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**THE IMPLEMENTATION OF SECTION 504 IN K-12 PUBLIC SCHOOLS:  
POLICIES, PROCEDURES AND PRACTICE**

**By**

**Kimberly Ann Arsenault**

**A DISSERTATION**

**Submitted to  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of**

**DOCTOR OF PHILOSOPHY**

**Department of Special Education**

**2003**



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## ABSTRACT

### THE IMPLEMENTATION OF SECTION 504 IN K-12 PUBLIC SCHOOLS: POLICIES, PROCEDURES AND PRACTICE

By

Kimberly Ann Arsenault

Currently, a number of students with physical or mental impairments are receiving their educational services in the regular classroom settings. Often these students *are not considered disabled* under IDEA. However, these students do require a response from the regular education staff and curriculum. If it is determined that a physical or mental impairment *substantially limits* one or more of the major life activities, then that student *may be eligible for accommodations under Section 504 of the Rehabilitation Act of 1973*.

Section 504, as it is commonly referred to, is a federal law which originally was intended to reduce discrimination in the area of employment for individuals with disabilities. However, advocacy organizations and the legal systems have intensified their focus on Section 504's requirement to insure the *education system* provides the broad range of accommodations and services essential for students with special needs to participate in public education programs and activities. The U.S. Department of Education regulations for Section 504 require that students with disabilities be provided with a free appropriate public education (FAPE). These regulations require public schools to identify students, evaluate them, and provide services if necessary, in addition to following procedural safeguards. Nevertheless, many schools simply lack clarity in their interpretation

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of this law, and therefore are limited in their ability to fully implement its requirements.

Few studies have been conducted regarding the implementation of Section 504. Given this lack of empirical data, and the demands being placed on school districts, further research is essential. This research project focuses on the implementation of Section 504 in four public middle schools in Michigan. The goal of this project was to examine the factors that influence implementation of Section 504 in public schools as mandated by law.

There were thirty participants in this research study including principals, special education teachers, regular education teachers, counselors, social workers, a school psychologist, and the Section 504 coordinators. All of the participants were interviewed by the researcher. This study reports the analysis of these interviews, in order to examine the complex issue of actual implementation of Section 504.

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2003

## **DEDICATION**

**To my parents, Larry and Darlene**

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## **ACKNOWLEDGEMENTS**

I would like to thank Dr. Eugene Pernell for all of his support and encouragement. I am fortunate that he decided to work with “one last doctoral student” even after his “official” retirement. I am also extremely indebted to Dr. Michael Leahy, whose knowledge of The Rehabilitation Act of 1973, including Section 504, proved invaluable. I wish to express my thanks to the other members of my committee, Dr. Douglas Campbell and Dr. Philip Cusick for their efforts in reviewing and critiquing my work. I would also like to express my gratitude to Dr. Carol Sue Englert, who provided me with a great deal of encouragement, guidance, and information during my first few years in the program.

I am extremely grateful to the four principals and all of the staff members who were willing to participate in this study. Their willingness to participate and share their understandings has enabled me to complete this study and hopefully provide practitioners with valuable information.

I want to thank Lisa Homuth for her assistance in transcribing tape-recorded interviews and also helping to “proof” the dissertation, in addition offering support and encouragement. Additionally I would like to extend my gratitude to my brother, Chad Arsenault, for his professional input and critique of the draft documents.

Finally, I would like to thank my parents Larry and Darlene, my brothers and sisters, Tammy, Todd, Damon, and Joy, who provided me with encouragement, and my fiancé, George, who had to endure my constant



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struggles to “finish my dissertation”. Without their support, I never would have completed this dissertation.

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ADA -

ADD -

IDEA -

ISD -

Section

PL 94-1

SST -

## **LIST OF ABBREVIATIONS**

<b>ADA -</b>	<b>Americans with Disabilities Act</b>
<b>ADD -</b>	<b>Attention Deficit Disorder</b>
<b>IDEA -</b>	<b>Individuals with Disabilities Education Act</b>
<b>ISD -</b>	<b>Intermediate School District</b>
<b>Section 504-</b>	<b>Section 504 of the Vocational Rehabilitation Act of 1973</b>
<b>PL 94-142 -</b>	<b>Public Law 94-142, also known as the Education for All Handicapped Children Act</b>
<b>SST -</b>	<b>Student Support Team</b>

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# CHAPTER 1

## INTRODUCTION

### Purpose of the Study

There have been many changes in the American public school system over the past century. Our nations' schools are said to be a "reflection of society" which transmit the values and beliefs of that society. One of our nations' fundamental beliefs is that of *social equality*. Each person will have the opportunity to improve their status in life, regardless of race, social class, or religion. It is because of this strong equality ideal that the public schools have moved from a pattern of exclusion, based primarily on race or handicap, to a more inclusive system which accepts and provides "equal opportunity" to *all* of its students.

A majority of the changes in school policies have been primarily a response to mandates derived from federal legislation. Indeed, it has been argued by many educators and scholars that Public Law 94-142, The Education for All Handicapped Children Act (EAHCA) and later reauthorized and renamed in 1990 and 1997 as the Individuals with Disabilities Act (IDEA), has had the largest impact on educational policies and practices. IDEA was intended to provide students with disabilities the same rights and opportunities as their non-disabled peers, namely, a free appropriate public education (FAPE). Schools who refuse to comply with this law risk the loss of federal funds.

However, there is another piece of landmark federal legislation which was the precursor to IDEA and provided the foundation for many of the major principles, such as FAPE, that are found in P.L. 94-142. Public Law 93-112, The

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Rehabilitation Act of 1973 including *Section 504*, as it is commonly referred to, which is a federal law that originally was intended to reduce discrimination in the areas of employment, education, and various other settings, for individuals with disabilities. This law was concerned with social equality and civil rights for individuals with disabilities, as it is worded almost identically to the Civil Rights Act of 1964, which prohibited discrimination based on race, color, or national origin.

Advocacy organizations and the legal system have intensified their focus on Section 504's requirement to ensure the *education system* provides the broad range of accommodations and services essential for students with special needs to participate in public education programs and activities. The U.S. Department of Education regulations for Section 504 require that students with disabilities be provided with a free appropriate public education (FAPE). These regulations require public schools to identify students, evaluate them, and provide services if necessary, in addition to following procedural safeguards. Nevertheless, many schools simply lack clarity in their interpretation of this law, and therefore are limited in their response to fully implement its requirements.

The purpose of this study was to attempt to explain and understand how public schools implement Section 504. The analysis focused on several factors in the decision making process; 1) professional educational staff knowledge regarding Section 504, and, 2) written school policies regarding Section 504.





## Overview of the Study

Chapter 1, the introduction, describes the purpose of the study, and provides an overview of the problem being investigated. The analytical lenses of policy implementation theory and theories regarding decision making are also described. Additionally, this chapter discusses the delimitations, assumptions, and research questions addressed by this study.

Chapter 2 contains a review of the related literature, focusing on the history of Section 504 of the Rehabilitation Act of 1973, the Education for All Handicapped Children Act (later renamed the Individuals with Disabilities Education Act or IDEA), and the Americans with Disabilities Act (ADA). Additionally, several of the parallels between Section 504, IDEA, and the ADA will be explored in further detail. Theories regarding policy implementation, decision making, and “cultural capital” will also be reviewed. The lack of research and data regarding Section 504 students will also be discussed.

Chapter 3 describes the research design, methodology, the research sites and sample selection for this study. A review of similar types of studies is presented as well.

Chapter 4 presents the actual data recorded from the interview process, and Chapter 5 provides an analysis, discussion, along with implications for future research and professional practice.

## Statement of the Problem

Special education, as we see it today, is a relatively recent development in our public school system. Historically, children with disabilities were simply excluded from the public schools. Prior to the 1970's, many states had laws

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permitting public schools to deny enrollment to children with disabilities (Heward & Cavanaugh, 1997).

However, the civil rights movement provided the catalyst for change. The monumental civil rights case of *Brown v. the Board of Education of Topeka*, 347 U.S. 483 (1954) challenged the practice of segregating students according to race (Heward, 2000). According to the ruling issued by the U.S. Supreme Court, education must be made available to all children on equal terms:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditure for education both demonstrate our recognition of the importance of education in our democratic society. It is required in the performance of our most basic responsibilities.... In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. (*Brown v. Board of Education*, 1954)

Based primarily on the implications of this decision, that *all* students both African American and white should be afforded “equal opportunity” and “equal access” to school programs, many parents of special education students reasoned that this mandate should readily apply to their children as well. A number of court cases evolved, based primarily on the Fourteenth Amendment to the Constitution, which states that no state shall deny any person within its jurisdiction the equal protection of the law and that no state shall deprive any person of life, liberty, or property without due process of law (Heward, 2000).

These two fundamental values, that of equal protection and due process became the foundation for special education law. This was evidenced in an important court decision, *Pennsylvania Association for Retarded Citizens(PARC) v. the Commonwealth of Pennsylvania* in 1971, which established the right to a free public education for all children with mental retardation. In 1972, *Mills v.*

*Board of Education of the District of Columbia* expanded the *Pennsylvania (PARC)* decision to include all handicapped children. The court adopted a comprehensive plan that provided for 1) a free appropriate education, 2) an IEP, and 3) due process procedures (Alexander, 1985).

As a result of both the *PARC* and *Mills* decisions, federal legislation was initiated in the early 1970s seeking to eliminate discrimination against the handicapped in both work and education environment (Alexander, 1985).

Perhaps the most significant piece of federal legislation involving individuals with disabilities includes the passage of the Rehabilitation Act of 1973. Section 504 of the Act states:

*No otherwise qualified individual with a disability...shall solely by reason of her or his 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.*

The U.S. Department of Education regulations for Section 504 require that students with disabilities be provided with a free appropriate public education (FAPE). These regulations require public schools to identify students, evaluate them, and provide services if necessary, in addition to following procedural safeguards.

Many individuals are much more familiar with PL 94-142, the Education for All Handicapped Children Act (EAHCA), which was passed in 1975. This act was later reauthorized and renamed as the Individuals with Disabilities Education Act (IDEA) in 1990 and again in 1997. It is this law which provides the mandates for our current special education policies and procedures. It is

interesting to note that all of the regulations found in Section 504, are also included in IDEA.

However, while IDEA contains mandates for funding and data collecting procedures for school districts, Section 504 has no such provisions. Although all individuals who are disabled under the Individuals with Disabilities Education Act (IDEA) are also considered disabled and therefore protected under Section 504 and the Americans with Disabilities Act (ADA), there is *no required data reporting*, and *no funding source* for individuals who *qualify solely under the eligibility guidelines provided by Section 504*. Without data to document the number of students currently being provided accommodations primarily under *Section 504* provisions, the impact of this legislation on the students it was designed to protect is unknown.

#### The Need for and Significance of the Study

While many studies have focused on special education students and the effectiveness of the implementation of P.L. 94-142, later reauthorized as IDEA in 1990, few studies have been conducted on how schools implement Section 504. The lack of sufficient data regarding the implementation of Section 504 is evidenced by a significant deficiency in the research literature. Additional research is necessary to ascertain how Section 504 is implemented in the public schools, and whether the knowledge of educational staff and parents has an effect on the number of students referred and identified as eligible under Section 504, in order to determine if it is meeting the needs of the students it was designed to protect.

During the 2001-2002 school year 5,653,830 children ages 6-21 were served under IDEA in the United States, D.C. and Puerto Rico (U.S. Department of Education, 2002). While it is generally accepted that all students who qualify for services and accommodations under IDEA are also eligible for Section 504 protections, the number of students who are eligible for Section 504 but do not qualify for IDEA is unknown. Unlike IDEA, there currently is not a database, either at the state or national level, which provides data regarding the *actual number of students identified as eligible* for Section 504 protections. With so little data available, it is difficult to evaluate the effectiveness of Section 504. In view of this lack of empirical data, further research is crucial to understanding what Section 504 means for the public school system and, more importantly, the students it serves.

The realization that so little is actually known about Section 504 and the protections it offers students first became evident to me during my first year as a regular education administrator. I taught special education prior to becoming an administrator and, as quite often happens, based on my “special education” background, it was determined that in addition to my other administrative duties, I would also become the Section 504 Coordinator for our district. (Never mind that despite my special education degree, I had never even heard of Section 504 during my undergraduate training and was only vaguely aware of its existence). I soon discovered that very few people, both inside and outside the field of education, have a clear understanding, or *even basic awareness*, of Section 504.

Over the years I have met with many teachers, administrators, counselors, social workers, school psychologists, doctors, and parents, and even Section 504

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Coordinators who readily admit that they are unsure exactly what this law means for them or the individuals it was designed to protect. I have participated in meetings with newly assigned Section 504 coordinators and learned that they were simply told they were now the Section 504 coordinator for their district. Like me, many of the “assigned Section 504 coordinators” did not receive any training prior to these assignments. Therefore they, including myself, were left to educate themselves.

This issue became more evident when I decided to investigate, with a more formal process, what I had observed informally. While completing a research project for a graduate course requirement, I interviewed several regular education teachers, special education teachers, administrators, social workers, school psychologists, counselors, and parents regarding Section 504. The results of these interviews suggested that even with staff in-services (the interviewees generally agreed they had received some training regarding Section 504) the lack of general awareness of Section 504 was substantial.

The basic premise of this study revolves around policy implementation and decision making. This apparent lack of knowledge regarding Section 504 intrigues me. How are educators and parents able to make decisions regarding Section 504 if they are unaware of the law itself?

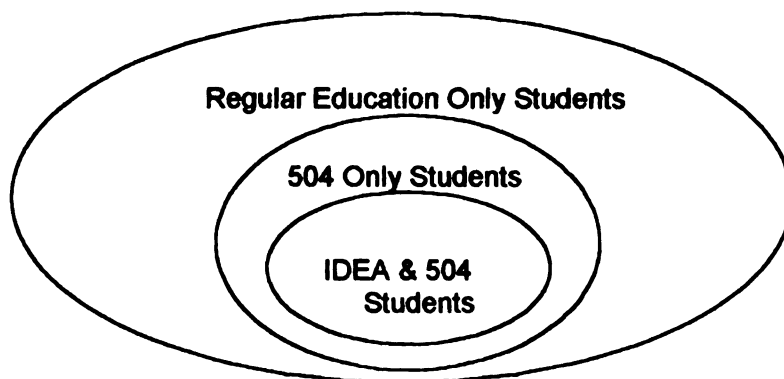
The purpose of this study was to attempt to explain and understand how public schools implement Section 504. What are the policies and procedures in place to implement Section 504? Which factors, if any, are different in a school with a high number of Section 504 eligible students vs. a school with a low number of Section 504 eligible students? The underlying issue in the research is



equity, basically, are all students being identified equitably as intended by the law? Which factors play a crucial role in the identification process?

This study is important in several aspects. Based on its much broader definition, and illustrated in figure 1 below, Section 504 *potentially* effects a much larger number of students than IDEA. Given the fact that over 5.6 million students were receiving services under IDEA during the 2001-2002 school year, the potential number of students receiving or needing Section 504 accommodations may be substantial indeed.

Figure 1                      STUDENT POPULATION



\*Council of Administrators of Special Education, CASE 1999

Due to the fact that so little information regarding Section 504 eligible students is available, a significant portion of students may be underserved. This study may contribute valuable information regarding the implementation of Section 504 in public schools. Does the knowledge of school staff play a key role

in identifying students with disabilities? The results of this study may play a crucial role in determining the need to train educational staff regarding Section 504. It may also emphasize the need to keep better statistical data regarding the number of students eligible for Section 504 services.

### **Delimitations of the Study**

This study does not attempt to:

- 1) Examine the implementation of any part of Section 504 other than parts B, C, and D. It will specifically focus on middle school students.
- 2) Examine any programs or services that may, or may not be, provided to students who are in private or charter schools.

### **Assumptions**

This study is based on the following assumptions:

- 1) Public schools in all states are required to implement Section 504, and have formulated policies and procedures to follow federal mandates.
- 2) All public schools have some form of identification and evaluation procedures for Section 504 eligibility.
- 3) There currently is no mandatory funding or data reporting source for Section 504.
- 4) Section 504 is a very broad law, open to interpretation.

### **Research Questions**

This study attempts to answer the question, “ What factors influence the way in which Section 504 is implemented in a public middle school?” In order to gain a better understanding of this process, teachers, administrators, counselors,

social workers, and psychologists, were asked to reflect upon and discuss their understanding of Section 504, and their participation, or lack of participation, in the Section 504 process.

Participants in this study were asked to respond to open ended interview questions by recounting their general knowledge and personal experiences involving Section 504 referral, evaluation, and eligibility meetings and accommodation planning. Questions focused on the following themes:

**1) Interviewees understanding of Section 504**

- What do teachers, administrators, social workers, counselors, school psychologists, and Section 504 coordinators understand about Section 504? When did they first become aware of Section 504? How/where do they get their information?

**2) Interviewees participation in the referral, evaluation and accommodation planning process.**

- Have teachers etc., participated in the referral and evaluation process? What are the established evaluation procedures?
- What do teachers etc, perceive to be their role in the evaluation/implementation process?

**3) Interviewees perceptions regarding the established Section 504 procedures**

- What do teachers think about the identification process? What should it look like?
- Why are things done the way they are?

## Chapter 2

### REVIEW OF RELATED LITERATURE

A basic understanding of the history and intent of Section 504, IDEA, and the ADA, and their actualization into the day to day operation of the public schools is crucial to understanding their impact on the students they were designed to protect. Therefore each of these laws will be discussed at some length, with the most concentrated focus on Section 504. Theories regarding policy implementation and decision making will also be reviewed and provide possible future analytical frameworks.

#### History and Intent of Section 504 of the Rehabilitation Act of 1973

During the past decade, a great deal of debate has occurred regarding the implementation of *Section 504 of the Rehabilitation Act of 1973* in our nation's public school systems. Section 504, as it is commonly referred to, is a broad civil rights law which protects the rights of individuals with handicaps in programs and activities that receive assistance from the U.S. Department of Education. Unlike other federal legislation which is written in multifaceted, often extended formats, Section 504 is a relatively straightforward part of the Rehabilitation Act. Section 504 states,

*No otherwise qualified individual with a disability...shall solely by reason of her or his 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.*

One of the noteworthy aspects regarding section 504 is its *original intent*.

Section 504 is part of the *Rehabilitation Act of 1973*. According to Wegner (1988) the primary objective for Congress by enacting 504 was to "honor the

requirements of 'simple justice' by ensuring that federal funds not be expended in a discriminatory fashion" (p.398). Originally, this act was targeted at programs dealing with employment and the enhancement of employment for persons with disabilities. The act was amended in 1974 to "extend its protections to handicapped students seeking access to federally supported public schools" (Kortering, Julnes, & Edgar, 1990, p. 8).

There are seven different subparts of regulations of the Section 504:

- A. General provisions
- B. Employment practices
- C. Program accessibility
- D. Preschool, elementary, and secondary education
- E. Postsecondary education
- F. Health, welfare, and social services
- G. Procedures

The key areas that public schools must deal with include subparts B, C, and D: employment practices, program accessibility, and preschool, elementary, secondary education. Basically, children with disabilities must be afforded "equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement" as their non-disabled peers (Jacob-Timm & Hartshome, 1994, p.29). Additionally Section 504 regulations stipulate that school districts may not discriminate against parents or employees of the district who have disabilities. However, the purpose of this study was to concentrate specifically on student protections.

The federal government has stipulated that *in addition* to providing *reasonable* accommodations for students identified as eligible for Section 504 services, *it is the responsibility of K-12 public schools to locate and evaluate students suspected of having a “handicap” under Section 504 guidelines* (Smith, 1998).

One final note on the law itself, because it is a federal law, *it applies only to entities that receive federal funds*. Many public schools receive assistance from federal funding for a variety of programs, including school lunch, special education, and gifted or talented programs, and therefore they must comply with Section 504 regulations.

What does this mandate represent for the public schools that provide educational programs for the individuals this law was designed to accommodate? In order to answer this question, we must first address the regulations and requirements Section 504 places on schools.

#### *Definition of Disability Under Section 504*

Section 504 defines an “individual with a handicap” as

.....any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. [Section 504 Rehabilitation Act of 1973 at 29 U.S.C. 706(8)(B)]

The Act defines a “physical or mental impairment” as

(A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic skin; and endocrine; [Title 34, Code of Federal Regulations, section 104.3(i)]; or

(B) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.[Title 34, Code of Federal Regulations, section 104.3(ii)]

The phrase “has a record of such an impairment” means

He/She has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. The use of this definition of a handicapped person is rarely applicable in elementary and secondary education, and is insufficient, by itself to trigger section 504 protections and accommodations[OCR memorandum, 8/3/92, 19 IDELR 894].

The phrase “is regarded as having an impairment” means

(i) The physical or mental impairment substantially limits major life activities only as a result of others toward the impairment;

(ii) Has none of the impairments defined in paragraphs (A) or (B) of this definition but is treated as having such an impairment.

The use of this definition of a handicapped person is rarely applicable in elementary and secondary education, and is insufficient, by itself to trigger section 504 protections and accommodations[OCR memorandum, 8/2/92, 19 IDELR 894].

Unlike IDEA, which requires that an individual have an identified disability which fits in a specific category such as learning disabilities, Section 504 requires that they have a *physical or mental impairment that substantially limits one or more of the person’s major life activities*.

Once it is established that an impairment exists, the second part of the definition: *substantially limits a major life activity, must also be present*. The act defines major life activity as

...functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (Title 34 Code of Federal Regulations Part 104.3)

Although section 504 does not clearly define the term “substantially limits,” it understandably is a key concept that is often difficult for a local school district to

operationalize. The Americans with Disabilities Act interprets the phrase

“substantially limits” to mean

A major life activity is substantially limited if a person is “unable to perform a major life activity that the average person in the general population can perform”. [29, CFR 1630.2 (j)(1)(ii)]

Or

A major life activity is substantially limited if a person is “significantly restricted in the condition, manner, or duration under which an individual can perform major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that major life activity”. [29, CFR 1630.2 (j)(1)(ii)]

The Council of Administrators of Special Education, or CASE, has formulated a similar definition based, in part, on this finding. CASE defines the term in the following manner:

...the term ‘substantially limits’ be interpreted to mean that the student is unable to perform a major life activity the average student of approximately the same age can perform, or that the student is significantly restricted as to the condition, manner or duration under which a particular major life activity is performed as compared to the average student of approximately the same age. (CASE, 1999, p14)

The Office of Civil Rights has ruled that the phrase “substantially limits” is to be defined by the school district (Letter to McKethan, 23 IDELR 504 [OCR 1994]).

#### *Section 504 Regulations:*

Basically, OCR (1989) stated that school districts must do the following things to meet Section 504 requirements:

- Annually identify and locate all children with disabilities who are unserved;
- Provide a “free appropriate public education” to each student with disabilities, regardless of the nature or severity of the disability;
- Ensure that each student with disabilities is educated with non-disabled students to the maximum extent appropriate;
- Establish nondiscriminatory evaluation and placement procedures to avoid the inappropriate education that may result from the misclassification or misplacement of students;



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- Establish procedural safeguards to enable parents and guardians to participate meaningfully in decisions regarding the evaluation and placement of their children; and
- Afford children with disabilities an equal opportunity to participate in nonacademic and extra-curricular services and activities.

### History and Intent of the Individuals with Disabilities Education Act

The Education for All Handicapped Children Act (EAHCA) of 1975, or PL 94-142, was formulated in a large part by the Rehabilitation Act of 1973, as amended. This in turn, was based on several landmark court decisions court cases involving civil rights, notably, *Brown v. the Board of Education*, in 1954. As noted earlier, the wording in section V of the Rehabilitation Act of 1973 is almost identical to that found in the Civil Rights Act of 1964. However, it was the decision in the case of *PARC v. Mills* which brought into debate the henceforth accepted policies of excluded public education to a number of students based on their handicap, which led to development of the EAHCA. This law was later renamed the Individuals with Disabilities Act in 1990, and it was reauthorized again in 1997. There are six major principles of IDEA which provide the foundation for all special education programs:

- 1) The “zero reject” principle which means that all children, regardless of the severity of their disability, must be educated. The *child find system* requires that each school is responsible for locating, identifying and evaluating any child suspected of having a disability.
- 2) A Free, Appropriate Public Education or FAPE
- 3) Nondiscriminatory Identification and Evaluation methods

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- 4) **Least Restrictive Environment or LRE**, which means that schools must educate handicapped students with non-handicapped peers to the greatest extent possible
- 5) **Due process Safeguards**
- 6) **Parent and Student Participation in Decisions**

### **History and Intent of the Americans with Disabilities Act**

The Americans with Disabilities Act, PL 101-336, was signed into law in July of 1990. The National Information Center for Children and Youth with Disabilities consider it to be the most significant disability legislation ever passed. Based on Section 504 of the Rehabilitation Act of 1973, the ADA extends civil rights protection of persons with disabilities to private sector employment, all public services, public accommodation, transportation, and telecommunications. This legislation also includes private nonsectarian schools. Although this law does not deal directly with the education of students with disabilities, it does clarify the civil rights of all individuals with disabilities, and therefore has an impact on special education (Friend, 1996). A person with a disability as defined by ADA is exactly the same as Section 504 or a person with (1) a physical or mental impairment that substantially limits a major life activity; (2) with a record of such and impairment; or (3) who is regarded as having such and impairment. The major provisions of ADA are as follows:

- 1) **Employers with 15 or more employees may not refuse to hire or promote a person because of a disability if that person is qualified to perform the job. Also an employer must make reasonable**

accommodations that will allow a person with a disability to perform essential functions of the job. Such modifications in job requirements or situation must be made if they will not impose undue hardship on the employer.

- 2) All new vehicles purchased by public transit authorities must be accessible to people with disabilities. All rail stations must be made accessible.
- 3) It is illegal for public accommodations to exclude or refuse persons with disabilities. Public accommodations are everyday businesses and services, such as hotels, restaurants, grocery stores and parks. All new buildings must be accessible, and existing facilities must remove barriers if the removal can be accomplished without a great deal of difficulty or expense(Heward, 2000).
- 4) Companies offering telephone service to the general public must offer relay services to individuals who use telecommunication devices for the deaf (e.g. TDDs) 24 hours a day, 7 days a week.

For a more detailed comparison of the three laws, please refer to Appendix A for a table which depicts the relationship between Section 504, IDEA, and the ADA, as represented by the Council of Administrators of Special Education, Inc., 1999.

Much like the growing pains that public school districts faced in the mid seventies with PL 94-142 in 1974, which provided handicapped students with the right to FAPE (Free Appropriate Public Education), school districts are once

again attempting to follow the federal mandates necessitated by the implementation of a law that went into effect in 1973. Similar to some of the problems that occurred with IDEA, the actual processes for identifying possible students with disabilities, referring them, and evaluating them to determine Section 504 eligibility may vary across school districts or even individual students. This may be due in part to the broad definition of the law itself.

The current definition for Section 504 eligibility leaves a great deal open to interpretation. And, as one might reasonably expect, different individuals and therefore different schools, will interpret things differently. Exactly how many school-age public school children are currently found eligible for Section 504? Well, unlike special education with its state and federal record keeping systems, there is not a national or state database in Michigan that keeps track of the number of students eligible for 504 and the reason for their eligibility. In California, an audit completed by the California Bureau of State Auditors found that:

Los Angeles and San Francisco had low percentages of students with 504 plans. According to a survey of its schools, during the fall of 1999 Los Angeles had approximately 710,000 students enrolled in grades K through 12 and of these students 1,234, or less than 0.2 percent had Section 504 plans. San Francisco had approximately 61,000 students K through 12, yet only 62 of these students had Section 504 plans, representing only 0.1 percent of the total district enrollment. (p.24)

Additionally, according to the state report,

less than 2 percent of the 1999 graduating seniors nationwide who took the SAT received extra time, and in California, the rate was less than 1.2 percent. Because so few students receive accommodations on standardized tests, it appears that some students might not be getting the assistance they need. While the cause of this problem may vary from district to district, a lack of staff and parent awareness of Section 504 and its implications for education would seem to be contributing factors.(p.2)

In addition to finding that many students are not being identified and therefore may be underrepresented and served, the auditors also found the opposite to be true. Basically some students who may not be eligible for accommodations were receiving extra time on the tests:

We identified questionable cases at six of the seven districts we reviewed. Our review of the files of 330 California students from 18 public schools, most of whom obtained extra time on standardized tests, found that the basis for their accommodations was questionable in 60 instances, or 18.2 percent. (p.2)

The state audit also revealed that some districts did not have adequate records to support the accommodations some students received. One district's "incorrect interpretation of Section 504 allowed potentially ineligible students to obtain extra time on college entrance exams." In that district, Section 504 eligibility decisions were often inappropriately made by one person rather than the team. On a more interesting note, one district provided an unwarranted Section 504 plan to a student due to the threat of litigation. The report also revealed that like Michigan, there "is no *statewide* data on the number of Section 504 plans at California schools" (p.25).

Therefore, given the broad definition of Section 504 eligibility, the *potential number of 504 eligible students* could include the following: diabetic children, asthmatic children, children with AIDS or who are HIV positive or have other communicable diseases. Students who have a physical or mental impairment

which does not meet IDEA eligibility may also be included, including students with attention deficit disorder, or ADHD. There are between 1.5 million to 2 million students in the United States who have this disorder (Fossey, 1995). Even though all of these students may not qualify, the potential for large numbers of Section 504 students exist. When you couple ADHD with other impairments, you can begin to understand the substantial numbers of students who *may be eligible* for Section 504 accommodations.

The lack of accurate records creates some of the uncertainty and indecision that school districts face regarding eligibility criteria. A student that qualifies in one school district may not qualify in another, based on each districts' knowledge/interpretation of the law. Some school districts may simply be more familiar with the law, while others may have parents who know how to manipulate the system to get what they want for their children, in essence, the "cultural capital" effect that Annette Lareau discovered in Home Advantage (1989).

As the California audit clearly reveals, increased demands in testing situations (in Michigan, there is a state educational assessment test called the MEAP, in which students can earn scholarships for college based on their scores) have caused some parents possibly to look for an "edge" for their children. Because students with 504 eligibility may have accommodations on these tests, there is always the possibility that the system may be abused, much like the audit in California demonstrated.

Additionally, unlike special education, which has funding designated to support student programming, accommodations for students found eligible solely under Section 504 must be made from the general education classroom teachers



and budget. With the ever increasing costs of education, and the limited resources with which districts are forced to work, the costs for such “individualized accommodations” may create tension among educators faced with making budget decisions for the good of *all* of the students.

With so much at stake, how are schools dealing with the identification and referral process? How are these decisions regarding students made? What impacts them the most?

As is the case with most civil rights legislation, the burning issue in this case is equity. Are schools equitable in their identification of students who are eligible for 504 accommodations? In essence, are schools making decisions regarding section 504 eligibility based on the law? And does this interpretation of the law vary across school districts? Does parental knowledge of Section 504 guidelines play a role in the referral process? Does the knowledge of teachers, administrators, and other key educational staff, regarding Section 504 play a role in the referral and eligibility decision making process? My purpose here is not to find fault with the schools themselves, but rather to identify whether or not the possibility exists that the original intent of the law, and the broad nature of the law itself, lead to unintentional inconsistencies in its interpretation and implementation in the public school system.

There are several issues and political factors affecting the implementation of Section 504. Fullan (1991) identified nine “interactive factors” affecting policy implementation. He grouped them into A) characteristics of change, B) local characteristics, and C) external factors.

The factors involving the characteristics of change include: 1) *defining the need*, 2) *clarity*, 3) *complexity*, and 4) *quality/practicality*. In order to implement Section 504, teachers and other educators must see the *need* for identifying, evaluating and providing accommodations for students. However, as Fullan states, "Teachers frequently do not see the need for an advocated change". In the case of Section 504, many teachers are simply unaware of its implications.

The second issue involves *clarity*. "Legislation and many other new policies and programs are sometimes deliberately stated at a general level in order to avoid conflict and promote acceptance and adoption" (Fullan, 1990 p70) Such is the case for Section 504. The law itself is very broad, with several key terms, such as "substantially limits" left to be defined by each school. This leads to confusion as often teachers are unsure about eligibility issues and reasonable accommodations. Practitioners need to knowledgeable about Section 504 eligibility criteria in order to make informed decisions.

The issue of *complexity* refers to "the difficulty and extent of change required for the individuals responsible for implementation". In order to implement Section 504 requirements, there is a fine balance between 'keeping it simple' so as not to overwhelm staff members, and 'not emphasizing enough' the changes that need to occur, thus resulting in little or no change.

Finally, the *quality/practicality* issue is also an important consideration. According to Fullan, quality is ignored "when adoption is more important than implementation, decisions are made without the follow-up or preparation time necessary to generate adequate materials." School districts are 'scrambling' to comply with Section 504. Districts need to plan for and develop their stages of

implementation. However, districts may not have the 'luxury' of time. Similar to the "litigation strategy" employed by parents prior to PL 94-142 (Tweedie, 1982), parents are again 'seeking compliance' regarding 504 eligibility for their children through the courts, rather than relying on professional educators.

The key local characteristics for change include: 1) *district*, 2) *community and board*, 3) *the principal*, and 4) *the teacher*. When implementing Section 504 in a school district, the district's past history, or 'track record', will influence the new proposal. In other words, if teachers have had negative experience in the past, they will think negatively about new ideas as well, and become less willing to put forth effort to change. One of the keys to helping a district overcome this problem is the superintendent and other central office staff, including the Section 504 coordinator. They provide the district with direction and support efforts "*by their actions*" (Fullan, 1991), so the recruitment of a highly knowledgeable and dynamic 504 coordinator can have a positive effect on its implementation.

The *school board and community* can have a positive or negative role in the implementation of any policy. It has been my experience, as a 504 coordinator in several districts, that many communities and school boards lack knowledge regarding Section 504. One of the key goals, as noted by Fullan, would be to inform the board and gain their support and cooperation.

The third factor for change at the local level involves the *principal*. According to Fullan, "all major research on innovation shows that the principal strongly influences the likelihood of change, but it also indicates that most principals do not play change leadership roles". In the case of Section 504, the building principal at every level will need to play an active role in the

implementation of Section 504. Staff members need to see her **actively involved** in in-services and meetings involving Section 504 planning and implementation. *An active leadership role* will have a lasting affect on the implementation process.

The final factor for implementation at the local level involves the *teacher*, whom I refer to as the “front-line educators”. Teachers’ psychological states and values influence their capacity for change. It is important for teachers to be working together and sharing ideas with colleagues *and* administrators. In the case of Section 504, teachers need to share knowledge, successes, and, simply, ‘ways to make it work’.

Fullan is not the only one who views the “front-line educators” as crucial to the implementation process. Fulcher (1989 ) views policy as that of a struggle enacted by *social actors*, where language or ‘discourse’ is the instrument of power. In this view, policy is made at all levels, rather than the traditional framework with its top-down model. As stated by Fulcher, there are 3 different forms of policy; *written, stated, and enacted*. The written policy for Section 504 is supplied by the federal government, complete with definitions, regulations and procedures. In turn, school districts who receive federal funds must have written administrative procedures and policies regarding Section 504. However, *it is the enacted policy*, carried out by “front-line professionals”, that, it can be argued, is *the true measure of implementation*.

The final group of factors that affect policy implementation are external factors. Government agencies and legislators perceive themselves as the “policymakers”. Teachers and other “front-line educators” view the government

as totally unaware and therefore unrelated to the world of practitioners. Section 504 was became law in 1973, but due in part to its original intent, and the lack of relationship/shared vision between the policy makers and the “front-line educators” little progress in the area of *enacted policy* has actually occurred. Again, this is an example of the tension that exists between written vs. actual (enacted) policy.

Another issue that impacts implementation of Section 504 concerns the *organizational structure of the school itself*. Skrtic(1995) states that if we look at schools through the structural lens, we find they are characterized by machine bureaucracies, with technical divisions of labor and standardization of performance, where the workers are performers and not “problem-solvers”. The consequences of this model are that change occurs based on a rational/technical approach, which produces more bureaucracy. In this model teaching becomes mechanical and a simple series of steps which reduces the professional discretion and problem solving abilities. *In this model rather than meeting the needs of the client, the professional matches the client to the list of available services, often referred to as ‘pigeonholing’*. All of the parts of this model lead to the routinization of decisions. This continues today in both special education and Section 504 eligibility meetings, as staff members struggle to keep up with ever increasing caseloads compounded with decreasing financial and human resources. Due to the fact that Section 504 is a *civil rights law* which applies to all students, parents, and employees, and *unlike IDEA, no additional funding is included* for the implementation of this law, the increased strain on both human and financial resources is considerable.

Skrtic describes the *inner professional bureaucracy* structure of schools as “performance organizations in which professionals work alone to perfect the standard practices in their repertoires” . There is a conflict between the “bureaucratic values that ground the performance-oriented paradigm of the professional culture and those that underwrite the adhocratic or problem solving orientation.”

*Adhocracies*, are informal groups of people (parents, educators, students) designed to meet and solve problems. They are based on innovation, adaptation, and divergent thinking. The size and nature of the adhocracies would be flexible, *based on the needs* of the client. These adhocracies would provide professionals with the format to become innovative, creative, and collaborative problem solvers. Of course, it would also increase *professional accountability*. They would create unique educational programs designed to meet the needs of the individual child rather than fit the child to an existing program. The parent would become a more valued member rather than an adversary. This collaboration would allow the parent more active participation in the discourse.

Section 504 does provide the opportunity for more *professional decisions* than IDEA of 1997. For instance, the evaluation process is less rigid. Unlike IDEA, Section 504 does not stipulate the titles or number of people (administrator, special education teacher, regular education teacher, MET representative, etc.) who must be present in an evaluation meeting. It simply states, “a group of people knowledgeable about the student”. In essence, it allows *educators the ability to decide which individuals are necessary* to make sound decisions regarding a child’s eligibility, thus conserving limited resources

and providing the ability to adjust the evaluation to *meet the needs of the individual student* thereby providing services sooner. This is the type of “adhocracy” that Skrtic proposes, more *freedom to make professional decisions*. However, in order to make these decisions, *professionals need to be trained in the eligibility requirements*. Without this knowledge, “adhocracy” will falter due to lack of clarity about the purpose.

On the other hand, IDEA continues to force schools to operate as machine bureaucracies in the evaluation process. As Weatherley and Lipsky(1977) determined, *during special education evaluations* all students were evaluated using the same process-including mandated personnel and testing requirements. For instance a child with multiple physical and emotional problems, is evaluated in the same time frame, and with the same resources, as a child suspected of a mild impairment- such as a learning disability. This mandate to evaluate every child in the same manner is the government’s attempt to hold schools accountable and “treat individuals fairly”. However, fairness isn’t treating everyone the same, fairness is treating everyone according to his or her needs. By mandating the types of assessments and the people involved, individual decision making is eliminated, and so is the “by in” or “values” by the committee members. Consequently, evaluation decisions become “routine”.

Additionally, the eligibility criteria for IDEA of 1997 are very specific. *Individuals must meet certain categories* including specific testing scores *in order to receive services*. For instance, a student must be two or more standard deviations below the mean in order to qualify for a learning disability, or must fall below a 70 IQ in order to qualify as mentally impaired. This leaves little flexibility

for professionals in the eligibility meeting when the student scores a 71 or 72 IQ. In effect this is the “routine decision” that Skrtic is referring to. A student “falls into” a certain category, or he doesn’t, and in order to receive services, a student must be labeled. By default, the professional committee is forced into a “machine bureaucracy”, where all decisions become “mechanical” or routine. Due to the mandates, members (professionals) are ‘absolved’ of their decisions and therefore their responsibilities as problem solvers. They blame the system for “not allowing them” to meet the needs of the students. The thought process might be, “We would like to help you, but the *government* says you must.....and because you don’t, there is nothing we can do.”

Section 504 however, has a much broader definition of eligibility. There are no cut off scores or categories one must meet. According to Fullan, “Legislation and many other new programs are sometimes deliberately stated at the general level in order to avoid conflict and promote acceptance and adoption.” This may have been the intent with Section 504. The Office of Civil Rights has ruled that the phrase “**substantially limits**” **is to be defined by the school district** (Letter to McKethan, 23 IDELR 504 [OCR 1994]). Thus an *ad hoc committee* could determine what “substantially limits” means for their district. Again, this demonstrates the concept of viewing educators as professionals and problem-solvers, rather than as machines executing steps.

Perhaps the best example of Skrtic’s machine bureaucracy can be seen at the *placement level* of both Section 504 and IDEA. In both cases, due in part to limited resources (particularly in the case of Section 504), student placement decisions are made where, rather than meeting the needs of the client, the



professional matches the client (student) to the list of available services, often referred to as 'pigeonholing'. This is true when we look at the continuum of services for special education; teacher consultant, resource programs, self-contained programs, day treatment or residential placement. Which one can we "plug the child into"? Rather than, what do we *need to do to meet the needs of the child*?

For Section 504, the accommodation plan and placement revolves around what is the "minimum accommodation we can make so as not to increase or overburden the regular education teacher". Remember, there is no funding to support additional staff or materials/equipment. Front line educators (committee members) are forced to weigh the needs of the individual vs. the need to conserve limited resources and serve the needs of the masses. Weatherly and Lipsky(1977) summarized this dilemma in the following manner:

To accomplish their required tasks, street-level bureaucrats must find ways to accommodate the demands placed upon them and confront the reality of resource limitations. They typically do this by routinizing procedures, modifying goals, rationalizing services, asserting priorities, and limiting or controlling clientele. In other words, they develop practices that permit them in some way to process the work they are required to do. (p. 172)

Their study supports Skrtic's theory of school organization, namely schools are forced to become machine bureaucracies in order to keep up with the demands placed on them coupled with limited resources. Government mandates, for both Section 504 and IDEA create these conditions.

Currently no *funding* is provided to implement Section 504. Any additional resources needed for Section 504 accommodations come out of the general fund, and IDEA funds *may not* be used. Obviously this issue needs to be

addressed, before educational options are based solely on funding rather than individual needs. This lack of funding forces educators to weigh their decision to meet the needs of the *individual student* vs. the underlying need to conserve limited resources and *serve the needs of the masses*. This information needs to be shared with educators up front. Current financial situations and decisions need to be reexamined by the “stakeholders”. Shared decision making regarding finances is crucial. According to Sergiovanni (2000), the “key to success is for parents, students, and teachers of each school to have control over their own destinies and to have distinctive norms and approaches for realizing their goals”. Sergiovanni summarizes the reason for such success in this way:

Good schools are unique. They are unique because they reflect the values of the communities they serve. They reflect the beliefs of the teachers who work in them. Why is uniqueness important? Because creating a unique school and being part of a unique school helps us feel special and improves our level of commitment. Shared commitments pull people together and create tighter connections among the and between them and the school. And these factors count in helping students learn at higher levels.

Therefore, implementation of any policy should be somewhat unique to that school. Variation among schools should not only be expected, it should be encouraged. By forming alliances with the community and businesses, more resources may be obtained. The greater the number of ideas and resources, the more possibilities exist, but more importantly, these ideas *represent the values and priorities of the people who will be implementing them, and thus are much more likely to be implemented* than “mandates” from either the federal, state, or district level.

Several recent state audits have revealed the need for *teacher training* and planning time in order to fully develop and implement practices and

procedures. In their summary, the Ann Arbor Public Schools review strongly advised the district to “organize a series of systematic Section 504 training models” (Scheetz, 2001). The state of California found that “some students may not be getting the assistance they need because of a lack of awareness of Section 504 of the Rehabilitation Act of 1973 and weaknesses in district processes for identifying students with suspected disabilities” (Howle, 2000). Teachers cannot make informed professional decisions without the proper knowledge and training regarding both Section 504 and IDEA. Therefore, *teacher training* regarding Section 504 and IDEA implementation becomes paramount to the successful education of all students. Teacher in-services need to focus on enabling all teachers to meet the diverse learning populations of students. Although special education programs, and more recently general education programs, at the university level have focused on the requirements for IDEA, little information is currently shared (at the undergraduate level) regarding Section 504.

Weatherley and Lipsky (1977) identified the use of incentives or rewards as a key to the successful implementation of any policy. Yes, rewards and punishments are in line with the behaviorist theory as defined by B.F. Skinner. However, it has been established that people are more motivated by rewards than the fear of punishment. Currently schools are faced with “comply or face the possibility of losing other funds”. There is no real incentive to actively pursue and implement Section 504.

Finally, ongoing assessment of all of these areas is essential. According to McCarthy and Still (1993), a key to the success of any new policy is “its

ongoing monitoring progress". Each stage of this process can be monitored and measured using *assessment tools that will be designed by the "stakeholders"*.

The planning stage for implementation is by far the extensive issue. It is also the most crucial. By analyzing the issues that policy implementation faces, schools are provided with the means to deconstruct old ineffective models and replace them with others that offer the possibility of success by focusing on the values and resources of the social actors involved.

### Summary

Section 504 of the Rehabilitation Act of 1973 is a broad civil rights law which protects the rights of individuals with handicaps in programs and activities which receive federal funding. The primary objective for Congress enacting Section 504 was to "honor the requirements of 'simple justice' by ensuring that federal funds not be expended in a discriminatory fashion" (Wegner, 1988, p.398).

Since its enactment, schools have been faced with the challenges of implementation. Similar to some of the difficulties that occurred with IDEA, the actual processes for identifying possible handicapped students, referring them and evaluating them to determine Section 504 eligibility may vary across districts or even individual students. Unlike IDEA, Section 504 is very broad law, with several key terms, such as "substantially limits", left to be defined by each school. This may lead to confusion as often educators may be unsure about eligibility issues and reasonable accommodations. Practitioners need to knowledgeable about Section 504 eligibility criteria in order to make informed decisions. The state of California found that "some students may not be getting

the assistance they need because of a lack of awareness of Section 504 of the Rehabilitation Act of 1973 and weaknesses in district processes for identifying students with suspected disabilities”(Howle, 2000). Teachers cannot make informed professional decisions without the proper knowledge and training regarding both Section 504 and IDEA. Training requires both time and money. However, unlike IDEA, Section 504 did not come with any additional funding. The lack of funding may create additional constraints for schools regarding Section 504 implementation.

Policy implementation does not occur in a vacuum. As noted previously in this chapter, Fullan (1991) identified nine “interactive factors” affecting policy implementation. Additionally Fulcher (1989) states that policy is made at all levels, rather than the traditional framework with its top-down model. Finally, Skrtic (1995) argues that the very *organizational structure of schools themselves* has a tremendous impact on policy implementation. These theories provide a reference for analyzing policy implementation.

In summary, there is a very limited body of research regarding Section 504, particularly its implementation. The purpose of this study is to attempt to explain and understand how public schools implement Section 504. The data and results from this research may provide educators and policy makers with valuable information regarding Section 504 implementation in public schools.

## Chapter 3

### METHODOLOGY

#### Introduction

The purpose of this study was to examine the factors that influence the implementation of Section 504 in public schools, as mandated by law.

Specifically this study examined the understanding and participation of the individuals directly involved in the decisions necessitated by the implementation process, in addition to district policies and procedures related to this mandate.

This chapter explains the methodological approach selected for this study, the site of the study, the population, sample size and demographics. The limitations of the study will also be presented.

#### Methodological Approach

This was a qualitative study involving interviews and reviews of written policies and procedures by the researcher. According to Fulcher (1989) there are three different forms of policy: written, stated and enacted. This study examined Section 504 implementation by recording the responses of several key individuals responsible for Section 504 implementation. Specifically, I was interested in just how knowledgeable the “front line educators” -those individuals ultimately responsible for its implementation- are regarding this law. In order to implement this policy, one must be aware of the eligibility requirements of the Section 504. I also examined written documents including: policy and administrative guidelines, records of in-service training, Section 504 documents including the referral form, parent invitation letter, meeting plan and evaluation, accommodation plans, and due process rights. In addition, other forms of public

notification such as student handbooks, parent newsletters, job postings, websites, and district newsletters, were also reviewed.

### The Site, Population and Sample

In acquiring the samples for this study, a questionnaire was distributed to 22 middle schools in southwestern lower Michigan. A former colleague of mine agreed to distribute the surveys and consent forms personally at a principal's meeting. I chose these middle schools because I am familiar with the structure of middle schools, having worked as a professional educator (as a special education teacher, assistant principal, athletic director, and Section 504 coordinator) for the past 14 years, and they are relatively close to where I live. I also have worked on a professional level with many of the administrators of the schools where I directed the surveys, and I felt this would improve my chances of gaining access to their schools. The questionnaire asked principals (or 504 coordinators) to identify the number of Section 504 students who were currently enrolled in their schools, in addition to specific questions regarding how the Section 504 students were referred/identified. Unlike IDEA, which requires identification and accounting procedures in order to receive funding, currently there is not a state or national accounting system to track Section 504 students or provide a database which contains information regarding the number of Section 504 students in a given school. I designed these surveys as a screening tool to determine how many Section 504 students were actually identified in a given school, in order to choose which schools to participate in my study. I made follow-up phone calls and sent e-mails to encourage responses to the

surveys. Based on the data collected through these surveys, I selected my sample population.

Ten of the 22 surveys were returned, eight of the ten were filled out by the building principal, and two by the district/ building Section 504 coordinator.

However, one of the principals filled the survey out anonymously, and therefore that survey could not be included. There were five schools which reported a total of 28 students receiving accommodations based on Section 504 eligibility. The combined population of *all* of the schools surveyed was 3,330 students. Of the 28 students identified by the five schools, 21 were referred based on ADD, five for a low IQ, and two for health reasons. Following the analysis of the returned surveys, I selected four schools for my sample population using the following procedure. The returned surveys were separated into two piles. One pile contained the five school surveys which stated they had Section 504 students in their buildings, and the other pile contained the four surveys which stated their schools currently did not have any identified Section 504 students. I did not include the anonymous survey in either pile. I randomly drew out two surveys from each of the piles. I then contacted each of the building principals for the four schools, first by e-mail, and then over the phone. I explained that I would like to do further research on Section 504 by interviewing several staff members at their school. Each of the principals agreed to participate in the study and talk to their staff members to see if they would be willing to participate in the study. Following confirmation that there were indeed willing participants in each school, I arranged one day in each school to conduct the interviews. However, a second





Principal	MA	11 years	Female	Caucasian
Regular Ed. Teacher	BA	6 years	Female	Caucasian
Psychologist	EdS	4 years	Female	Caucasian
Social Worker	BA	6 years	Female	Caucasian
Special Ed. Teacher	BA	4 years	Female	Caucasian
Regular Ed. Teacher	BA	3 years	Female	Caucasian
Special Ed. Teacher	MA	9 years	Female	Caucasian
Special Ed. Supervisor/504 In-service	Two MA	24 years	Female	Caucasian
Section 504 Coordinator	Two MA	20 years	Male	Caucasian
Psychologist	EdS	19 years	Male	Caucasian
Special Ed. Teacher	BA	6 years	Female	Caucasian
Principal	MA	13 years	Male	Caucasian
Special Ed. Teacher	MA	27 ½ years	Female	Caucasian
Asst. Principal	BA	9 years	Male	Caucasian
Social Worker	MA	14 years	Male	Caucasian
Regular Ed. Teacher	MA	11 years	Female	Caucasian
Regular Ed. Teacher	BA	1 year	Male	Caucasian
Principal	MA	28 years	Female	Caucasian
Psychologist	EdS	16 years	Male	Caucasian
Special Ed. Teacher	MA	11 years	Female	Caucasian
Regular Ed. Teacher	BA	25 years	Female	Caucasian
Regular Ed. Teacher	BA	13 years	Female	Caucasian

<b>Special Ed. Teacher</b>	<b>MA</b>	<b>9 years</b>	<b>Female</b>	<b>Caucasian</b>
<b>Counselor</b>	<b>MA</b>	<b>7 years</b>	<b>Female</b>	<b>Caucasian</b>
<b>Section 504 Coordinator</b>	<b>MA</b>	<b>30 years</b>	<b>Male</b>	<b>Caucasian</b>

There were four separate middle schools in lower Michigan that participated in this study. Lake Michigan Middle School is a “Class C” school, with approximately 350 students. Lake Michigan Middle School is part of an urban fringe district, with just over 2,000 students. Roughly 90% of the parents have a high school diploma, and 30% of the parents hold at least a bachelor’s degree. The median household income is close to \$60,000, and the number of economically disadvantaged students is slightly less than 20% of the school population. Over 70% of the students attending Lake Michigan Middle School pass the MEAP (Michigan Education Assessment Program). Approximately 10% of the school population is receiving special education services. Lake Michigan Middle School currently does not have any identified Section 504 students. At the time of this study, no student had been referred for a Section 504 evaluation.

Lake Superior Middle school is a “Class A” school, with just under 750 students. Lake Superior Middle School is part of a rural district, with just over 4,500 students. Roughly 87% of the parents have a high school diploma, and 15% of the parents hold at least a bachelor’s degree. The median household income is close to \$45,000, and the number of economically disadvantaged students is slightly less than 25% of the school population. Over 55% of the students attending Lake Superior Middle School pass the MEAP. Approximately 17% of the school population is receiving special education services. Lake

Superior Middle School currently has six students receiving Section 504 accommodations, all due to ADD (Attention Deficit Disorder), there is also one student currently in the referral process.

Lake Huron Middle School is a "Class C" school, with approximately 350 students. Lake Huron Middle School is part of a rural district, with just over 1,200 students. Roughly 77% of the parents have a high school diploma, and 9% of the parents hold at least a bachelor's degree. The median household income is close to \$30,000, and the number of economically disadvantaged students is slightly less than 40% of the school population. Over 40% of the students attending Lake Huron Middle School pass the MEAP. Approximately 16% of the school population is receiving special education services. Lake Huron Middle School currently does not have any identified Section 504 students. At the time of this study, no student had been referred for a Section 504 evaluation.

Lake Erie Middle School is a "Class B" school with approximately 800 students. Lake Erie Middle School is part of a rural district, with just over 2,300 students. Roughly 80% of the parents have a high school diploma, and 11% of the parents hold at least a bachelor's degree. The median household income is close to \$35,000, and the number of economically disadvantaged students is slightly more than 33% of the school population. Over 41% of the students attending Lake Erie Middle School pass the MEAP. Approximately 15% of the school population is receiving special education services. Lake Erie Middle School currently has ten students receiving Section 504 accommodations, all due to ADD.

## **Data Collection Tools**

Data was collected primarily through the use of the interview process, beginning in January of 2003 and continuing through April of 2003. In order to gain personal perspectives, each participant was individually interviewed using an informally structured, open-ended, interview protocol. A total of thirty teachers, administrators, social workers, counselors, and psychologists were asked to discuss their knowledge and understanding of Section 504, and their participation in the identification and evaluation process. In order to ensure accuracy, interviews were audio-taped with the permission of the interviewee. All of the interviews took place at each participant's respective school, except one school in which all participants responded only in writing. In one school we used an office conference room, and all of the interviews took place in that setting with each participant scheduled to see me during their preparatory hour. In two of the other schools, I went to each individual teacher's classroom and met with them during their preparatory hour or after-school. I spoke with the social workers, psychologists, and principals, each in their offices. Four of the 25 interviews took place over the phone in order to accommodate the interviewees. For reliability, all individuals who were interviewed were asked if they would like the opportunity to review a written summary of their responses in order to clarify their comments and ensure accuracy of information after the audio-tapes had been transcribed. All of the participants stated that this was not necessary, although many of them expressed an interest in the results.

The actual length of the interviews varied a great deal, depending on the knowledge and interest(s) of the interviewee. One interview lasted only 3

minutes when the interviewee stated she really did not know what Section 504 actually was and therefore was unable to answer any of the questions. Another interview lasted nearly 40 minutes. The average length of the actual interview itself was approximately fifteen to twenty minutes, with some additional time needed for introductions, explanations of the consent form, and “small talk” in an attempt to ease nerves. Despite attempts to put the participants at ease, a majority of the interviewees seemed quite uncomfortable talking about Section 504, and several would switch over to special education, an area in which they were much more familiar. Sometimes they would combine the two. Many of the interviewees seemed concerned about my perceptions regarding their knowledge in this area. I spent a great deal of time explaining I was not trying to “test” anyone, rather I wanted to gain insight as to their experiences, training, ideas, and procedures regarding Section 504. I chose the interview method in order to gain a more detailed knowledge of individual’s perceptions and involvement in the actual Section 504 implementation process. The interviews proved to be a valuable tool for gathering data.

Several challenges presented themselves while trying to schedule the interviews. I originally contacted all of the building principals via e-mail to see if they would be willing to participate. Each principal agreed and stated that they would ask their staff members if they would be willing to participate. It required approximately three weeks of e-mailing back and forth, and several rounds of “phone tag” to get responses and schedules from two of the buildings. In each of these two buildings the principals contacted their staff members and set up the interview schedule for the day. In the third building I contacted the individual staff

members either by phone or e-mail to set up their interviews, after receiving permission from the principal. The principals were very willing to help, and were very accommodating to my requests.

The fourth school presented a different challenge. The principal had agreed to participate based on an e-mail message. When I contacted him later to review and select our options for interviewing days and times, he asked if I would mind e-mailing him the interview questions. For some reason I had not envisioned the possibility of someone making this request and I was unsure of how to handle it. In the end, I did e-mail him the protocol, as requested.

However, I was very worried about how the participants' knowledge of the actual questions beforehand would affect the interview data. When I called later that week to schedule the interview meetings, the principal stated that he had given the questions to his staff in order to save time, and they had filled them out and returned them to him. He also stated he had filled one out as well so no interviews would be necessary. Again, this wasn't exactly what I had envisioned, however I accepted the completed protocols, and after reviewing them I was relieved to notice that they were fairly complete and honest. It did not appear that the participants had researched all of their answers, as some contained "I don't know" as answers. I have included the data in my research, but I have put an asterisk to mark that this was a written response, rather than an interview. Again, having been both a teacher and school administrator, I realize how busy this time of year is in a middle school, and I feel that the principal was trying to make the process as convenient as possible for his staff. However, due to time

constraints, I was unable to schedule another school in which to conduct additional interviews.

The written responses from the fourth school were not the only adjustments to my data collection plan. Originally I had planned on interviewing parents as well. However, two of the schools did not have any identified Section 504 students, and I felt it would probably be a misuse of the parent(s) time to randomly contact several parents from these schools and ask questions about Section 504 when they probably had never heard of it.

As for the two schools that did have identified Section 504 students, based on the survey to the schools, only 3 of the 16 total students for the two schools were actually referred for Section 504 evaluation by a parent. Originally, based on my own personal experiences as a Section 504 coordinator, and informal discussions with other educators during Section 504 conferences, I predicted that there would have been a larger number of Section 504 students in the schools with a high number of parent initiated referrals. However, both the returned surveys, and the responses from the educational staff I interviewed indicated that the teacher made the referral in a majority of the cases. Because the incidence of parent referral was not extensive, only two parents had referred their child for evaluation, I did not feel it was as necessary to add a parent perspective at this time.

### Data Analysis

Responses to interview questions were audio-taped and transcribed. The tapes were transcribed within twenty-four hours of the interviews, and reviewed by a second person to ensure accuracy. In addition to the audio-tapes, I also



took brief notes during the interviews. One interview was partially lost due to problems with the tape-I relied on my brief notes for those responses. The actual names of the participants were not used, rather I refer to participants by their title. Pseudonyms are used to replace actual names of the schools to help ensure anonymity. A line-by-line analysis of each transcript was conducted.

The five handwritten responses from the participants at Lake Michigan school were also reviewed. All of the data from the interviews and the written responses were analyzed in relation to the research questions and coded based on the Sackman's (1991) four-component framework of cultural knowledge.

### Limitations of the Study

There are several limitations to this study. The individuals participating in the interviews seemed embarrassed about their apparent lack of knowledge. They answered the questions hesitantly, and often appeared to be "guessing" as they would periodically answer the question with another question, such as "Maybe refer to SST (Student Support Team)?" The professionals wanted this interviewer to tell them the "correct" answers. With the exception of the Section 504 Coordinators, and several principals, none of the participants seemed confident in their answers.

Although the sites were selected randomly, and the principals asked for volunteers which represented both experienced and inexperienced teachers, this was a small sample of the total professional staff. Interviews of the entire school staff may have provided a more complete representation of overall knowledge, however, the actual process might not have been revealed as accurately.



**This was a qualitative study ,involving four rural school districts, whose results may not be readily generalized to a larger population. This sample population may only be representative of schools with similar demographics. It may not apply to large urban districts due to their sheer size, diversity, and complexity.**

**It was not the intent of this study to evaluate or criticize current school procedures. The intent was to explain how schools implement Section 504, and to gain a better understanding of the role teacher, administrator, counselor, social worker, and psychologist plays in this process.**

**It is through this study that I hope to augment the rather limited body of literature that focuses on Section 504 implementation. It is my desire that this study will provide further insights to educators and policy makers in order to better meet the needs of the population that Section 504 was intended to serve.**



## Chapter 4

### PRESENTATION AND ANALYSIS OF THE DATA

#### Introduction

I began this study with the belief that teacher knowledge and participation play a significant role in the implementation process of Section 504 or any government mandate. Similar to the theories by Fullan (1991) and Fulcher (1989), my prior professional educational experience had led me to believe that the successful implementation of any mandate has a great deal to do with the role played by what I have labeled the "front-line educators". In order for these front-line educators to do their job, they must have the leadership, knowledge, and desire to make these changes. Data collected from the interviews with professional staff members revealed some critical information as it relates to these theories.

There were a total of 30 professional staff members who volunteered to participate in this study. The sample included both male and female staff whose experience in education ranged from one to thirty years. They had varying degrees in education, from bachelors to specialists.

As one might expect, the base of knowledge regarding Section 504 varied across the district. Refer to Table 4.1 through Table 4.4 for the individual school results.

In Lake Superior Middle School, Table 4.1, almost 70% of the staff members indicated they had participated in some type of in-service training regarding Section 504 and had participated in at least one Section 504 meeting.



In contrast, only 25% of the staff at Lake Huron Middle School, Table 4.3 reported they had participated in some training on Section 504, and less than 40% indicated they had participated in a Section 504 meeting, and these were meetings that had occurred when they were teaching at different schools, not while they worked at Lake Huron.

In Lake Erie Middle School, Table 4.2, all of the staff interviewed had participated in a Section 504 meeting, and over 60% reported they had participated in and in-service on Section 504. Additionally, 80% had referred a student for a Section 504 evaluation.

The written responses from Lake Michigan Middle School , Table 4.4, indicated that only 10% had participated in an in-service on Section 504. However, 60% had participated in a meeting regarding Section 504, even though Lake Michigan reported that it did not have any Section 504 students at this time.

A common finding among all of the schools involved the ability of participants to clearly state the referral process. As the tables demonstrate, only four of the thirty participants were able to state the referral process for their school.

Table 4.1

## Lake Superior Middle School

<b>TITLE</b>	<b>Identified Section 504Coord.</b>	<b>Referred student for 504.</b>	<b>Participated In 504 Meeting</b>	<b>Stated 504 Referral Process</b>	<b>Defined Section 504 Elig.</b>	<b>Participated Section 504 In-service</b>
<b>Principal</b>	Yes	Yes	Yes, 6-10	Partially	Yes	Yes
<b>Assistant Principal</b>	Yes	Yes	Yes, 1-5	Partially	Partially	Yes
<b>Reg. Ed. Teacher</b>	No	No	Yes, 1-5	No	No	No
<b>Reg. Ed. Teacher</b>	No	No	No	No	No	No
<b>Spec. Ed. Teacher</b>	No	No	No	No	No	Yes
<b>Spec. Ed. Teacher</b>	No	No	Yes, 1-5	No	No	Yes
<b>Social Worker</b>	Yes	No	Yes, 10+	Partially	Partially	Yes
<b>504 Coordinator</b>	N/A	No	Yes, 10+	Yes	Yes	Yes
<b>Psychologist</b>	Yes	Yes	Yes, 10+	No	No	No





Table 4.2

## Lake Erie Middle School

<b>TITLE</b>	<b>Identified Section 504Coord.</b>	<b>Referred student for 504.</b>	<b>Participated In 504 Meeting</b>	<b>Stated 504 Referral Process</b>	<b>Defined Section 504 Elig.</b>	<b>Participated Section 504 In-service</b>
<b>Principal</b>	Yes	Yes	Yes, 10+	Yes	Partially	Yes
<b>Reg. Ed. Teacher</b>	No	Yes	Yes, 10+	No	No	No
<b>Reg. Ed. Teacher</b>	No	Yes	Yes, 10+	Partially	No	No
<b>Spec. Ed. Teacher</b>	No	Yes	Yes	No	No	No
<b>Spec. Ed. Teacher</b>	No	No	Yes	No	No	Yes
<b>504 Coordinator</b>	N/A	Yes	Yes, 10+	Yes	Yes	Yes
<b>Psychologist</b>	Yes	Yes	Yes, 10+	Partially	No	Yes
<b>Counselor</b>	Yes	Yes	Yes, 10+	Partially	Partially	Yes

Table 4.3

## Lake Huron Middle School

<b>TITLE</b>	<b>Identified Section 504Coord.</b>	<b>Referred student for 504.</b>	<b>Participated In 504 Meeting</b>	<b>Stated 504 Referral Process</b>	<b>Defined Section 504 Elig.</b>	<b>Participated Section 504 In-service</b>
<b>Principal</b>	No	No	No	Partially	No	No
<b>Reg. Ed. Teacher</b>	No	No	Yes, 1-5	Partially	No	No
<b>Reg. Ed. Teacher</b>	No	No	No	Partially	No	No
<b>Spec. Ed. Teacher</b>	No	No	Yes, 1-5	Partially	No	No
<b>Spec. Ed. Teacher</b>	No	No	No	No	No	No
<b>Social Worker</b>	No	No	No	No	No	Yes
<b>Special Ed Supervisor 504 Information Provider</b>	Yes	No	Yes, 10+	Partially	Partially	Yes
<b>Psychologist</b>	No	No	No	No	No	No

Table 4.4

## Lake Michigan Middle School\*

TITLE	Identified Section 504Coord.	Referred student for 504.	Participated In 504 Meeting	Stated 504 Referral Process	Defined Section 504 Elig.	Participated Section 504 In-service
<b>Principal</b>	Yes	Yes	Yes, 1-5	Partially	Partially	N/A
<b>Reg. Ed. Teacher</b>	Yes	No	No	No	No	No
<b>Spec. Ed. Teacher</b>	Yes	No	No	No	No	N/A
<b>Social Worker</b>	Yes	Yes	Yes, 1-5	No	No	Yes
<b>504 Coordinator</b>	N/A	Yes	Yes 10+	Yes	No	N/A
<b>Psychologist</b>	"	"	"	"	"	"

\*These were based on written responses to the interview protocol, the 504 coordinator is the school psychologist as well.

To understand and explain how schools implement Section 504, I collected interview data from 30 professional staff members from four separate middle schools. I also examined some of the written documentation from each of the four schools. The responses of the professional staff were then analyzed.

Sackmann's (1991) four-component framework of cultural knowledge provided the foundation for analyzing the results of categories and themes. The first level, "dictionary knowledge," refers to an individual's knowledge of things or events on a descriptive level. The second level, "directory knowledge," refers to process knowledge, or how things get done. The third level, "recipe knowledge," refers to recommendations about what should be done to make improvements.



The fourth level, "axiomatic knowledge" describes beliefs about why things are done the way they are.

All of the participants brought their own unique perspectives and experiences to the interview process. Four main themes emerged from the interviews: 1) Knowledge and understanding of the purpose of Section 504, 2) Knowledge of the identification and referral processes, 3) Beliefs regarding what should be done to implement the Section 504 process, and 4) Perceptions regarding why things are done the way they are.

The responses present the reader with a glimpse of how mandates are individually internalized by the "front-line educators" who are ultimately responsible for their implementation in schools. The information is presented according to the themes around which it is organized. Citations are used to provide support for the research findings.

#### **Knowledge and Understanding of the Purpose of Section 504**

I wanted to gain a better understanding of professional educational staffs' perspectives regarding the purpose of Section 504. There was one theme that became apparent relatively quickly. Many staff members felt Section 504 was developed to provide assistance to students who didn't qualify for special education services, but still needed some accommodations. As one counselor stated, "The purpose is to provide services for students who are not eligible for special education, who have a disability in one of those areas." A principal put it more concretely:

**I think the purpose of Section 504 is to provide written plans for students who did not fall under special education rules to have written plans for**

them, so that in writing, parents, teachers, and kids, you know, everybody involved, knows exactly what that kid needs in terms of accommodations, modifications, whatever it might be. I think it is just to in writing, clear things up, just to make sure.

Similar responses came from psychologists, "From my point of view 504 is a mechanism to, umm, provide accommodations for students who do not necessarily qualify as special education." Another stated:

Section 504 in my mind is to give accommodations and assistance to children that don't qualify for special ed, but need services to accommodate them to be successful in the general education curriculum. So it's mandated so teachers have to do it.

In all, a total of 17 of the people interviewed mentioned in some form that Section 504 is for those students who are *not eligible for special education*, but still need some assistance. Three of the five written responses also stated it was for students who did not qualify for special education. So, roughly 66% of the participants stated that Section 504 is for students who did not qualify for special education. There were however, some interesting perceptions that did not fit this theme. One Section 504 coordinator had an insightful observation:

I think that the purpose of Section 504 is to make sure that systems-organizations, be resilient in their problem-solving in trying to meet the needs of people with disabilities.

A regular education teacher answered, "In my mind I think the purpose is to make sure that students who have some factors inhibiting them get fair chances to succeed. " An assistant principal stated, "Basically looking at classroom modifications, accommodations that we can make within the general education curriculum." A social worker with almost 30 years of experience remarked:

Well, it's from the Rehab Act of 1973 wasn't it? And I...like it was the wheelchair ramp law. Which was the first when it was implemented, but now that all these ADD kids have been identified.....That seems to be ah, those are the students that most frequently have the 504 plans written at

school. But it is an accommodation plan for any handicapped student. Ah, we didn't formalize them. You know we got all kinds of kids on crutches and in wheelchairs that we didn't specifically write 504 plans for, but they received the accommodations.

It is interesting to note his perceptions on the changes in the law since its inception. Originally he thought it was for physical impairments and making accommodations for access physically, and now it has changed to accommodate ADD students. He went on to say later that policies and procedures regarding Section 504 have been revised several times in his district over the past several years.

When it came to other types of "dictionary knowledge", such as the participants' awareness of their Section 504 coordinator- who must be identified for each district as required by law- some participants were unclear. In Lake Erie Middle School, of the eight people interviewed, six were unable to identify the Section 504 coordinator. Only the principal and the actual 504 coordinator knew who the Section 504 coordinator was. In Lake Huron Middle School, none of the eight participants were able to identify the Section 504 coordinator. In Lake Superior Middle School, four out of the nine were able to identify their Section 504 coordinator (this also includes the Section 504 coordinator) , and of the written responses from Lake Michigan Middle School, all five identified their Section 504 coordinator, who also happened to be the special education supervisor as well. Keep in mind that those participants from Lake Michigan Middle School were given the questions to respond to in writing, and they may have researched that information. In total, 57% of the participants were unable to identify their district Section 504 coordinator.



In order to gain a better understanding of the amount and types of training that each participant had received, I asked each of the 30 staff members to respond to the following question, "How did you acquire your knowledge regarding Section 504?" Only two of the participants stated they had actually had a college class that mentioned Section 504. A psychologist from Lake Huron Middle School stated:

Through college, college classes on it, and umm, from having to do Section 504 plans and their Section 504 IEPs type of the things I don't know what the technical name for them. We just call them the 504 IEPs and writing those plans and going along with that and stuff.

A teacher from that same school responded:

It was given to me in undergrad work. And then I stumbled upon it in some CA-60 files and I had to look it up and refresh.

However, a majority of the answers were along the lines of this response from a teacher at Lake Erie Middle School:

School of hard knocks(*laughs*). Through being involved in writing the plans. Through having to follow the plans for students. Through special-education teachers like yourself trying to educate me.

Other staff, such as this teacher also from Lake Erie Middle School, had similar responses:

Probably just from experience. Having to go to 504s, having to participate in them. It wasn't something I knew anything about coming into the job. *So nothing like in college or anything?* Not that I recall.

In all, 11 staff members referred to the fact that they started learning about Section 504 when they had a student who was eligible or other types of "on-the-job" knowledge.

Several staff members also made reference to training provided by their district or ISD (Intermediate School District), especially those staff members from Lake Superior Middle School. As the assistant principal stated:

We have had a couple of opportunities for training here. We had one through the administrative team, and then I went to a workshop at a conference that highlighted 504's. We actually have another day of in-service coming up on 504's, district-wide. Especially as parents become more and more aware of 504's.

Another common response included conducting individual research or reading in order to increase self knowledge. Approximately six responses included some reference to doing research or reading on their own.

#### Knowledge of the Section 504 Identification/Eligibility Process

When responding to questions regarding "directory knowledge" or knowledge about the actual identification and eligibility *process* of Section 504, understanding varied within a school and across the schools. A counselor from Lake Erie Middle School, where they currently provide accommodations for ten Section 504 students, stated:

What is that process? Well, first of all we umm, look at if they have a certifiable disability, and then we call, ah, next we do a staffing, and then we have to meet with parents and decide. Well, first of all we have to determine whether or not they're eligible and we do that through various, you know assessments. In our district we will use a doctor's statement for ADHD. Then we have a meeting, we set up a meeting and umm, determine whether or not they're eligible. And then we set up a staffing and invite the parent in and we set up the Section 504. We have accommodations and, ah you know, the parents sign it. We put it in place and give the parents their rights.

A principal from that same building had a more detailed version of the process:

Umm, what we do, we do it basically the same way that we do any other kinds of referrals here in the building. Really they all start as referrals made to me, or me making referrals to the teachers, or to the parent or whatever level, because of a concern that we have about a kid. OK. And usually what we do is we convene a staffing. We pull a team together and people that I think might be able to give us some input, sometimes that's teachers from another building maybe it's the fifth grade teacher and we bring a fourth grade teacher or fourth grade teachers up....umm school psychologist and maybe the special ed supervisor might be involved in it, but not always. If it's a kid that's had services in the past or if they're fairly recent, may be discontinued, maybe speech and language for instance, or

OT, but more often it would be speech and language that would be discontinued and then we bring them in for input.

The need to conduct a staffing and discuss the strengths and needs of the student was an important part of the process. Additionally, this principal identified that part of the reason for the staffing process was to use the information gained in the staffing to formulate a plan to meet the student's needs:

And then as a result of that staffing, then we decide OK where we go next? And if we think that there is probably a disability but not but it's not going to be a special education referral, and umm..... then we bring the parent into it. You know we have a meeting, we set up a meeting with the parent. And let them know that we're having just an initial 504 meeting. We need to talk about..... ask them to bring any kind of information. I talk with the parent ahead of time and let them know, you know, where we're going with this why we are concerned. That is never the first time I've talked with that parent obviously about concerns but, then we, I let the parent know if umm....that we're looking for what might be standing in the way of that child's education. And if it's an... if it's a bonafide disability then we would be looking at putting together this written 504 plan, and move forward with it. And then if goes the, well better stay on for Section 504, I don't need to go into the special-education route you already know that anyway.. And then if we do determine that is, then we just do the paperwork for the 504 plan right at that meeting usually with the parent if there's enough time. Then we just get in place.

Several teachers in what that same school had different responses:

For us usually it's a student that has failed in some way, whether at a grade level or a class level. Or because a parent has asked for a 504. Usually those are the two things. Usually we'll bring a team of people together. At first usually just the teachers, and then we build on that with administrators. And after we get the, pretty much the groundwork set, we bring in parents.

Several others stated they were not familiar with the process, and one replied:

That's a good question. Well, umm, most of them that I've been involved in are ones that other people have set up, and then we're just invited to the meeting. A couple times in the past, we, as the individual teachers, have suggested it and started the process just by basically seeing the counselors and doing any paperwork that needed to be done. Because we

knew it was a student that didn't qualify for special ed. but still needed something. So mostly go to the counselors (laughs).

In Lake Huron Middle School where they currently do not have any students receiving accommodation under Section 504, the psychologist remarked, "I don't know the referral process for this district, but I could tell you my old districts'." Several other staff remarked, "I don't know." One teacher stated:

I know that we have a process for referring kids. We start with an SST form, and we fill that out and then the SST meets- maybe even with the teacher- to decide what the next step should be. Whether it be to fill out a special education request form or umm to try some other intervention.

The principal answered quite honestly:

Umm, we really don't have one. Because we haven't until I came and brought it up last year it was never brought up in the district at all. But for our regular and special ed kids, if the students having problems, we kind of go through a support team. And make that determination at that point. But we've never actually had a 504 referral.

In Lake Superior Middle School, where several students had been identified as eligible for Section 504 accommodations, the identification/referral process was described by the principal as:

Well what we have is we have a student support team or SST and our process starts there, the students are brought to the SST team. From there we determine if a 504 is appropriate. If that's the case then we bring in the parents with the due process. We make sure that we determine from there if the child qualifies for 504 or do they not? And then we proceed with the team and the parents we develop the plan.

Of the eight other staff members interviewed at Lake Superior Middle School, five of them mentioned the SST team as part of the process for identification or referral. However, there was still some confusion regarding the process, as one teacher put it:

All I know is what my part was on that committee, and that was that at that committee, teachers, representatives from their teams, would bring names up at that point. And then there were some forms that they would fill out. I was never an active participant I was just a representative from our team so as far as what the forms look like I really don't think I ever saw them I just was part of the discussions of various ways of accommodating those students at the meeting.

Another teacher from the same school stated:

Well I believe that when we have a team meeting we come and find out which student is having trouble or difficulty in a certain area. And then we'll look in his records, his CA 60, to find out what is going on. Referral from other teachers. and we would get something going from there and see if it was inadequate.

It became apparent rather quickly that even in schools such as Lake Superior Middle School, where there was an identification process in place, there still were a number of staff members who did not have a clear understanding of the referral process. This pattern was evident in all of the schools. There was also a lack of clarity regarding exactly how a student would qualify for Section 504 accommodations. Details regarding the decision making process, the decision makers, and the criteria for eligibility were not provided in staff answers.

When asked if they had actually ever participated in a Section 504 meeting, 21 responded that they had, which is roughly 70%. Keep in mind that four of those 21 individuals are the actual 504 coordinators for the district.

### Beliefs Regarding How Things Should Be Done

I was very interested in staff members "recipe knowledge" or their beliefs about what should be done. I felt these perceptions would provide a great deal of insight regarding how Section 504 is implemented, or not implemented, in a building. Unfortunately, I think for those participants with limited experiences

regarding Section 504, this question caught them somewhat off guard and was therefore difficult to answer. Perhaps a better question might have been, "What works well regarding Section 504 processes, and what needs to be improved?"

When asked what they think the process should look like, several participants stated that we really do not even need 504s, such as the psychologist from Lake Superior Middle School:

I don't think we need to do anything different. I think there still is just a lot of confusion about what 504 student is or who is a 504 student. Umm, you know there are a lot of kids out there who need accommodations and can benefit from them, and actually get accommodations from teachers. You know that is something that we, it is almost like we avoid doing 504's. We set up accommodations and we do do plans for students who need it, and there's always that fine line where do we start a 504? What is a handicapping condition? How is it affecting their learning? You know to be able to truly do a 504 you have to have that handicapping condition and you know that's kind of I guess where I see the weakness of the whole thing, is identifying the handicapping condition. What identifies the handicapping condition? Is it the school? Is a doctor? A parent that says they have this? What needs to be done to say that there is this condition that is affecting their ability to be what is it a lifelong what I can't remember the exact wording, but you know that affects the ability to be successful? And I think that's where the whole process falls down, and where it becomes I don't know, whether the schools have used that to avoid doing 504's or make sure that they're doing them appropriately I don't know. You know there is a line there between and my feeling is I don't think we need 504's. I mean teachers do a lot of accommodations for kids. I think the 504 process came along or however it developed, and like a lot of the laws for handicapping conditions have been abused. And you know parents know that they have rights and lawyers push these rights. Teachers help kids, I mean they really do, and do a lot for kids and you don't need a 504 to do it. Umm, there's a gray area about what the whole process is that really, I think, could maybe clarified to make it work better.

A social worker from that same school also felt that "formal" 504's were not necessary as teachers make accommodations regardless:

I think we do very well here, because we look at modifications and accommodations short of a formal 504 plan. You know we've got forms that have 504 at the top, but my understanding is if you're providing accommodations you may be meeting the requirements of a law even if it

doesn't have 504 at the top of the form. So we go through many strategies sometimes, even before we go to a 504.

A Section 504 coordinator from Lake Erie Middle School also stated that formal Section 504 plans were not always necessary:

If I were in charge there wouldn't be a 504. I think our responsibility is to take care of the needs that the kids have. We should be doing that anyway. I don't think it should be legislated but we do.

A psychologist from Lake Erie Middle School felt that *any student* who is struggling should have accommodations:

I think that the ideal way to, you know, fulfill..... the idea, at least the idea that I understand behind the whole 504 concept, is to provide accommodations in a structured manner. What I don't understand is why shouldn't every regular ed student who is struggling fall under that? Because we're talking regular education accommodations. So, if I were if I were to make the choices and I could make the decisions, then that's what I would do then. Every regular ed child who is struggling enough to come to the attention of, you know, parent, staff, whoever, then a 504 meeting should be held. And maybe not as structured as what we typically do because we call lot of staff people in for one meeting. That wouldn't always be necessary. A classroom teacher and a special ed person could conceivably handle the entire meeting. You have a special ed person who has a fund of accommodations, the regular ed person who is sitting there can say yes this is workable or no this is not workable. And that would be it.

A teacher from Lake Erie Middle School was very concerned about the lack of follow-up or sharing of information regarding exactly who are the Section 504 students in a building. In order to provide their accommodations, teachers who were not involved in the identification meeting, and especially future teachers, should be given information about them:

It's difficult to say. It so hard to know a kid right away. If we had much more background information on students as they came into our classrooms at the beginning of the year then it would be much easier for us to identify the students quicker. You know if you're looking at smaller class size, things like that, then I could identify kids quicker in order to start the process. If we had background information from the counselors, you know, what is going on at

home you know special instances like that other circumstances any information from prior teachers..... it would almost be helpful if we had a couple weeks of school and then we had a meeting with all of our students prior teachers and said okay bring us up-to-date you know because then you would know some information about the kid and you could say what's up with him? What's up with him? You know this is what we're getting from him, is that normal? You know, anything like that. But I think that is also important to have every single teacher that the kid sees at the 504. And we don't do that with special ed meetings you know we just have the one regular ed teacher there, and with 504 I think everybody needs to be there.

Many staff suggested that both parents and students need to become more involved in the process. As one teacher stated:

(We need)To bring the students into it more, to ask the student what they need..... because I think we always put them in at the tail end and the success or the failure of a 504 is so dependent upon the student that why not bring them in at the beginning of it? Especially at this age level. Especially middle school or beyond. You know maybe at an elementary level it would be different but here you gotta find out what a kid needs. My perception or the parents' perception might not be what they need. But unfortunately they're always brought in after it's a done deal.

When discussing what schools should do to improve the process, a teacher from Lake Superior Middle School replied:

Maybe we could bring the parents in, and speak to them one-on-one, and to give them a firsthand account of their accountability of the students and what they have. Maybe we can use the student agenda. Have them you know communicate through that to the teachers instead of having just the social workers talk directly to the parents.

In summary, responses to questions regarding the actual *process* of referring and identifying Section 504 students varied immensely. Educators lack clarity both in the purpose and the procedural processes for Section 504. Only four participants were able to outline the Section 504 referral procedures in their buildings. Several others mentioned portions of the process, with a majority stating it went through the building SST, or Student Support Team, but they



made no mention of what happened before, during, or after it was brought to the SST. However, very few individuals mentioned the fact that you have to have a physical or mental handicap *and* it must significantly impact a major life activity in order to qualify for accommodations.

### **Perceptions Regarding Why Things Are Done The Way They Are**

Perhaps some of the most valuable insights, which provide the clearest evidence regarding the confusion surrounding Section 504 implementation, come from the responses regarding what Sackmann labeled, “axiomatic knowledge”, or why we do things the way we do. To translate this into this research setting, I analyzed responses about current practices and why teachers felt these practices were utilized.

Many staff members felt that accountability plays a role in the current status of Section 504. As one counselor stated:

There is no accountability, there's been no accountability, and also because umm there has been, you know, there's just a lot of politics. There is a lot of regulations regulating special ed., special ed services, so I mean they follow them to the "t" because they have to. They don't want to be fined. But 504 there is not. So, there is no accountability, so they can just, , do their own interpretation. They can bend the rules, they can make the rules, never mind what the law says, I think there is a lot left to interpretation. Subjective and it's not real clear.

Another teacher from Lake Erie Middle School also suggested:

Because I don't think they want kids being, or having a 504 plan. I mean as far as the procedures not being published really or anything. I don't think they want kids having 504 plans because it's just more work for them and it's another legal thing they're responsible for. That's my gut feeling.

Several participants supported the issue that often no changes would occur in schools if it were not for mandates. One assistant principal simply stated things

are the way they are regarding Section 504 because "It is the law." Another Section 504 coordinator went on to elaborate a bit more:

Well I think in that most of the cases, just like IDEA , I think they evolved because there was probably resistance in organizations to adjust and do modifications, and so actually it got to the point where there was enough agitation in our society that they ended up providing legislation that said okay now you have to do it. I think that probably came out of people not understanding completely how to adjust to people who have disabilities and a resistance to doing it. I think most of that usually comes out of just ignorance not knowing, not knowing what to do, not knowing and not having an understanding of the disability or the particular nuances of a disability, and then really just not knowing what to do. But I think it certainly came about because there was a need to leverage systems to change.

Another issue that was repeated again revolved around the confusion regarding the purpose and driving force behind the mandate for Section 504. One particularly long response from an experienced school psychologist portrays the sentiment:

I think our process goes where you try and work with the kids in general education. We have the SST to make things work. If that isn't working we'll look at is there something more significant do we need to do a 504? Which we might do in that initial meeting and if the 504 isn't going to work and isn't significant enough that we're going to look at special-education. You know being kind of the continuum. And umm... it's unfortunately we have become driven by what lawyers are pushing the linking of rights of students. And there are times I think that students' rights might be neglected or I don't think abused is the right word, but they were not doing what's best for a student at times and that can drive some of that, you know the litigation that that forces some of these things happen. I don't truly understand why 504 was initially enacted. I don't think it was initially enacted, was it, for education right? And see that's what bothers me. It's another one of these things where, you know something was taken for people once they're done and can't function in society and someone grabbed a hold of it and brought it down to education where wasn't ever directed or intended to be used. And that's where the murkiness and all the problems come in. And now we got it and you know it has to be done because again you got the lawsuits that say well you know we get this act out there that says you have to provide for these people. Partly I think it was done and I think special-education can pick them up, but now a you've got lawyers out there who jump on it. I guess more than anything its probably driven through the legal process unfortunately.

A social worker organized the reason for the current practices in this manner:

I think that it probably evolved this way because the 504 section was written as a civil rights law and the IDEA law was written as special-education law and those two people didn't talk to each other. And so if someone is in special-education a lot of the 504 requirements, the civil-rights are taking care of through that process. But with 504 there are some kids, and it gets really complicated to say a kid is a handicapped meaning 504, but not handicapped meeting special ed. That's where it comes down to accommodations vs. services. And if the student can succeed with just accommodations then they can stay in the realm of 504, but once they need services then we gotta go to special ed.

### Written Documentation

The Section 504 Coordinator for Lake Erie Middle School provided this researcher with a great deal of written documentation, including Section 504 forms-referral, evaluation, and accommodation forms, in addition to parent/student rights and due process forms. A flow chart explaining the referral process was also included. There were also documents regarding district policies regarding Section 504 procedures. A quick review of the middle school student handbook did not produce a reference for students/parents regarding who they could contact regarding Section 504 concerns.

The principal for Lake Huron Middle School stated that they did not have any forms on file, and the special education coordinator would have any of the paperwork or other information. After speaking with the special education coordinator, who also provides training and serves as a resource person for Lake Huron Middle School, I was informed that the referral, evaluation, and accommodation forms I received from Lake Erie Middle School were the same ones that Lake Huron Middle School would use, as they are both served by the same ISD (Intermediate School District).

The Lake Superior Middle School principal produced a packet dated 2001 and it was apparently distributed to every professional staff member (several of them mentioned this packet during the interview process). This packet contained Section 504 referral forms, evaluation forms, due process rights, meeting invitation forms, 504 plan accommodation forms, and a definition of the term “substantially limits”. There is also a board policy regarding Section 504.

Due to the fact that I did not actually conduct interviews at Lake Michigan Middle School, I was unable to review their written materials. The psychologist/Section 504 coordinator did mention forms and processes in his written responses to the interview protocol however, I was unable to verify these.

Overall, the written documentation provided by two of the schools was very detailed and included Section 504 referral, evaluation, and accommodation plan forms in addition to due process rights. Lake Erie also included the board policies. Lake Superior stated that it provided each teacher with a Section 504 packet, and several of the teachers referred to this packet during my interview. The written documentation indicates that some resources in terms of time and/or money was spent developing these forms and policies. The two schools who had identified Section 504 students in their buildings were the two schools that were able to readily produce written documentation when asked.

### Summary

Many of the participants in this study expressed uncertainty over both the purpose and the identification/eligibility process. A majority of the participants did not present a solid understanding of exactly what Section 504 meant, or how a student became eligible for Section 504 accommodations. Only two of the

participants in the study were able to identify the fact that the law has actually been in place since 1973. Several, like the psychologist from Lake Erie Middle School, mistakenly assumed it was put in place to “supplement” special education:

I think 504 came into being because special education, as is defined in Michigan, was missing students with certain disabilities, syndromes, whatever. 504 was an effort to address those students who don't meet the stricter criteria for special ed. And yet who still manifest difficulties, you know, struggle with class work.

It did appear however, that those schools that provided accommodations for identified Section 504 students seemed to have a slightly better understanding of the process. A majority of the participants from Lake Erie and Lake Superior Middle Schools were able to identify their Section 504 coordinator, and also portray some sort of referral/identification process-although this was rarely a complete, step by step process. It appeared that more of the staff from these two buildings had also participated in Section 504 meetings. What is not clear, however, is the relationship between the two factors. Did the staff participate in more meetings because of their knowledge regarding Section 504? Or did they gain more knowledge by participating in more Section 504 meetings?

According to majority of all participants, the bulk of their knowledge regarding Section 504 was gained through on-the- job training by colleagues, or working with a student who was Section 504 eligible. However, both schools containing Section 504 students also provided their staff with in-service training on Section 504. The two schools that did not currently have any identified Section 504 students did not mention in-service training or provide documentation to that effect.

The confusion surrounding Section 504 was mentioned repeatedly when participants were asked their perceptions about why things are done the way they are regarding Section 504. Many responses included lack of understanding or training, lack of knowledge, and little funding or accountability. Participants often questioned the relationship between special education and Section 504.

As these narrative responses from the participants clearly demonstrate, the implementation of Section 504 in these four middle schools can be characterized as wrought with confusion, in both purpose and process. The very front-line educators who are given the task of actually carrying out this mandate, have not been given sufficient tools, in terms of training and resources, needed to ensure implementation.

## Chapter 5

### DISCUSSION

This study set out to answer the question, “What factors influence the way in which Section 504 is implemented in a public middle school? What are the beliefs and perceptions of professional staff about the purpose and processes of Section 504? Thirty professional educational public school staff members were asked to reflect on their experiences and understanding of Section 504 as it related to their job. The data from these interviews is centered on several themes which define their understanding and experiences.

This chapter will present an overview of the significant findings of the study as presented by the main themes, discuss the implications of the study with regard to current policy and theory, and consider the findings of the study with relation to the existing research. Recommendations for further research as well as implications for practitioners will also be discussed.

#### Overview of Significant Findings

The responses from the 30 participants demonstrate many of the challenges that schools or any bureaucracies face when dealing with mandated change. Similar to the challenges that schools faced with the implementation of PL 94-142, now known as IDEA, schools once again must design procedures and processes to ensure the rights of all of their students. However, there is one major difference between the two implementation processes. IDEA brought with it *additional* funding, and Section 504 did not.

Responses to the interview questions are arranged around 4 main themes: 1) knowledge and understanding of the purpose of Section 504, 2)

knowledge of the identification and referral processes, 3) beliefs regarding what should be done to implement the Section 504 process and, 4) perceptions regarding why things are done the way they are. The significant findings around these four themes will be presented here.

**Knowledge and understanding of the purpose of Section 504: How can you determine if a student is eligible for Section 504 if you do not understand the eligibility requirements?**

Section 504 eligibility is defined as a physical or mental impairment which substantially limits a major life activity. It became apparent over the repeated interview responses, that very few educators actually understood the requirements for Section 504 eligibility. Less than 2% of the participants were able to define Section 504 eligibility requirements, and 20% were able to provide partially identify Section 504 eligibility requirements.

However, these individuals, like many professionals in the educational system, saw themselves as caring individuals, with the best interests of students at heart, and felt that if making a child eligible for Section 504 accommodations would help them, then it should be done. The two pronged eligibility requirement: 1) having a documented physical or mental impairment, 2) which substantially limits a major life activity such as learning, was only mentioned by two of the participants. Many of the participants felt if the student was simply struggling in school they should be eligible for Section 504 accommodations. All of these educators may be expected to make decisions regarding an individual student's eligibility for Section 504 accommodations. On what basis do they make these decisions?



A lack of expertise pervaded a majority of the participants' responses as they related their experiences with the introduction of Section 504. Many participants revealed that they had just recently become aware of the law, "within the last several years". A number of participants stated that their biggest resource for information was their colleagues, these same colleagues who acknowledged they had a limited understanding of Section 504 as well. Many times an educator only became aware of Section 504 through having a student with a plan, or participating in a Section 504 referral/eligibility meeting. This sort of "learn as you go" response was a consistent theme.

In-service training on Section 504 appeared to have a positive impact on the understanding of those staff members who reported having participated. Educators who had received training seemed a little more comfortable explaining the purpose of Section 504 than their counterparts who did not report having received any training. The responses clearly demonstrate the need to offer support and training for professional staff members. The need to provide staff with much more in-depth information regarding the individuals that Section 504 was designed to protect, and their resulting educational needs, becomes readily apparent when conversing with educators.

The level of knowledge and involvement of the building leader may also be an important factor in the implementation of Section 504. According to Fullan (1991), "all major research on innovation shows that the principal strongly influences the likelihood of change, but it also indicates that most principals do not play change leadership roles". In the case of Section 504, the building principal at every level will need to play an active role in the implementation of

Section 504. Similar to those findings noted by Fullan, the administrator's knowledge of Section 504 did appear to affect the other staff. In the buildings where the principal demonstrated an interest and knowledge in Section 504, the staff also appeared more knowledgeable and interested. In the two buildings where the principal acknowledged little understanding, the staff also appeared less confident in their statement of purpose.

**Knowledge of the identification and eligibility processes: How does this work?**

Although less than 22% of the participants were able to identify the requirements for Section 504 eligibility, 63% responded that they had participated in meetings regarding Section 504. Many readily stated that they had participated in more than one meeting, however they were hesitant about "how the process worked".

During the course of many of the interviews, several of the participants expressed uncertainty regarding the actual identification process. They simply were unable to identify when or how a student is referred, and when or how a student is found eligible to receive accommodations. Although each of the Section 504 coordinators was able to effortlessly state each of their districts procedures regarding Section 504, many of their employees had a different, less organized version. Two of the participants identified the fact that there is eligibility criteria, and a few stated they would contact their SST (Student Support Team), which is a team of teachers, administrator(s), psychologists, special education teachers, counselors, and social workers that work with students who are referred to that team by a teacher due to an academic or behavioral concern. What happened after the referral to a SST remained a mystery. Some stated the

process began with a parent or teacher concern, but were unsure what paperwork or procedures needed to follow due to this concern. This lack of an understanding regarding a common set of standards and referral/identification process pervaded the responses.

#### Beliefs regarding what *should* be done to implement the Section 504 process

Due, in part, to the difficulty the participants experienced in stating both the purpose and school procedures regarding the *process* of implementing Section 504, it was a somewhat arduous process for them to formulate responses regarding what *should* be done regarding Section 504. However several common themes emerged. Many educators felt that the law should be followed, and every student who is eligible for accommodations under Section 504 should receive them. However, these same educators were unsure precisely what the criteria for eligibility for Section 504 were. Several stated that there should be a more formal process in order to properly evaluate students, including referral, evaluation, and testing procedures. Conversely, several individuals stated that *any* student who is struggling should receive accommodations-formal or not. Other responses included involving both the parent and student sooner in the process, in order to have a more profound impact.

Perhaps the most interesting responses were those that stated the process that their school has in place now works well, especially when those same individuals were unable to clearly state what the purposes and processes for Section 504 implementation in their school were. This study began due to my curiosity and professional interest regarding how schools deal with the

challenges of implementing Section 504. Through my conversations with educators, it became apparent that these schools had developed ways to meet the needs of students with regard to Section 504 .

One belief seemed to be either hinted at, or directly addressed, by every individual I interviewed, and that was the question of whether or not schools actually need to have Section 504 accommodations. Now, this debate could be a topic for an entire research project by itself, but I feel it gets to the heart of part of the problem regarding Section 504 implementation, and that is that educators do not “buy in” to the notion that they must have additional paperwork and forms and procedures to help kids. They feel that these are things that good teachers will do anyway. Therefore, it is a waste of precious time and resources to make it a formal process, especially if it can be taken care of informally. And just in case, there is special education to protect the rights of handicapped students, so basically in their mind, there is no need to duplicate services. I am not certain whether this is an accountability issue, or a lack of expertise issue.

If we look at this problem from an accountability point of view, special education teachers in this study stated that Section 504 was a general education responsibility. Now legally, this is correct, as Section 504 is a civil rights law, and students are to receive accommodations to provide access to the general education curriculum. However, many regular education teachers confuse Section 504 with special education, and many participants in this study even asked if a 504 meeting was an IEP. Due to the fact that each group of teachers places the responsibility on another group, nobody is taking responsibility to solve the problem. There is little, if any, collaboration. Therefore, there is little

teacher-to-teacher networking or peer collaboration. One way to improve the implementation process of Section 504 may be to develop teacher-to-teacher networks. Providing some training in peer collaboration may be a way to improve these networks(Johnson & Pugach, 1991).

If we look at this problem from a lack of expertise perspective, due to the fact that, outside of the Section 504 coordinator for each district, few individuals possess “expert” knowledge (Schumm & Vaughn, 1995) schools must find methods to bring expert knowledge into the schools at the “front-line” or teacher level. Again, this all ties in with the “buy-in” that is needed on all levels in order to successfully implement a policy. One way to bring this knowledge in on this level is to train a lead teacher who demonstrates exceptional staff development skills and have her work closely with teachers during there day to day activities (Logan & Stein, 2001).

Perceptions regarding why things are done the way they are: Why do we do what we do?

Perhaps one of the most significant findings from this study pertained to the participants responses to why schools “do what they do” regarding Section 504. The interviewees felt that insufficient knowledge/training regarding the law, as well as a significant lack of accountability and funding created the atmosphere that schools experience today. Many stated that if it weren’t for the courts/litigation and parents’ increasing knowledge of their rights, little progress would have been made towards developing procedures and processes to implement Section 504. Several of the participants thought that Section 504 was

part of the special ed continuum-in other words, if a student did not meet special education eligibility requirements, then they must be a Section 504 student. Keep in mind that Section 504 is a civil rights law unlike IDEA. Often districts “muddy the water” by making the Special Education Coordinator responsible for Section 504 students as well, although in 3 of the 4 districts who participated in this study, the Section 504 coordinator was *no longer* the Special Education Director.

Other than the Section 504 coordinators for each district, as well as two of the building principals, the level of understanding of both the purpose and the processes of implementing Section 504 was limited. For the most part educators voiced their frustration and embarrassment regarding their lack of knowledge in this area. But it is important to note that this deficit in understanding of Section 504 did not prevent them from advocating for students whom they felt deserved accommodations. Teacher and other educators voiced concerns for all students who are struggling and felt the need to offer them any type of assistance available including Section 504.

### Summary

The data from these interviews suggests that public middle schools face many challenges when implementing Section 504. The need for staff training, funding, and “Section 504 experts” in each building is clear. Although in each of these schools there was not a “regimented, formalized process” for identifying Section 504 students like there is for IDEA, it is clear from the many statements made by staff that the staff does realize the need to help students. In three of the four buildings, educators have developed less cumbersome, more informal

processes for dealing with individual students. Through my conversations with educators, it became apparent that these schools had developed ways to meet the needs of students with regard to Section 504 and still, “keep it manageable”. This data corresponds with a similar finding by Weatherly and Lipsky (1977) who reported:

To accomplish their required tasks, street-level bureaucrats must find ways to accommodate the demands placed upon them and confront the reality of resource limitations. They typically do this by routinizing procedures, modifying goals, rationalizing services, asserting priorities, and limiting or controlling clientele. In other words, they develop practices that permit them in some way to process the work they are required to do. (p. 172)

The key to “full implementation” may lie somewhere in between the required formal mandates, and the informal processes which schools currently employ.

### Implications of the Study with Regard to Current Policy and Theory

At the heart of this study was the belief that educators have been asked to implement a mandate that they have little understanding, training, or knowledge about. These front-line educators are asked to make decisions regarding a student’s educational program with little information regarding eligibility requirements on which to base these decisions, and often under the threat of litigation by parents. Previous studies, cited in Chapter 2, stress the importance of training, especially as it relates to staff understanding and “buy in”. The data obtained in this study supports previous research regarding the need for teacher training and planning time in order to fully develop and implement, practices and procedures. In their summary, the Ann Arbor Public Schools review strongly advised the district to “organize a series of systematic Section 504 training

models” (Scheetz, 2001). The importance of including teachers of “front-line educators” in the development, planning and training stages cannot be ignored.

During the course of this study my thoughts again returned to my original research question, “What factors influence the way in which Section 504 is implemented in a public middle school? I feel that this question can best be answered by examining the law itself. Section 504 of the Rehabilitation Act of 1973, is a federal law which originally was intended to reduce discrimination in the areas of employment, education, and various other settings, for individuals with disabilities. This law was concerned with social equality and civil rights for individuals with disabilities as it is worded almost identically to the Civil Rights Act of 1964 which prohibited discrimination based on race, color, or national origin.

Section 504 of the Act states:

*No otherwise qualified individual with a disability...shall solely by reason of her or his 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.*

The U.S. Department of Education regulations for Section 504 require that students with disabilities be provided with a free appropriate public education (FAPE). These regulations require public schools to identify students, evaluate them, and provide services if necessary, in addition to following procedural safeguards.

With the stroke a pen, seemingly overnight, persons who had previously been excluded from participating in employment, education, and other programs receiving federal funding based on a disability, were now “guaranteed” accommodations that would enable them the same opportunity to participate as



their non-handicapped peers. However, the requirements this law placed on school systems were largely overlooked based in part on its emphasis on employment, as well as building, access. Additionally, with the arrival of PL 94-142 only one year later in 1974, schools now were required to focus their efforts on creating programs to meet federal guidelines or face losing federal funding. The resulting creation of a separate program to deal with special education needs was the result.

This brings us to the current situation. How can one law, IDEA, which actually went into effect one year *after* The Rehabilitation Act of 1973, become so well implemented, while the other remains a source of confusion? This leads us again back to the original research question: What factors influence the way in which Section 504 is implemented in a public middle school? Not surprisingly perhaps, based on the responses cited in this study, the factors which significantly impact the implementation of Section 504 in these four middle schools are similar to those found previous research studies by Fullan, Fulcher, and Skirtic as referenced in Chapter 2, namely, lack of training, lack of ownership in the policy making, lack of resources in terms of time and money, and lack of clear leadership.

Only two of four schools I visited mentioned in-service training regarding Section 504. Fewer than 20% of the interviewees actually understood the intent behind Section 504, and fewer were able to state the eligibility requirements. Although the educators involved were extremely interested in helping students, they did not demonstrate a sense of urgency in understanding more about Section 504 or taking ownership of the responsibilities it created. They did, at

times, seem kind of embarrassed that they did not know more about it, but at the same time felt like they had more important things to worry about, and basically didn't special education meet the needs of those types of students?

The lack of funding and therefore accountability may in fact be the *key factor* in the implementation process. As stated previously in Chapter 2, IDEA came with funding in order to develop and implement the policy. Intensive training provided schools with information and specially trained personnel. Colleges designed entire teacher training programs based on the new requirements. Today, in every school across the United States, there are special education programs and detailed criteria and processes to determine eligibility. Each school has developed a separate program, with “specialists” such as special education teachers, social workers, special education directors, and psychologists to deal with disabled students. Each program is funded based on the number of students who receive services, and the types of services they receive. Each state is required to produce accounting records regarding the number of students currently eligible for services, and their type of eligibility, such as Learning Disabled. Special education programs undergo stringent state and federal monitoring to evaluate their programs and services. In stark contrast, Section 504 does not receive any additional funding. This is due to the fact that Section 504 is a piece of civil rights legislation, and like other civil rights legislation, no additional funding is provided to implement the law, only the threat of *loss of funding* if civil rights are denied. There is not a monitoring system, but rather a “complaint system” with referrals to the Office of Civil Rights.

In Section 504 there are no “specialists”. Many colleges’ education programs do not routinely address Section 504. But most remarkable is the lack of accountability. There is not a monitoring system, but rather a “complaint system” with referrals to the Office of Civil Rights.

How is Section 504 implementation evaluated? Indeed, many of the educators I spoke with felt that if it weren’t for litigation, literally no progress would have been made on Section 504 implementation.

A final factor, involving the importance of leadership, cannot be overlooked. Each 504 coordinator I interviewed was very knowledgeable regarding the law. Unfortunately very few of the participants in the study were able to identify their Section 504 coordinator, thus a valuable resource may be underutilized. It should also be noted however, that unlike special education with its own administrators to facilitate programs, in each of the schools I visited the Section 504 coordinator had numerous other responsibilities, and being “in charge” of Section 504 was a small part of his/her job. This left little time or resources to share some of that “expert” knowledge. One last note regarding leadership relates to the building principal. As mentioned previously, the knowledge and leadership of the principal also had a significant effect on his/her staff. The importance of a highly knowledgeable, motivated principal with regards to change and policy implementation should not be overlooked.

### **Recommendations for Further Research**

The findings from this study make evident the need for further research in this area. In particular, additional research needs to be conducted which examines the role parents play in this process. Parents were the driving force

behind the development of PL 94-142, later renamed IDEA, and I suspect they will also have a significant impact on the direction schools take regarding Section 504 implementation. Originally I had planned to involve parents in this study, however, based on the limited knowledge of the staff members I interviewed, in addition to the low numbers of identified Section 504 students found in each school, I decided to limit my study to professional educators.

Further studies also need to supplement the scarce amount of actual research available regarding Section 504. With the exception of several court cases, many of which do not involve education, little research has been done involving Section 504 in the public schools. During the course of this study I have contacted lawyers, a professor from the University of Arkansas who conducts seminars nationwide on Section 504, the head of the CASE organization, a top member of the special education department of Michigan, and numerous Section 504 coordinators, professors, and other educational professionals, all in an attempt to gain information regarding possible research studies, and/or accounting databases regarding the possible number of Section 504 students in Michigan or in the United States. I was repeatedly informed that such a database does not exist. Other than the statistics provided by both Ann Arbor Public Schools and the California State Audit, little information has been published regarding the number of Section 504 students receiving accommodations in a given school. I was unable to locate any research which evaluates Section 504 implementation.

Many students across the United States are eligible for accommodations under Section 504 of the Rehabilitation Act of 1973. Currently a national or state

database for Section 504 eligible students does not exist, and therefore the exact number of students whose lives this federal law impacts is not known. However, given the known number of students identified as having ADD- 1.5 to 2 million, (Fossey, 1995) combined with other physical or mental impairments which may substantially limit a major life activity such as learning, the number could be considerable indeed. Further research needs to address this lack of data. Future projects may need to collect data on the number of students currently eligible for Section 504. In addition, the data should identify the *individuals who actually make the referrals* (parents, teachers, or others) and the types of impairments that are the qualifying condition (ADD, mental impairment, diabetes, etc.) An important issue here is equity, are all students receiving the same consideration?

This research revealed that the “official process” and the “actual process” involving the knowledge of the “front-line educators” were not the same. Only 16 students out of 2,250, less than 1%, were identified as eligible for Section 504, yet the same schools identified 339 students or 15% as eligible under IDEA. Similar results were reported by the Ann Arbor Public School System, and the state of California found that; “some students may not be getting the assistance they need because of a lack of awareness of Section 504 of the Rehabilitation Act of 1973 and weaknesses in district processes for identifying students with suspected disabilities”. These conclusions were based on state audits. Further research needs to establish if there is a correlation between the lack of knowledge by professionals and lack of identification of students eligible for Section 504.

In summary, the number of students potentially impacted by this law is considerable. Clearly, schools are faced with the possibility that the original intent of the law, and the broad nature of the law itself, lead to unintentional inconsistencies in its interpretation and implementation in the public school system. How are schools implementing this law? Further study is needed to identify the policies and procedures utilized by the schools, *and their impact* on the students.

### Implications of the Study with Regard to Professional Practice

This study holds many implications for professional practice as it relates to the implementation of Section 504 within the educational setting. The findings from this study would indicate that schools/educators need to address the following issues:

- The need for training in order to gain a clear understanding of the purpose of Section 504 in terms of what it is, and what it is not
- The need to establish a process for implementing Section 504 in a school, and establish procedures for this process
- The need to create resources in terms of necessary paperwork and information
- The need to have highly knowledgeable leaders (experts)
- The need to have some sort of process for monitoring implementation
- The need to develop a method of sharing information and resources

In order to implement Section 504, practitioners may need to review their own interpretations and understanding of Section 504. In order to make referral and eligibility decisions regarding Section 504, educators must have the correct information regarding the law. Lack of training is an issue which will continue to hinder the implementation of Section 504 unless it is addressed.

Due to the lack of funding, practitioners would be encouraged to share or jointly develop resources, including personnel, and especially written forms and procedures. Highly knowledgeable Section 504 coordinators might provide in-service training for newly appointed coordinators or other staff members. These staff members in turn can share information with other staff members in their own districts or buildings. In Michigan, the Intermediate School Districts may be able to help coordinate this effort.

Section 504 was intended to protect the rights of employees and students with a physical or mental impairment which substantially limited a major life activity. Schools are required to identify, evaluate, and provide accommodations which allow the student access to the same curriculum and activities as their non-handicapped peers. If educators are going to be successful in their endeavors to help students, they must learn to work collaboratively and form peer networks at all levels, administrative to teacher, which allow them to share ideas, resources, and expertise in order to meet the needs of all students. They must also be willing to work with policy makers in order to have ownership in the implementation process.

A final thought regarding Section 504 implementation as it relates to practitioners. Section 504 could be characterized as full of ambiguity, politics,

and abstractions. It is often difficult to understand. Although many of the same factors influencing the implementation of other policies seem to apply to Section 504 implementation as well, the very ambiguous nature of this law may negate the impact that educators are able to have on any of the implementation issues they attempt to address.



## **APPENDICES**

## **APPENDIX A**

### **TABLE COMPARING IDEA, SECTION 504, and ADA**

**IDEA, Section 504 and ADA  
A Comparison**

1999 Edition, Copyright CASE, Inc.

<b>IDEA</b>	<b>Section 504 of the Rehabilitation Act</b>	<b>The Americans with Disabilities Act</b>
<b>1975</b>	<b>1973</b>	<b>1990</b>
	<b>Legal Citation</b>	
20 USC 1400 et seq. 34 CFR Part 300	29 USC 794 34 CFR 104	42 USC 12134 28 CFR Part 35
	<b>General Purpose</b>	
A Federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure adequate and appropriate educational services for children with disabilities	A broad civil rights law which protects individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.	A broader civil rights statute than 504 extending protections to individuals with disabilities in private industry employing more than 15 individuals, public entities, public accommodations telecommunications and private nonsectarian schools
	<b>Who is covered?</b>	
Infants and toddlers with disabilities 0-2: children 3-21 who meet the definition of one of the specific disabilities applicable to school age children	Identifies children that have a disability who meet the definition. The child (1) has or (2) has had a physical or mental impairment which substantially limits a major life activity or (3) is regarded by others as disabled. Major life activities include walking, seeing hearing, speaking, breathing, learning, working, caring for one-self, and performing manual tasks. The disability need only substantially limits a one major life activity in order for the student to be eligible.	Any person with a physical/ mental impairment which substantially limits one or more major life activities such as self care, manual tasks, walking seeing, hearing, breathing, learning/working, has a record of such an impairment, or is regarded as having such an impairment.
	<b>Funding</b>	
Provides additional funding for eligible students.	Does not provide additional funds. IDEA funds may not be used to serve children eligible only under Section 504.	Does not provide additional funds

<b>Program Access</b>		
Each public agency shall take steps to provide academic and non-academic services and activities in such manner as is necessary to afford children with disabilities an equal opportunity for participation in those services and activities. (34 CFR 300.306).	<p>Rule: No qualified individual with A disability shall, because a recipient facilities are inaccessible or unusable by disabled individuals, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity.</p> <p>Does not require recipients to make each of the existing facilities or every part of an existing facility accessible.</p> <p>(1) the program may redesign equipment (2) reassign classes to accessible buildings With priority to those methods that offer programs and activities to disabled persons in the most integrated setting appropriate.</p> <p>New construction or alterations after June 3, 1977 must be accessible.</p>	<p>Rule: No qualified individual with a disability shall, because a public entity's facilities are inaccessible or unusable by individuals with disabilities, be denied the benefits of its services, programs or activities or be subjected to discrimination.</p> <p>EXCEPT:</p> <p>*Does not necessarily require a public entity to make each of its existing facilities accessible to individuals with disabilities (same rule as 504 applies).</p> <p>Does not require the public entity to fundamentally alter the nature of the service, program or activity or incur an undue financial and administrative burden. However, this does not relieve the public entity from providing access to individuals with disabilities through other means. New construction or alterations after January 26, 1992 must be accessible.</p>
<b>Procedural Safeguards</b>		
<p>Requires notice to the parent or guardian with respect to identification, evaluation and/or placement. IDEA procedures will suffice for Section 504 implementation.</p> <p>*Requires written notice.</p> <p>*Delineates required components of written notice.</p> <p>*Requires written notice prior to any changes in placement.</p> <p>Requires the provision of a free and appropriate public education to eligible students covered under the law including specially designed instruction.</p> <p>*Requires a written IEP</p>	<p>Requires notice to the parent of guardian with respect to identification, evaluation and/or placement. IDEA procedures will suffice for Section 504 implementation.</p> <p>*Written notice not required, but indicated by good professional practice.</p> <p>*Requires notice only before a "significant change" in placement. Requires the provision of a free and appropriate public education to eligible students covered under the law including specially designed</p>	None

document with specific content and a required number of specific participants at the IEP meeting. * "Appropriate education" means a program designed to provide "educational benefit". *Related services are provided if required for the student to benefit from specially designed instruction.	instruction. The Individual Education Program (IEP) of IDEA will suffice for Section 504 plan. * Does not require a written document but does require a plan. A written plan is indicated by good professional practice. It is recommended tot the district document that a group of persons knowledgeable about the student convened and specified the agreed upon services. * "Appropriate education" means an education comparable to the education provided to non-disabled students, requiring that accommodations be made. *Related services, independent of any special education services as defined under IDEA, may be the accommodations.	
<b>LINE</b>	<b>LINE</b>	<b>LINE</b>
The placement of students with disabilities in special classes, Separate schools or other removal from the regular educational environment occurs only when the nature or severity of the disability is such the education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved. In addition the placement must provide special education, to the maximum extent appropriate to the needs of the student, with other students who do not have a disability and be as close as possible to the student's home	The student shall be placed in the regular educational environment unless the child's education cannot be achieved satisfactorily even with the use of supplementary aids and services.	None
<b>Multi-disciplinary Team</b>	<b>Multi-disciplinary Team</b>	<b>Multi-disciplinary Team</b>
Defines specific membership of the Team	Group of individuals knowledgeable about the student, evaluations and placement options develop an accommodation plan.	None
<b>Evaluation</b>	<b>Evaluation</b>	<b>Evaluation</b>
A Full comprehensive evaluation is required, assessing all areas related to	Evaluation draws on information from a variety of sources in the area of concern;	None

the suspected disability. The child is evaluated by a multidisciplinary team or group. Requires informed consent before an initial evaluation is conducted	<p>decisions made by a group knowledgeable about the student, evaluation data, and placement options.</p> <p>Requires notice; at least one regional OCR office has advised that is also required.</p>	
<b>Reevaluation</b>		
Reevaluation considered at least every 3 years. A reevaluation is not required before a significant change in placement, but a review of current data is recommended. Provides for independent educational evaluation at district expense if parent disagrees with the evaluation obtained by school and hearing officer concurs. Informed Parent consent is required for reevaluation, unless school can show parent did not respond to attempts made.	<p>Requires periodic reevaluations. IDEA schedule for reevaluation will suffice.</p> <p>Reevaluation is required before a significant change in placement.</p> <p>No provision for independent evaluations at district expense. District should consider any such evaluations presented.</p>	None
<b>Placement Procedures</b>		
<p>When interpreting evaluation data and making placement decisions, the law requires:</p> <ul style="list-style-type: none"> <li>• Draw information from a variety of sources.</li> <li>• Assure that all information is documented and considered.</li> <li>• Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement options.</li> <li>• Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate (least restrictive environment)</li> <li>• An IEP review meeting is required before any change in placement.</li> </ul>	<p>When interpreting evaluation data and making placement decisions, the law requires:</p> <ul style="list-style-type: none"> <li>• Draw upon information from a variety of sources.</li> <li>• Assure that all information is documented and considered</li> <li>• Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement options.</li> <li>• Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate (least restrictive environment)</li> <li>• A meeting is not required for any change in placement.</li> </ul>	

	<b>Undue Hardship</b>	
	Size of the program and its budget, type of operation, nature and cost of accommodation.	Size of the business and its budget, type of operation, nature and cost of accommodation.
	<b>Drug and Alcohol Use</b>	
	Schools may take disciplinary action pertaining to use or possession of illegal drugs or alcohol against any student to the same extent such disciplinary action is taken against students who are not disabled. Due process at 34 CFR 104.35 do not apply.	Current drug use is not considered a disability. Current alcohol abuse that prevents individuals from performing duties of the job or that constitutes direct threat to property or safety of others is not considered a disability.
	<b>Contagious Diseases</b>	
	Individuals with disabilities excludes any individuals with a contagious disease which renders the individual unable to perform a job.	Permits qualification that an individual with a currently contagious disease or infection not pose a direct threat to the health or safety of others.
	<b>Protection Against Retaliation</b>	
Civil Rights protections under Section 504 apply.	Incorporates prohibition against retaliation, intimidation, coercion, threats and discrimination found in regulations under Title VI of the Civil Rights Act.	Extends protections of non-disabled individuals who have testified or participated in any manner in an investigation, proceedings or hearing under ADA.
	<b>Self Evaluation</b>	
	Requires recipients to conduct a self-evaluation to identify discriminatory policies and practices.	By January 26, 1993, school districts were required to update their Section 504 self evaluation to assure compliance with the ADA which must involve constituent groups.
	<b>Internal Grievance Procedure</b>	
State Compliant Procedures required (34 CFR 300.660)	Requires districts with 15 or more employees to designate a Section 504 compliance officer and a grievance procedure to investigate complaints alleging noncompliance with Section 504.	Requires public entities with more than 50 employees to designate a compliance officer and a grievance procedure to investigate complaints alleging non compliance with ADA.
	<b>Discipline</b>	
Any Disciplinary removal of more than 10 consecutive days is a significant change of placement triggering the procedural safeguards of IDEA, including the right to remain in the current educational placement pending appeals.	District must reevaluate the child prior to any disciplinary removal for more than 10 days.  Is there nexus between the child's disability and the behavior complained of? If "yes"; the child may not be removed for more than 10	Amends 504 – to create exception for discipline of drug and alcohol related behavior.

Cumulative removals of more than 10 school days within the year may be considered as a change of placement and thus trigger the procedural safeguards under IDEA.	consecutive days unless the behavior is drug/alcohol related.	
Cannot terminate FAPE as a disciplinary measure.	No Automatic right to remain in current educational placement.	
	<b>Due Process</b>	
Requires districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of a student.	Requires districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation of placement of a student. Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy Statements should clarify specific details.	
	<b>Exhaustion</b>	
Requires the parent or guardian to pursue administrative hearing before seeking redress in the courts.	Administrative hearing not required prior to OCR involvement or court action; compensatory damages possible.	
	<b>Compliance/Enforcement</b>	
<p>Enforced by the U.S. Office of Special Education Programs.</p> <ul style="list-style-type: none"> <li>• Compliance is monitored by the State Department of Education and Office of Special Education Programs</li> <li>• The State Department of Education resolves complaints.</li> <li>• Non-compliance may result in loss of IDEA funds and aid.</li> </ul>	<p>Enforced by the U.S. Office for Civil Rights, United States Department of Education (OCR).</p> <ul style="list-style-type: none"> <li>• State Department of Education has no monitoring, complaint resolution or funding involvement.</li> <li>• Non-compliance may result in loss of all federal funds.</li> </ul>	<p>Enforced by the U.S. Office for Civil Rights, United States Department of Education (OCR).</p> <ul style="list-style-type: none"> <li>• State Department of Education has no monitoring, complaint resolution or funding involvement.</li> <li>• Non-compliance may result in loss of all federal funds.</li> </ul>



## **APPENDIX B**

### **PROFESSIONAL EDUCATIONAL STAFF INTERVIEW PROTOCOL**

## **PROFESSIONAL EDUCATIONAL STAFF INTERVIEW PROTOCOL**

### **504 Interview Questions**

*Administrators, Regular Education Teachers, Special Education Teachers,  
School Psychologist, Section 504 Coordinator, School Social Worker*

1. How many years have you been involved in education? What is your degree (BA, MA, PhD)
2. Who is the Section 504 Coordinator for your school district?
3. In your mind, what is the purpose of Section 504?
4. How did you acquire your knowledge regarding section 504?
5. Have you ever participated in a Section 504 eligibility/renewal meeting? If so, how many?
  - a) 0-5
  - b) 6-10
  - c) 10+
6. What is the identification/referral process for Section 504 in your school/district?
7. Have you ever referred a student for Section 504 eligibility? What steps occur in this process? Who participates in the decision making process?
8. At what stage and to what extent do parents participate in the process?
9. What do you think the "ideal" process for identifying Section 504 students would look like? (What do you feel it should be?)
10. Why do you think that procedures regarding Section 504 are the way they are? (Why are things done the way they are?)

## **APPENDIX C**

### **SCHOOL QUESTIONNAIRE/CONSENT FORM**

## SCHOOL QUESTIONNAIRE/CONSENT FORM

Dear

My name is Kimberly Arsenault, and I am a doctoral student at Michigan State University. I am currently a special education supervisor, and a former assistant principal/ 504 Coordinator at Fruitport Middle School. I am doing a dissertation on Section 504 and I am interested in determining the approximate number of students who are identified as 504 eligible, and how the 504 implementation process works in public schools. Unlike special education, there is not a database containing the number of students identified as eligible for Section 504 accommodations, therefore, it is unclear exactly how many *students* have been identified in Michigan, or even the United States.

I am sending this brief survey to several middle schools in western Lower Michigan. *The survey is only 5 questions long.* Please return both pages of this survey in the return envelope I provided. As an administrator, I realize how busy you are, and I appreciate your time. Participation in this survey is voluntary, however, *I will provide each school that completes this survey with a copy of my results, so your school can see what other schools your size look like.* Individual schools WILL NOT BE IDENTIFIED, however, I will group results based on demographic characteristics, such as size and SES.

CONSENT

The data from the study will be used primarily for a dissertation study; however, the data may also be used in reports about the project, in published articles, and in presentations at conferences. In any such uses, identities of participants will not be revealed.

I agree to voluntarily participate in this study by completing the following survey.

Name(Please Print):\_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_

If you have any questions about this study, please feel free to contact either myself, Kimberly Arsenault at (231)-773-0534 or Dr. Eugene Pernell, MSU, at (517)-355-8909.

If you have questions or concerns regarding your rights as a study participant, or are dissatisfied at any time with any aspect of this study, you may contact-anonymously if you wish-Ashir Kumar, M.D. Chair of the University Committee on Research Involving Human Subjects (UCRIHS) by phone: (517)-355-2180, fax: (517)-432-4503, e-mail: [ucrihs@msu.edu](mailto:ucrihs@msu.edu), or regular mail: 202 Olds Hall, East Lansing, MI 48824.

Your Title \_\_\_\_\_ (504 Coordinator, Principal, Assistant Principal, Counselor, Special Education Director)

(If you are unable to answer any of the questions, please indicate you do not have that information rather than leave it blank, thank you.)

1. How many students are currently enrolled in your middle school?
2. How many students have been identified as eligible for Section 504 accommodations? (middle school only)
3. How many students were referred for 504 evaluation by:  
Teachers\_\_\_\_\_ Parents\_\_\_\_\_ Doctors\_\_\_\_\_ Other\_\_\_\_\_  
(Example, 10 were referred by teachers, 5 by parents, 1 by a doctor -16 total)
4. How many of the students referred for 504 evaluations were found eligible?  
Teachers\_\_\_\_\_ Parents\_\_\_\_\_ Doctors\_\_\_\_\_ Other\_\_\_\_\_  
(Example, 5 of the teachers', 2 of the parents', and 1 of the doctor's referred students were actually found to be eligible-8 total)
5. Of the total number of students who are eligible, how many qualified due to:  
ADD\_\_\_\_\_ Diabetes\_\_\_\_\_ Asthma\_\_\_\_\_  
Low Cognitive Ability (IQ) \_\_\_\_\_ Other\_\_\_\_\_ (Please list area)

Please return both pages in the envelope provided. THANK YOU!

## **APPENDIX D**

### **CONSENT FORM FOR PROFESSIONAL EDUCATIONAL STAFF PARTICIPATION**

## **CONSENT FORM FOR PROFESSIONAL EDUCATIONAL STAFF PARTICIPATION**

The purpose of this study is to better understand the implementation process for Section 504 of the Rehabilitation Act of 1973. Specifically, I will be observing the process used by your school to implement Section 504. Various school personnel will be interviewed regarding their perceptions of Section 504 and the 504 referral process. The focus of the interview questions will be on general awareness. These conversations would be scheduled at a time and place convenient for you, including your home if that is what you would prefer. The information gained from this project may provide educators with valuable insights, which may reduce the uncertainty K-12 public schools face regarding various aspects of the 504 implementation process.

Your participation in this study is completely voluntary. You can withdraw from the study at any time without penalty. If you chose to participate in the study, you may choose not to answer specific interview questions. If a tape recorder is used during your interview, you have the right to ask to stop the recording at any time.

All of the data that is collected for this project will be treated with strict confidence. Your name will not be used in any reports about this project, and any identifying characteristics will be disguised.

There are some limitations on the extent to which confidentiality can be guaranteed for participants in the study. Anyone familiar with the school site might be able to identify specific individuals despite the use of fictional names



and disguised information. However, every effort will be made to protect the confidentiality of information about the participants.

## CONSENT

I have read the above description and the activities I will be asked to participate in. The data from the study will be used primarily for a dissertation study, however, the data may also be used in reports about the project, in published articles, and in presentations at conferences. In any such uses, identities of participants will not be revealed.

I agree to voluntarily participate in the activities I have indicated below (please indicate "yes" or "no" for **each category**):

1. You may talk to me about my perceptions and knowledge of Section 504.  
\_\_\_\_\_yes      \_\_\_\_\_no
2. You may audiotape conversations described in item # 1 (above).  
\_\_\_\_\_yes      \_\_\_\_\_no

Name(Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

If you have any questions about this study, please feel free to contact either myself, Kimberly Arsenault at (231)-865-4026 or Dr. Eugene Pernell, MSU, at (517)-355-8909.

If you have questions or concerns regarding your rights as a study participant, or are dissatisfied at any time with any aspect of this study, you may contact-anonymously if you wish-Ashir Kumar, M.D. Chair of the University Committee on Research Involving Human Subjects (UCRIHS) by phone: (517)-355-2180, fax: (517)-432-4503, e-mail: [ucrihs@msu.edu](mailto:ucrihs@msu.edu), or regular mail: 202 Olds Hall, East Lansing, MI 48824.

## **APPENDIX E**

### **UNIVERSITY COMMITTEE ON RESEARCH INVOLVING HUMAN SUBJECTS LETTER OF RENEWED APPROVAL**

**MICHIGAN STATE  
UNIVERSITY**

November 19, 2002

TO: Eugene PERNELL, JR  
338 Erickson Hall  
MSU

RE: **IRB # 01-745 CATEGORY: 2-F, 2-G EXPEDITED**  
**RENEWAL APPROVAL DATE: November 18, 2002**  
**EXPIRATION DATE: November 18, 2003**

TITLE: K-12 PUBLIC SCHOOLS SECTION 504 IMPLEMENTATION

The University Committee on Research Involving Human Subjects' (UCRIHS) review of this project is complete and I am pleased to advise that the rights and welfare of the human subjects appear to be adequately protected and methods to obtain informed consent are appropriate. Therefore, the **UCRIHS APPROVED THIS PROJECT'S RENEWAL.**

**RENEWALS:** UCRIHS approval is valid until the expiration date listed above. Projects continuing beyond this date must be renewed with the renewal form. A maximum of four such expedited renewals are possible. Investigators wishing to continue a project beyond that time need to submit a 5-year renewal application for complete review.

**REVISIONS:** UCRIHS must review any changes in procedures involving human subjects, prior to initiation of the change. If this is done at the time of renewal, please include a revision form with the renewal. To revise an approved protocol at any other time during the year, send your written request with an attached revision cover sheet to the UCRIHS Chair, requesting revised approval and referencing the project's IRB# and title. Include in your request a description of the change and any revised instruments, consent forms or advertisements that are applicable.

**PROBLEMS/CHANGES:** Should either of the following arise during the course of the work, notify UCRIHS promptly: 1) problems (unexpected side effects, complaints, etc.) involving human subjects or 2) changes in the research environment or new information indicating greater risk to the human subjects than existed when the protocol was previously reviewed and approved.



OFFICE OF  
**RESEARCH  
ETHICS AND  
STANDARDS**

University Committee on  
Research Involving  
Human Subjects

Michigan State University  
202 Olds Hall  
East Lansing, MI  
48824

517/355-2180  
FAX: 517/432-4503

www.msu.edu/user/ucris  
E-Mail: ucris@msu.edu

If we can be of further assistance, please contact us at 517 355-2180 or via email:  
UCRIHS@msu.edu.

Sincerely,

Ashir Kumar, M.D.  
UCRIHS Chair

AK: rt

cc: Kimberly Arsenault  
15150 Leonard  
Spring Lake, MI 49456

## **BIBLIOGRAPHY**

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