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Driving Forces
for
Children with Disabilities

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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

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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)
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Vocational Rehabilitation Act, Section 504	
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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



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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

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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?

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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

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Vocational Rehabilitation Act, Section 504

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

No **Yes**

Student does not get services under Section 504 Student does get services under Section 504

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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"

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The image shows a document with a table at the bottom. The table has four columns with headers: "Student Name", "Date", "Status", and "Comments". The table is mostly empty. Above the table, there is a section titled "504 Plan" and some text that is mostly illegible due to blurring.

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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



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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

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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

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Two main laws that drive
Special Education:

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

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Public Law 94-142

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



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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)*

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Public Law 94-142

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

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Public Law 94-142

Provisions

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

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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

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Public Law 94-142

Provision: Zero Reject


No child with disabilities can be refused services

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Public Law 94-142

Provision: Confidentiality

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




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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



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Public Law 94-142

Provision: Nondiscriminatory Testing

Child must be tested in their first language

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Public Law 94-142

Provision: Handicapping Conditions

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

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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)

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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.

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Public Law 94-142

Provision: **Free and Appropriate
Public Education (FAPE)**

Two important ideas:

<u>Free</u>	<u>Appropriate</u>
School cannot charge parents to educate their child with disabilities	Education provided must be suited to the child's individual needs

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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

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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!

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Public Law 94-142

Provision: Individualized Education Plan (IEP)

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

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Public Law 94-142

Provision: Least Restrictive Environment (LRE)

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

Home or Hospital

Regular Education Classroom Full-Time

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Public Law 94-142

Provision: Least Restrictive Environment (LRE)

Most restrictive

Home or Hospital

Smaller % of students with special needs

Least restrictive

Regular Education Classroom Full-Time

Larger % of students with special needs

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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...

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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

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Two main laws that drive Special Education:	
Vocational Rehabilitation Act, Section 504	Public Law 94-142 (Education for All Handicapped Children Act)
<p><u>History:</u> Civil Rights Law</p> <p><u>Qualification for Services:</u> Does the student have a mental or physical impairment that substantially limits one or more major life activities?</p> <p><u>Legal Documentation:</u> 504 Plan <u>Revised:</u> Periodically</p> <p><u>Services:</u> Generally provided in the regular education classroom by the regular education teacher</p> <p><u>Funding:</u> No federal funding</p>	<p><u>History:</u> Special Education Law</p> <p><u>Qualification for Services:</u> Must meet the requirements under each specific condition</p> <p><u>Legal Documentation:</u> IEP <u>Revised:</u> Yearly and Re-qualified every 3 years</p> <p><u>Services:</u> Provisions under the law (Zero Reject, FAPE, LRE, Related Services, ...) with special education teacher carrying responsibility</p> <p><u>Funding:</u> Federal funding commitment</p>

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