Parent Information over RtI & Section 504

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What is Response to Intervention?

RTI is the practice of meeting the academic and behavioral needs of ALL students through a variety of services containing the following key elements:

- High-quality instruction and scientific research based tiered interventions aligned with individual student needs.
- Frequent monitoring of student progress to make data-based academic and behavioral decisions.
- Application of student response data to make important educational decisions.
  - Such as those regarding placement, intervention, curriculum, and instructional goals and methodologies.
RtI includes EVERYONE

- Socio-Economically Disadvantaged
- Gifted & Talented
- Special Education
- English Language Learners
- At Risk
- Migrant
- 504

100%
Tier 1: Core Curriculum

Tier 2: Strategic Support

Tier 3: Intense Support

RtI Pyramid
Tier 1

- High quality researched based curriculum & behavioral supports
- Instructional strategies in the Core Curriculum
- ALL students
- 45-90 minutes / day
- Decision making based on universal screening & benchmarking data
Tier 2

- Flexible grouping of students
- Targeted small group instruction
- Specific Instruction to meet the needs of the learner
- Additional Instruction to Tier 1 Instruction
- Additional 20-30 min. / day
Tier 3

- Flexible grouping of students
- Increased intensity of targeted interventions
- Individual instruction
- Additional 50 minutes / day
- Continued progress monitoring, usually weekly
Differentiated Instruction?

A customized instructional delivery to create different learning experiences for different students to maximize student learning by improving the match between a student's individual needs and interest in relation to the curriculum.

To Differentiate a teacher must adapt the curriculum to meet the unique needs of learners by making modifications in complexity, depth, and pacing to create a tailored teaching style to meet the individual needs of all students in your classroom.
Section 504
Americans with Disability Act Amendment Act

ADAAA 2008

The Act EXPANDS the scope of disabilities under the ADA and Section 504 of the Rehabilitation Act of 1973 as well as protections to employees and students.

The 3 part disability definition is used when determining Section 504 eligibility.

Does the student...

1. have an impairment
2. that substantial limits
3. a major life activity?
ADAAA is federal law which provides civil rights protections to all individuals with impairments in our society.

Section 504 is consistent with the Individuals with Disabilities Education Act (IDEA).

Section 504 encompasses students, parents, employees, and other individuals with impairments.

The Section 504 definition of an impairment is much broader, including any physical or mental disability that substantially limits one or more major life activities, including, but not limited to, learning.
equal access and fairness
Where does the process start?

Usually the starting point begins with evidence of the student not responding positively to research-based intervention.

RTI          MTSS          SSIT
What is the purpose of Section 504 in our schools?

To provide an equal educational opportunity for eligible disabled students.

Accomplished by providing appropriate classroom accommodations and services that are equivalent to the services provided to students without disabilities, in extracurricular and non-academic activities.
Do these boys have an equal opportunity to see the ball game?
Who is covered under Section 504?

- To be covered under Section 504, a student must be “qualified” (which roughly equates to being between 3 and 22 years of age, depending on the program, as well as state and federal law, and must have a disability) [34 C.F.R. §104.3(k)(2)]
Who is an “individual with a disability”?

- As defined by federal law: “An individual with a disability means any person who: (i) has a mental or physical impairment that substantially limits one or more major life activity; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment” [34 C.F.R. §104.3(j)(1)]
What is an “impairment” as used under the Section 504 definition?

- An impairment as used in Section 504 may include any disability, long-term illness, or various disorder that “substantially” reduces or lessens a student’s ability to access learning in the educational setting because of a learning-, behavior- or health-related condition.
Major Life Activities

- self-care, manual tasks, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others, working, reading, concentrating, standing, lifting, bending, etc.
- This may include individuals with AD/HD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, Tourette’s syndrome, digestive disorders, cardiovascular disorders, depression, conduct disorder, oppositional defiant disorder, HIV/AIDS, & behavior disorders
- Conditions that are episodic or in remission are also covered if they create a substantial limitation in one or more major life activities.
What does “substantially limits” mean?

- “this is a determination to be made by each local school district and depends on the nature and severity of the person’s disabling condition.”
- In considering substantial limitations, students must be measured against their same age, non-disabled peers in the general population and without benefit of medication or other mitigating measures.
Who can refer a child for consideration for evaluation under Section 504?

- Anyone can refer a child for evaluation under Section 504.

- Then the school district must also have reason to believe that the child is in need of services under Section 504 due to a disability.
The Campus 504 Committee

- If the student is evaluated then the Section 504 committee will review and analyze the data to determine eligibility.
- Schools are expected to make sound educational decisions as to what the child needs in order to receive an appropriate education.
Can a student be placed under Section 504 without parental consent?

No. Parents must always be given notice before their child is evaluated and/or placed under Section 504 (34 C.F.R. §104.36). Parents must also be given a copy of their child’s Section 504 accommodation plan if the committee determines that the child is eligible under Section 504.
Section 504 Accommodations

- Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to the non-disabled.
- There is no guarantee of A’s or B’s or even that the student will not fail.

- The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.
How often will my child be re-evaluated?

Students must be re-evaluated at least every three years or whenever there is going to be a “significant change in placement.

The campus 504 committee should re-evaluate your child’s plan every year to make sure that his or her accommodation plan is appropriate based on their current schedule and individual needs. The accommodation plan may be revised at any time during the school year if needed.
What are my rights as a parent under Section 504?

- Receive notice regarding the identification, evaluation and/or placement of your child;
- Examine relevant records pertaining to your child;
- Request an impartial hearing with respect to the district’s actions regarding the identification evaluation, or placement of your child, with an opportunity for the parent/guardian to participate in the hearing, to have representation by an attorney, and have a review procedure;
- File a complaint with your school District Section 504 Coordinator, who will investigate the allegations regarding Section 504 matters other than your child’s identification, evaluation and placement.
- File a complaint with the appropriate regional Office for Civil Rights, U.S. Department of Education, Washington, D.C.
Thank you!

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