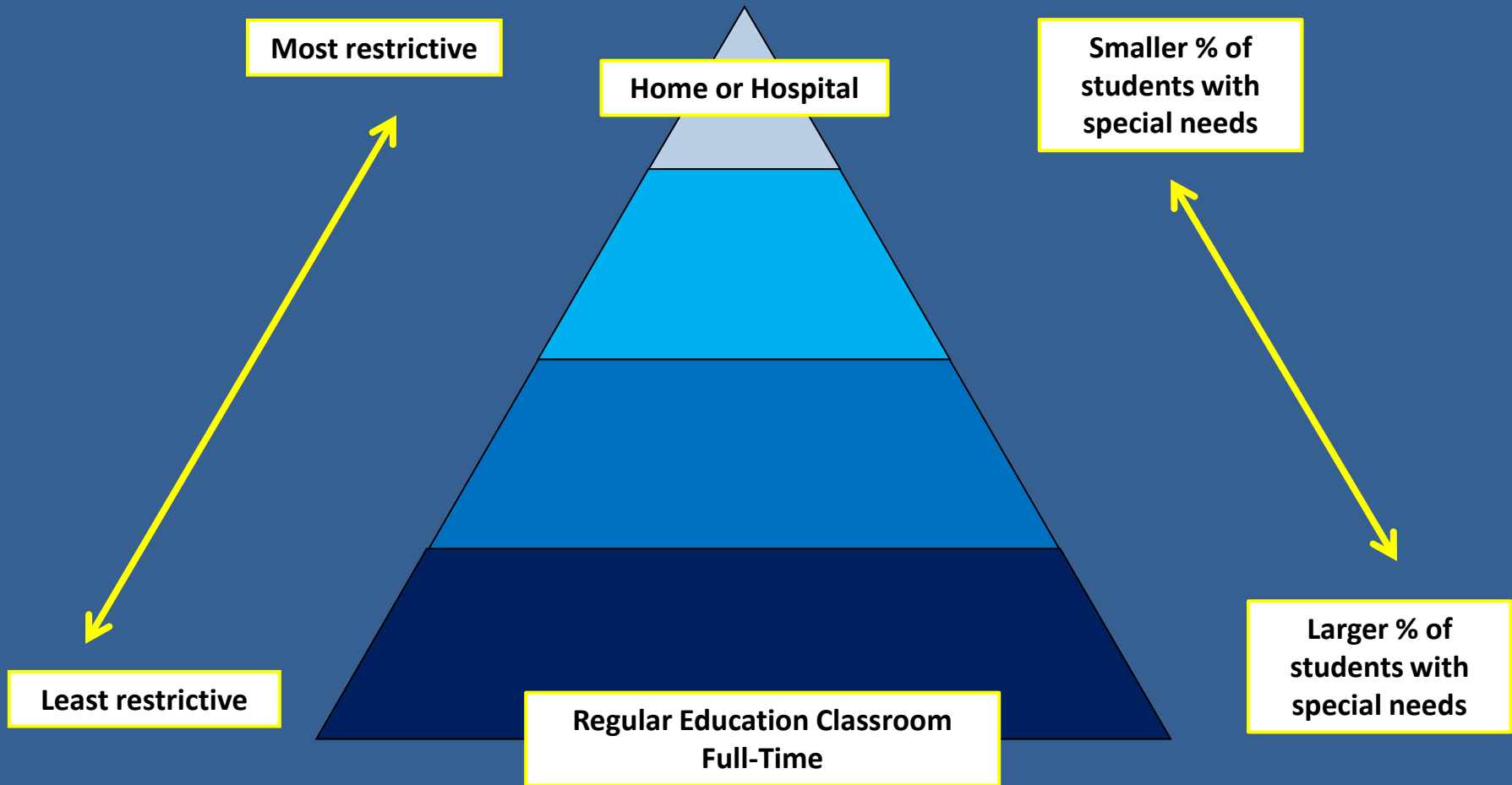
## Provision: Least Restrictive Environment (LRE)

Student must spend the most amount of time possible with non-disabled peers



# Public Law 94-142

## Provision: Least Restrictive Environment (LRE)



# Public Law 94-142

## Provision: Related Services

Services provided if they are determined to be necessary for the student to benefit from his/her individualized educational program:

- Occupational Therapy
- Physical Therapy
- Specialized Transportation
- Medical Services
- Assistive Technology...

# Public Law 94-142

## Provision: Due Process Rights

- Parents are both encouraged and required to participate in their child's special education
- Specific process defines what steps are to be taken if parents don't agree



# Two main laws that drive Special Education:

## Vocational Rehabilitation Act, Section 504

## Public Law 94-142 (Education for All Handicapped Children Act)

History: Civil Rights Law

History: Special Education Law

Qualification for Services: Does the student have a mental or physical impairment that substantially limits one or more major life activities?

Qualification for Services: Must meet the requirements under each specific condition

Legal Documentation: 504 Plan

Legal Documentation: IEP

Revised: "Periodically"

Revised: Yearly and Re-qualified every 3 years

Services: Generally provided in the regular education classroom by the regular education teacher

Services: Provisions under the law (Zero Reject, FAPE, LRE, Related Services...) with special education teacher carrying responsibility

Funding: No federal funding

Funding: Federal funding commitment

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