

BIE Section 504 Program Training 2024



Please identify yourself in the chat box with your:

Name

Phone number

Email address

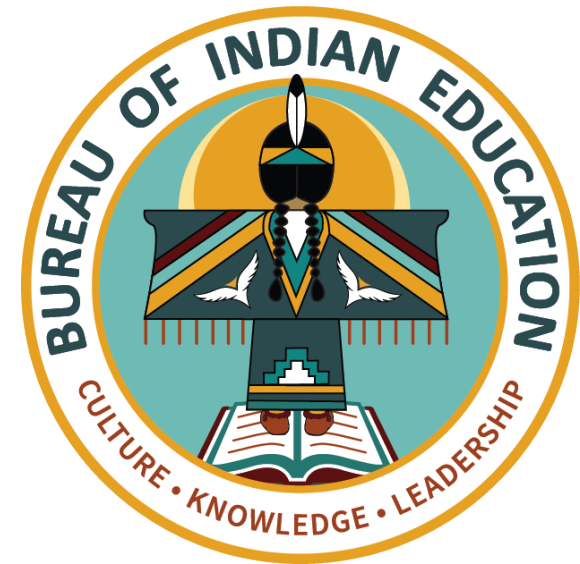
School, you represent

Position at the school

Role in the Section 504 Program

BIE Chief Academic Office Section 504 Program

Donald Griffin, M.S. - Muscogee (Creek) Nation
BIE Section 504 Program Coordinator



Objectives of Presentation

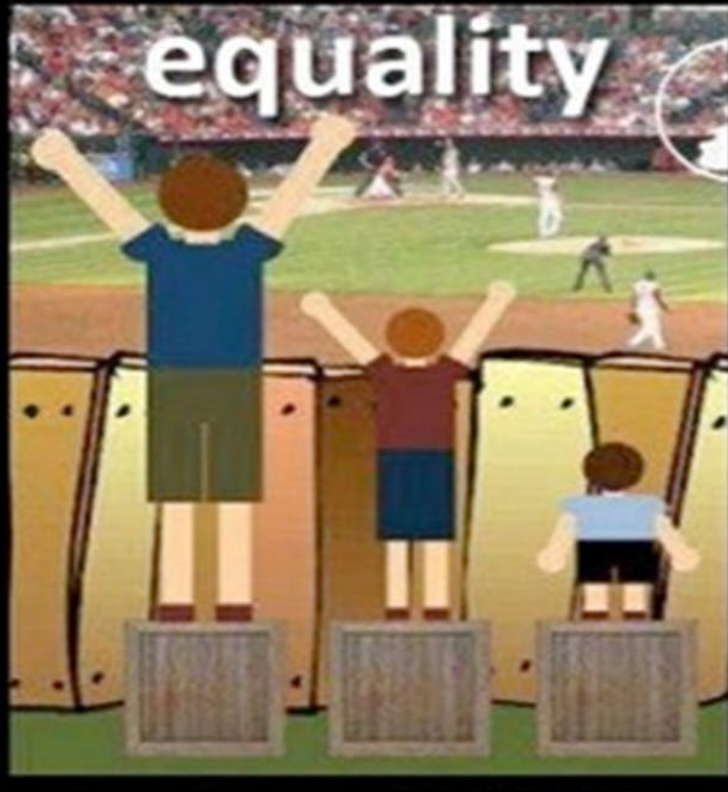
- Provide an overview of the BIE Section 504 Program
 - Purpose of Section 504
 - Core Concepts of Section 504
- Commonality/Differences - Section 504 and IDEA
- Section 504 Eligibility
 - Impairment; Substantial Limitation; Major Life Activity
- Section 504 Process
- NASIS-BIE Section 504 Program Editor
- Section 504 Implementation Regulation



Purpose of Section 504

- To level the playing field for students with disabilities by providing equal access and fairness in general education.
 - Section 504 is a general education responsibility - not Special Education.
 - *504 is a Federal Civil Rights Law
- School programs must provide accommodations in the general education program to allow identified students with disabilities to access their educational programs.





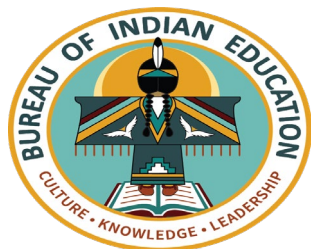
EQUALITY = SAMENESS

GIVING EVERYONE THE SAME THING → It only works if everyone starts from the same place



EQUITY = FAIRNESS

ACCESS to SAME OPPORTUNITIES → We must first ensure equity before we can enjoy equality



504 and IDEA

Support students with disabilities

Placement in the least restrictive environment to the maximum extent possible

Require a proper evaluation for eligibility

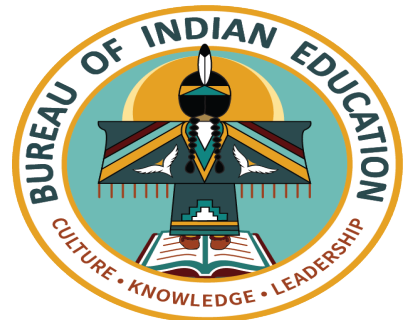
SIMILARITIES

(not an exhaustive list)

Program and services provided at no cost to parents

Require a proper team to make a decision

Allow for parents or teachers to refer



IDEA and 504 Comparison Chart

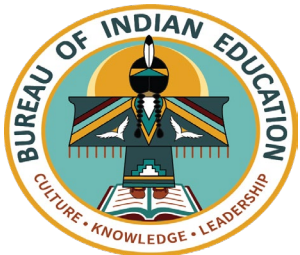
Eligibility and Who is Protected?

IDEA	Section 504
<p>Covers eligible students ages <u>3-21</u> who have been identified as having a <u>particular disability</u> (specific disabilities defined under 34 CFR 300.8) and whose disability <u>adversely affects their educational performance</u> and/or ability to benefit from general education.</p> <p>Specific disabilities include: Autism, Deaf-blindness; Deafness, Emotional Disturbance, Hearing impairment, Intellectual, Multiple disabilities, Orthopedic impairment, Other Health Impairment, Specific learning disability, Speech or language impairment, Traumatic brain injury, Visual impairment including blindness.</p>	<p>Broader, or more inclusive than IDEA.</p> <p>Covers all persons with a “disability” from discrimination in educational settings based solely on their disability.</p> <p>“Disability” is defined as a physical or mental impairment that substantially limits one or more major life activities. (Who has a record of such an impairment; or is regarded as having such impairment).</p> <p><u>Examples of Major Life Activities:</u> Seeing, hearing, eating, sleeping, standing, lifting, speaking, breathing, learning, reading, thinking, communicating and concentrating.</p>



Comparison 504 Plan vs. IEP

	504	IEP
What law covers it?	Section 504 of Civil rights law	IDEA – Education law
How does a child qualify?	Disability that affects “access” to general school curriculum (not specified in law)	Disability that requires specialized teaching and related services in order to learn in school (specific criteria)
What does it offer?	Accommodations	Specialized instruction, services like therapies, and accommodations
Does it change the curriculum?	No	Yes
Is it a legally binding contract?	Yes	Yes
Does it include goals and objectives?	No	Yes
Does it last after high school?	No	No
Is it considered Special Education?	No	Yes



Who Qualifies for Section 504?

For a student to qualify for Section 504 protection, the student must have a disability, which means, with respect to an individual:

- Has a **physical or mental impairment** that **substantially limits** one or more of the **major life activities** of the individual; or
- Has a **record of an impairment**; or
- Is **regarded as having an impairment**.



What Is An Impairment?

An Impairment is:

- Any physiological condition that affects a bodily system, or any mental or psychological disorder



Common Disabilities Found in Section 504

Allergies

ADD/ADHD

Cerebral Palsy

Drugs/Alcohol

Epilepsy

Leukemia

Visual Impairment

Traumatic Brain Injury

Arthritis

Bipolar Depression

Cystic Fibrosis

Emotional Illness

Hearing Impairment

Orthopedically Impaired

Tourette's Syndrome

Asthma

Cancer

Diabetes

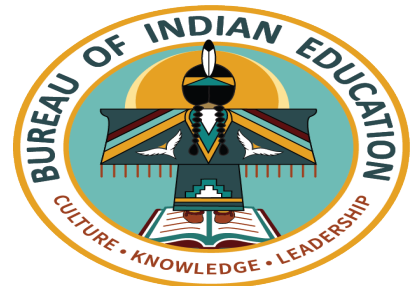
Encopresis/Enuresis

Learning Disability

Tuberculosis

Student with Health Needs

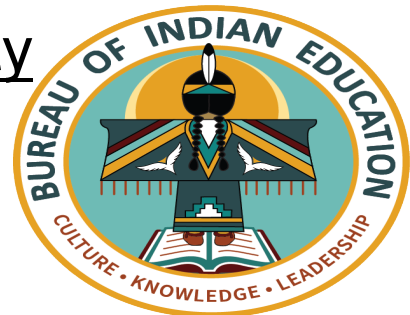
*This is not an exhaustive list



Substantial Limitations

“A qualified individual who has a physical or mental impairment that substantially limits one or more major life activities.”

- Determination of **substantial limitation** should be made on a case-by-case basis with respect of each individual student.
- Does not mean severe restriction or inability in performing major life activity. Look to the condition, manner, duration.
 - An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population
- A group of knowledgeable persons draws upon information from a variety of sources in making this determination.



Major Life Activities

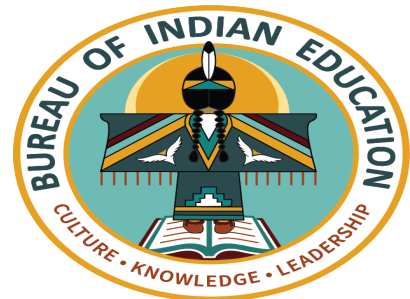
“A qualified individual who has a physical or mental impairment that substantially limits one or more major life activity.”

breathing
seeing
bending
walking
thinking
reading

sleeping
lifting
hearing
standing
speaking
communicating

performing manual tasks
eating
caring for oneself
concentrating
learning

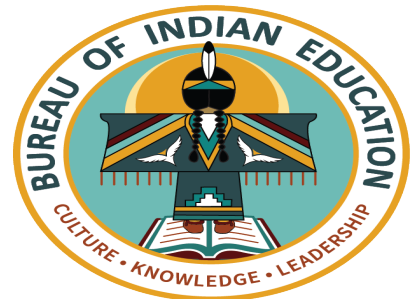
*This is not an exhaustive list



Major Life Activities (continue)

- Major life activities also includes major bodily functions, including but not limited to:
- Functions of the immune system
- Bowel
- Circulatory
- Neurological
- Digestive
- Bladder

If an activity or bodily function is not listed above, it might still be considered a major life activity under Section 504.

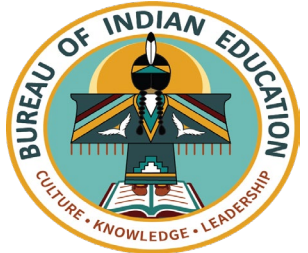
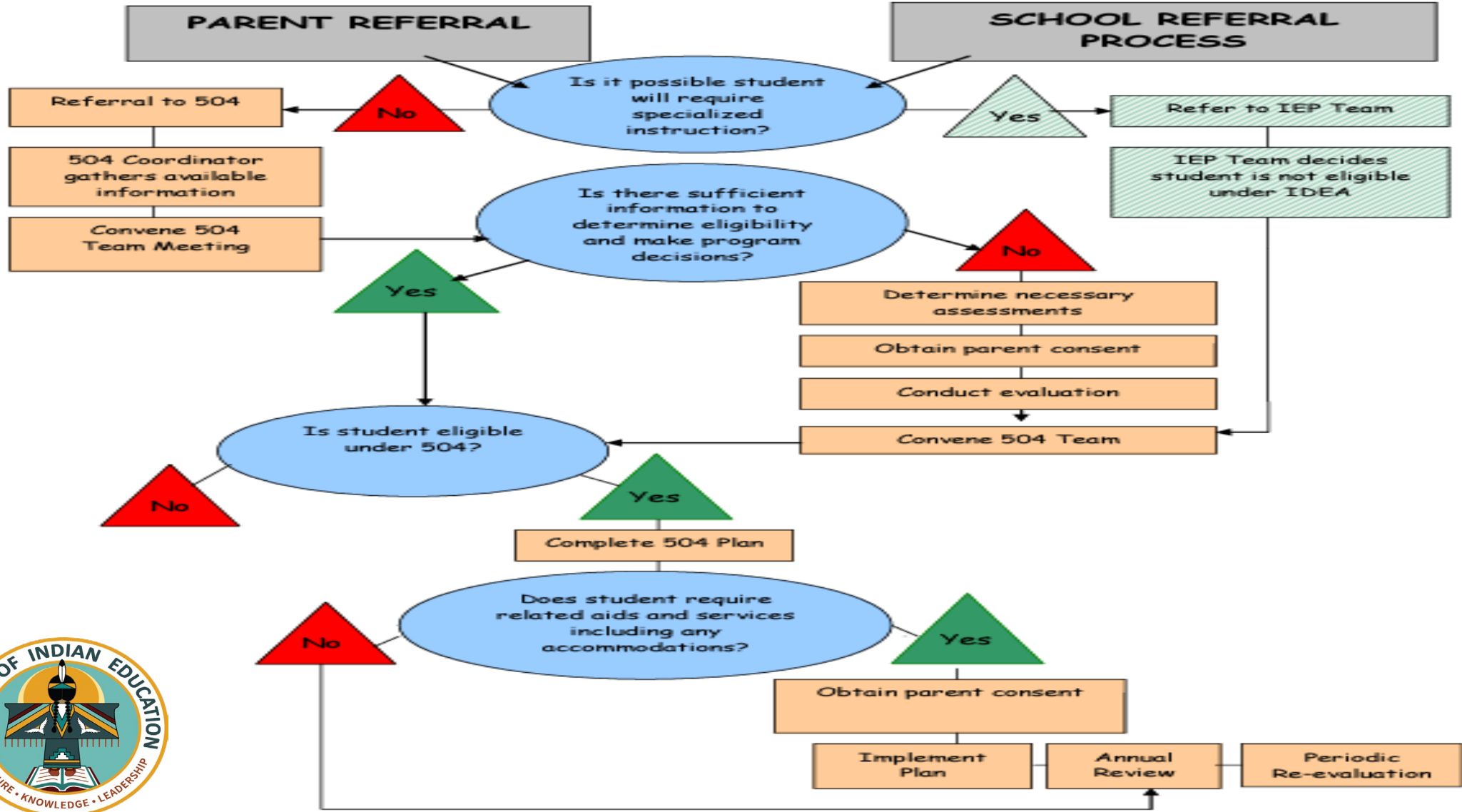


Steps in the BIE Section 504 Process



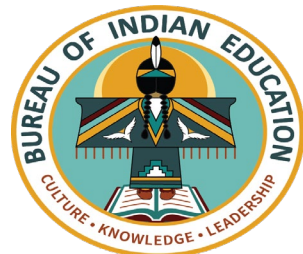
1. Child Study Team identify need for assistance (Child Find)
2. Request or Referral for 504 Plan Placement (School Personnel and/or Parent/Guardian)
3. Evaluation
4. Eligibility Determination
5. The Section 504 Plan Development (Individualized to needs)
6. Implementation of Accommodations, if needed, Related Aids and Services
7. Review/Revision of the Section 504 Plan (As needed, annually, at a minimum)
8. Periodic Re-Evaluation (Every 3-years, at a minimum)

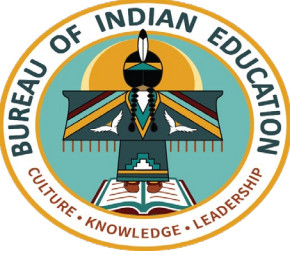
BIE SECTION 504 PROGRAM PROCESS FLOWCHART



What is a Section 504 Plan?

- A 504 Plan is a formal plan for how the school will support a student with a disability and remove barriers to learning. It addresses any needed accommodations and/or services.
- The goal is to give the student equal access to programs, activities and facilities in their learning environment as those without disabilities.
- A 504 Plan is not a voluntary compliance issue. If a plan is written, personnel **MUST** implement the components.
- Failure to implement the 504 Plan may result in legal actions and liabilities.





What's in a 504 Plan?

- **Accommodations** - Examples include:
 - Changes to the environment (taking tests in a quiet space, preferred classroom seating)
 - Changes to instruction (checking in frequently on key concepts, second set of textbooks, extended time to complete assignment, alternate response methods on assignments and assessments)
 - Changes to how curriculum is presented (outlines of lessons, worksheets and reading materials with large print)
 - Give the student breaks (bathroom breaks, check glucose levels, see counselor when needed)
- **Services** – Examples include:
 - Counseling (Behavioral Health and Wellness)
 - Behavior Intervention Plan (clear rules and expectations in and out of the classroom and stay consistent)
 - Occupational Therapy, Physical Therapy, and health related (e.g., administration of medicine and medical monitoring by a school nurse).
 - **Supplementary Aids**- Examples include:
 - low- and high-tech assistive technology (TTS & STT, headphones, pencil grips, number lines, spell check, electronic dictionaries, calculators, and multiplication tables)
- **Health Care Plan** -
 - School nurse will work with the student and his/her parents/guardians to coordinate for the needs of the student

NASIS-BIE Section 504 Program Editor



New Save Delete Print Summary Report

*Start Date End Date

Referral Date School Section 504 Coordinator

*BIE 504 Disability
Select Values

Learning Disability Type

Other Disability Description

*BIE Major Life Activity Affected
Select Values

Other Major Life Activity Description

*BIE 504 Accommodation
Select Values

Other Accommodation Description

* Was parent notified of intent to evaluate? If yes, Date

*Was consent to Evaluate and Receipt of Parent Rights given? If yes, Date

*Was Section 504 Parents Rights and Procedural Safeguards Form given? If yes, Date

*School 504 Coordinator completed the 504 Eligibility Determination Form and is in Student's Cumulative file?

Annual Review Date

Reevaluation Date: *Must occur at least every 3 yrs

Comments (up to 250 characters)

**BIE Section 504 Program
documents (fillable-forms)
available in NASIS**



Section 504 Checklist

504 Parent/Guardian Consent for Initial Evaluation

504 Rights and Procedural Safeguards

504 Teacher Input (Evaluation)

504 Meeting - Parent Input

504 Identification Determination Summary (Eligibility
Determination)

Parent/Guardian Invitation to 504 Meeting

Section 504 Plan

Section 504 Manifestation Determination

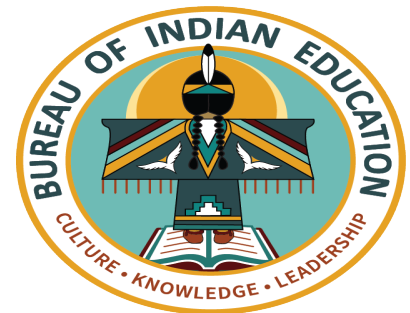
BIE Schoolwide Referral

Department of the Interior Section 504 Implementation Regulation

Indian Affairs Manual (IAM), Part 30, Chapter 15, Education (Management) Section 504 of the Rehabilitation Act of 1973

- The Bureau of Indian Education (BIE) has developed this policy to provide guidance on the nondiscrimination prohibitions based on disability found in Section 504 of the Rehabilitation Act of 1973.
- Section 504 is applicable to educational programs and activities conducted by the Department, including BIE-operated elementary and secondary schools and dormitories. This policy explains how BIE-operated schools will implement these regulations.

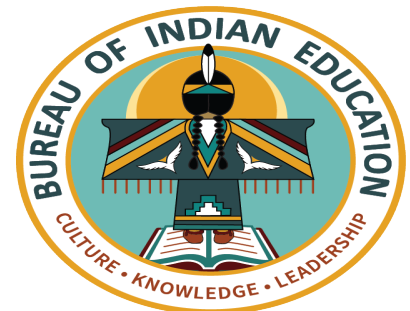
The IAM has been published online to the IA Policy and Directives website:
<https://www.bia.gov/policy-forms/manual>.



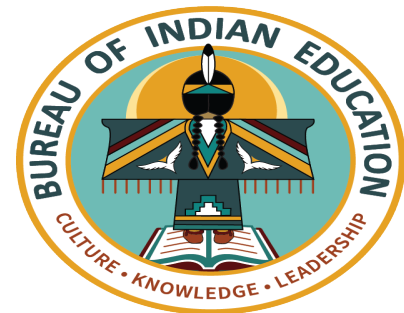
Tribally Controlled Schools Section 504 Program Regulation U.S. Department of Education, Office for Civil Rights (OCR)

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, which respectively prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the Tribally Controlled Schools are subject to these laws.



QUESTIONS?





U.S. Department of the Interior

Bureau of Indian Education

Contact information:

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