Services for Students with Disabilities: IEPs and 504 Plans

September 7, 2017
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- All attendees are in listen-only mode.
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- Findings from the 2013-14 Census
- Policy & Advocacy

- Confidentiality in School-Based Health Care
- Vision Screening 101
- School-Based Health Alliance Tools

http://www.sbh4all.org/webinars
SCHOOL-BASED HEALTH ALLIANCE
Redefining Health for Kids and Teens
Today’s Presenters

Caitlin Shauck

Diana Bruce
Services for Students with Disabilities

September 7, 2017
Introduction

Diana Bruce
Director, Health and Wellness
Caitlin Shauck
Specialist, Section 504 and Student Accommodations

District of Columbia Public Schools
504@dc.gov
Agenda

• Why should a school-based health center concern themselves with IEPs and 504 Plans?
• What is an IEP?
• What is a 504 Plan?
• How does Medicaid relate to IEPs and 504 Plans?
• Additional Resources
Why should a school-based health center concern themselves with IEPs and 504 Plans?

- SBHCs manage students’ health needs, which are often addressed in IEPs and 504 Plans
- Opportunity for collaboration to avoid the risk of silo-ing
- Opportunity to document and codify the needs that the SBHC identifies
Agenda

• Why should a school-based health center concern themselves with IEPs and 504 Plans?
• **What is an IEP?**
• What is a 504 Plan?
• How does Medicaid relate to IEPs and 504 Plans?
• Additional Resources
What is an IEP?

Federal Law

- Individuals with Disabilities Education Improvement Act (IDEA) 2004
- Special education is the *specially designed instruction and related services* required to meet the unique needs of a child with a disability
### Disability Categories

<table>
<thead>
<tr>
<th></th>
<th>Category</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Autism</td>
</tr>
<tr>
<td>2</td>
<td>Deaf-Blindness</td>
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<tr>
<td>3</td>
<td>Deafness</td>
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<tr>
<td>4</td>
<td>Emotional Disturbance</td>
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<tr>
<td>5</td>
<td>Hearing Impairment</td>
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<tr>
<td>6</td>
<td>Intellectual Disability</td>
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<td>7</td>
<td>Multiple Disabilities</td>
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<tr>
<td>8</td>
<td>Orthopedic Impairment</td>
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<tr>
<td>9</td>
<td>Other Health Impairment</td>
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<tr>
<td>10</td>
<td>Specific Learning Disability</td>
</tr>
<tr>
<td>11</td>
<td>Speech or Language Impairment</td>
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<tr>
<td>12</td>
<td>Traumatic Brain Injury</td>
</tr>
<tr>
<td>13</td>
<td>Visual Impairment (including blindness)</td>
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</tbody>
</table>
What is an IEP?

### Special Education Process

<table>
<thead>
<tr>
<th>Referral</th>
<th>IEP Evaluation &amp; Eligibility</th>
<th>IEP Development</th>
<th>Implementation of Services &amp; Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>A parent, counselor, teacher or school administrator submits a referral for special education services.</td>
<td>• Collect and analyze student information (including evaluations).</td>
<td>• An IEP meeting is held to discuss the services a student will need.</td>
<td>• IEPs are implemented immediately following the IEP meeting.</td>
</tr>
<tr>
<td></td>
<td>• Hold referral meeting with IEP team to discuss information.</td>
<td>• An IEP is developed within 30 days of initial eligibility meeting.</td>
<td>• IEPs are reviewed annually. Eligibility for services is reviewed every three years.</td>
</tr>
<tr>
<td></td>
<td>• Hold eligibility meeting with IEP team to determine whether student requires services.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Individualized Education Program (IEP)

- The written statement for each child with a disability that outlines:
  - the amount of time that the child will spend receiving special education services
  - any related services
  - academic/behavioral expectations
• Why should a school-based health center concern themselves with IEPs and 504 Plans?
• What is an IEP?
• **What is a 504 Plan?**
• How does Medicaid relate to IEPs and 504 Plans?
• Additional Resources
Federal Law

- Section 504 of the Rehabilitation Act of 1973
  - A civil rights mandate that was created to prevent discrimination against individuals with disabilities in services, programs, and activities that receive federal funds.
  - *Public Schools*: protects students with disabilities so that they are able to access the curriculum and educational opportunities provided by public schools.
Federal Law

- Not special education
- Provides accommodations and related services to eligible students with disabilities so that they can access the general education curriculum, opportunities for learning, and school activities to the same extent as their non-disabled peers.
Federal Law

“No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of his or her 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.”
Qualified Individuals

• A “qualified” person with a disability for public preschool, elementary, secondary, or adult education is any individual who is of an age during which people without disabilities are provided such services.

• In other words, if a school is providing education to a certain age group of students, then any individual in that age group is a “qualified individual,” subject to other common sense restrictions.
Disabilities Served through a 504 Plan

- Under Section 504, a student is considered an "individual with a disability" if he or she has a physical or mental impairment that substantially limits one or more major life activities.
Physical or Mental Impairments

• Unlike the eligibility criteria for Special Education under IDEA, Section 504 does not list specific disabilities ("impairments") that will make a student eligible.

• Physical impairment examples:
  – Students using wheelchairs, students who have hearing impairments, students who have visual impairments, students who have a chronic medical condition: diabetes, juvenile arthritis, etc.

• Mental impairment examples:
  – Students who have ADHD, anxiety disorders, depression, other mental health issues, etc.
A “substantial limitation” is not defined in the law or regulations for Section 504. Instead, we consider multiple criteria for determining whether an impairment is substantially limiting.

- **Level of Restriction:**
  - Is the student is unable to perform or substantially restricted in performing a major life activity compared to the average student of the same age in the general population?

- **Duration:**
  - Section 504 only covers students with disabilities, not temporary injuries. DCPS guideline = 6 months.
Major Life Activity

In the school setting, a major life activity is any activity important in daily life or necessary for the student to access the education, opportunities for learning, and school activities that are accessed by other students in the school.
What is a 504 Plan?

Commonly Considered Major Life Activities

- Bending
- Breathing
- Caring for Oneself
- Concentrating
- Communicating
- Eating
- Hearing
- Learning
- Lifting
- Operation of a Major Bodily Function
- Performing Manual Tasks
- Reading
- Sleeping
- Speaking
- Standing
- Thinking
- Walking
- Working
What is a 504 Plan?

The Plan

- Standardized Testing Accommodations
- Assistive Technology
- Related Services
- Behavior Management Plans
- Instructional and Classroom Accommodations
Areas of Concern Addressed in 504 Plans

Different Types of Classroom Instruction
- Working independently
- Working in groups
- Oral tasks
- Using different types of classroom equipment or materials
- Transitioning between lessons or classrooms
- Homework

Specials Classes
- Art
- Music
- Foreign Language
- Physical Education

Non-Academic Periods
- Breakfast and Lunch
- Recess
- School Assemblies
- Birthday or Holiday Parties
- Field Trips

Physical Access
- Entrance to the school building
- Accessibility of all classrooms
- Accessibility of gymnasium, library, media center, etc.

What is a 504 Plan?
What is a 504 Plan?

Section 504 Process

1. Referral
   - Receipt of Referral to Eligibility Meeting: Maximum 15 Days

2. Eligibility
   - Complete Eligibility Determination: Maximum 45 Days

3. Plan Development
   - Write 504 Plan after Student found Eligible: Maximum 5 Days

4. Monitoring

   - Review Plan Every Year
   - Review Eligibility Every Three Years
504 Team

- An individual knowledgeable about the student
- An individual knowledgeable about the evaluation data
- An individual knowledgeable about the accommodations and placement
<table>
<thead>
<tr>
<th>Purpose</th>
<th>IDEA</th>
<th>Section 504</th>
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<tbody>
<tr>
<td>Purpose</td>
<td>A federal statute whose purpose is to ensure FAPE for children with specific disabilities</td>
<td>A broad civil rights law which protects the rights of individuals with disabilities</td>
</tr>
<tr>
<td>Who is Protected</td>
<td>Eligible students (aged 3-21) whose disability adversely affects the child’s educational performance</td>
<td>All persons with a disability</td>
</tr>
<tr>
<td>Services</td>
<td>Provides an individualized educational program (IEP)</td>
<td>Requires schools to provide accommodations to allow students to access the general education curriculum</td>
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How does Medicaid relate to IEPs and 504 Plans?

Medicaid

- Schools are able to bill for services provided on IEPs (e.g. behavior support, occupational therapy, physical therapy, audiology, speech and language pathology).
- DCPS currently cannot bill Medicaid for services provided through a 504 Plan.
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Additional Resources
Additional Resources

• U.S. Department of Education
  – *Protecting Students with Disabilities: Frequently Asked Questions about Section 504 and the Education of Children with Disabilities*
    http://www2.ed.gov/about/offices/list/ocr/504faq.html

• Wrights Law
  – Topics: *Discrimination: Section 504 and ADA*
    http://www.wrightslaw.com/info/sec504.index.htm

• Special Ed Connection (subscription)
  – Free electronic newsletter, free trial subscription available:
    http://www.specialedconnection.com

• Section 504 Compliance Advisor (subscription)
  – Monthly newsletter written for school administrators
Questions?

Please enter your questions into the “Q&A” inbox of the Zoom control toolbar.
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Complete Your National School-Based Health Care CENSUS

www.sbh4all.org/2016-17Census

Beginning Monday, September 18

Submit Your ABSTRACT for 2018 National SBHC Convention

www.sbh4all.org/training/convention/cfa

While Entering CENSUS Data, Report the National SBHC PERFORMANCE MEASURES

(Report all your data at once through the Census portal.)
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June 24-27

2018

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Thank You!

Additional Questions? Contact us at: info@sbh4all.org