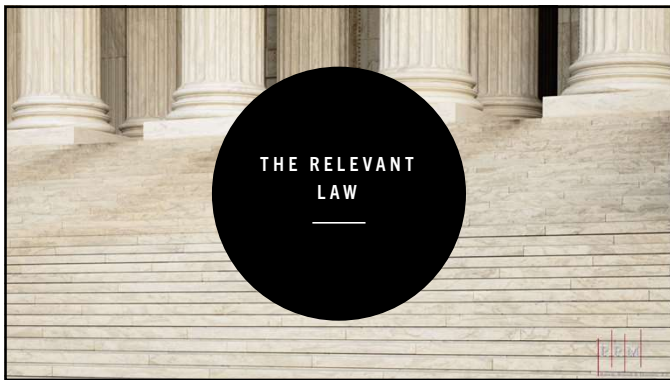
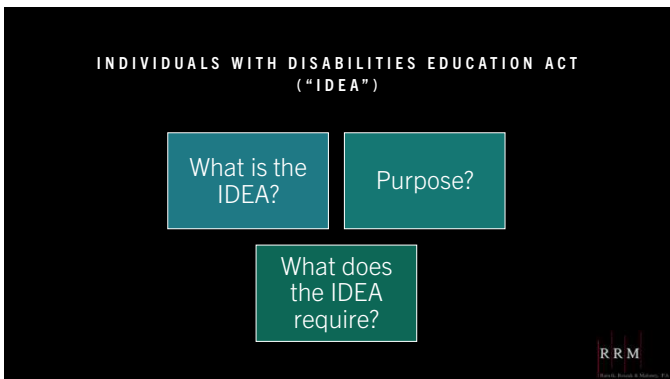


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**SECTION 504 OF THE REHABILITATION ACT
("SECTION 504")**

What is Section 504?


Purpose?

What does Section 504 require?



4


**AMERICANS WITH
DISABILITIES ACT
("ADA")**




5

COMPARING THE IDEA AND SECTION 504

- Section 504 is broader than the IDEA
- The IDEA is more prescriptive and imposes more extensive obligations
- They serve different purposes





6

INDIVIDUALIZED EDUCATION PLANS AND THE SPECIAL EDUCATION PROCESS

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SCHOOLS HAVE TWO BASIC OBLIGATIONS UNDER THE IDEA

Comply with the procedural requirements of the IDEA

Provide students with an IEP, developed through the IDEA's procedures, that is reasonably calculated to enable the child to receive educational benefits

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WHAT'S "FAPE" GOT TO DO WITH IT?
(... GOT TO DO WITH IT?)

FREE

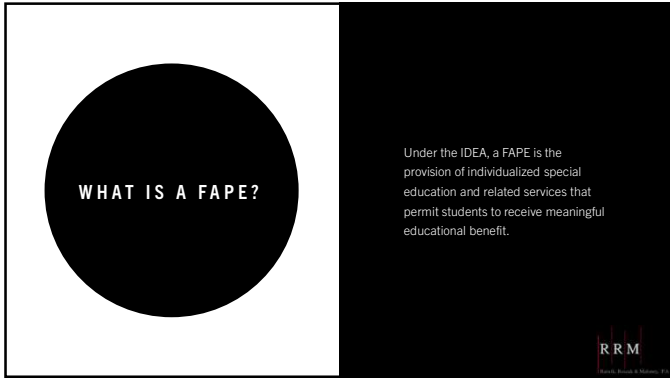
APPROPRIATE

PUBLIC

EDUCATION

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IDEA PROCEDURAL SAFEGUARDS

- Due Process – Notice
Prior Written Notice
Notice of Procedural Safeguards
- Due Process – Opportunity to Be Heard
- Progress Reporting
- Stay Put Placement
- Section 504 Procedural Safeguards

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DISCIPLINE IN THE SPECIAL EDUCATION CONTEXT

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MANIFESTATION DETERMINATIONS

School districts *may not* expel a student with a disability if the misbehavior is a manifestation of the student's disability but *may* expel a student with a disability if the misconduct is not a manifestation of the student's disability.

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**EXCEPTIONS THAT
WOULD (MAYBE!)
JUSTIFY
UNILATERAL 45-
DAY PLACEMENT**

Weapons

Drugs Possession or Use

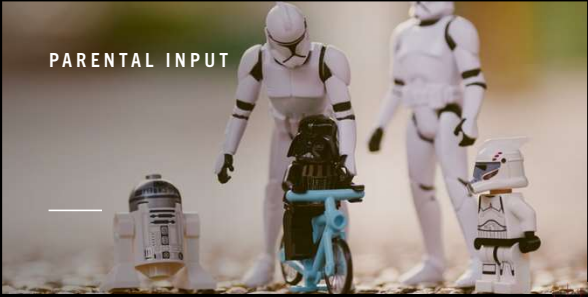
Selling or Soliciting Sale of a Controlled Substance

Infliction of Serious Bodily Injury

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PARENTAL INPUT



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**PARENTS ARE
PART OF THE IEP
TEAM**

Schools must ensure that parents have an opportunity to meaningfully participate

IEP Teams must fully consider any request that parents make

No requirement that schools acquiesce to parent demands

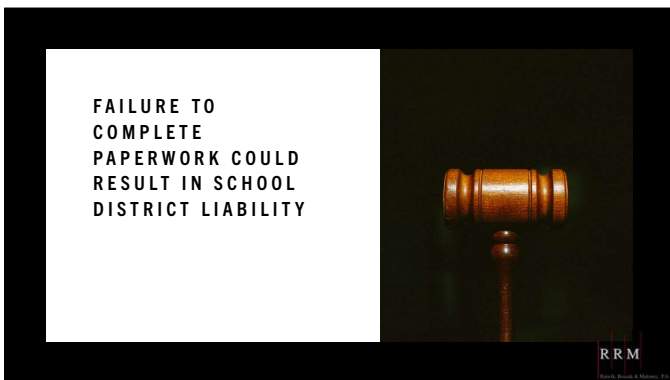
Parental preference is one of many factors – ultimately the IEP must be created by the IEP team, not dictated by parents

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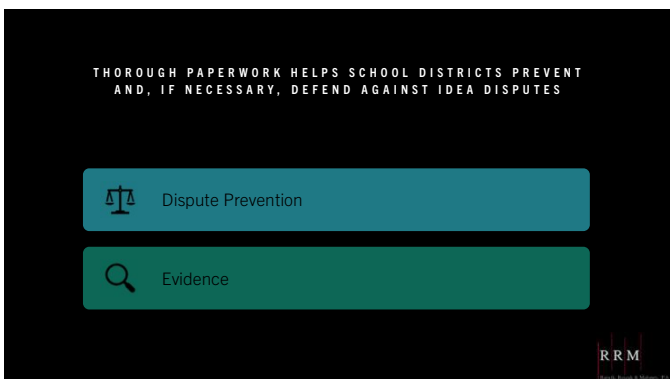
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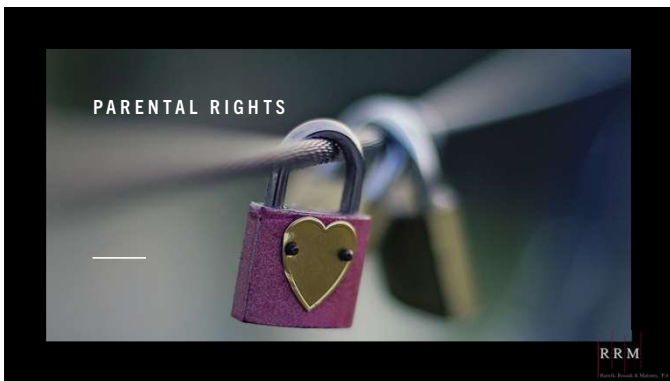
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