

# *Methods of Administration, Section 504 & ADA Guidance*

## Overview of Methods of Administration (MOA)

The [United States Department of Education Office for Civil Rights](#) requires the Office of Superintendent of Public Instruction (OSPI), as the state agency responsible for administration of Career and Technical Education (CTE), to conduct a Civil Rights compliance program review. The intent is to identify, remedy and prevent discrimination in CTE programs operated by education agencies receiving federal financial assistance.



[Seal of the U.S. Department of Education](#)

The purpose of monitoring reviews is to conduct a comprehensive assessment of the selected districts, tribal schools, and skill centers CTE programs, as well as all facilities housing CTE programs or used by CTE-enrolled students to ensure compliance with the following Federal Civil Rights authorities and regulations.

Federal law requires that all school districts receiving funding support from the U.S. Education Department, and providing CTE programs shall comply with:

- [Title VI of the Civil Rights Act of 1964](#) and implementing regulations (34 CFR Part 100), prohibits discrimination on the basis of race, color, and national origin.
- [Title IX of the Education Amendments of 1972](#) (34 CFR Part 106), prohibits discrimination on the basis of sex.
- [Section 504 of the Rehabilitation Act of 1973](#) (34 CFR Part 104); prohibits discrimination on the basis of disability.
- [Vocational Education Program Guidelines](#) for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, published in the Federal Register March 21, 1979 (Guidelines).
- [Title II of the Americans with Disabilities Act of 1990](#) (28 CFR Part 35), prohibits discrimination on the basis of disability.



## Introduction to the ADA

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life – to enjoy employment opportunities, transportation, telecommunications, purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 – the ADA is an "equal opportunity" law for people with disabilities.

To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.<sup>1</sup>

### **What is the difference between ADA and Section 504?**

Section 504 and the ADA are civil rights acts for persons with disabilities.

ADA protects people from disability discrimination by the government, employers, schools, and every entity who offers goods and services to the public, except churches and private clubs.

Section 504 protects students from disability discrimination by public schools and by any college, trade school, or private school that gets federal funding.

Schools that receive federal funds must comply with both Section 504 and the ADA.

### **What is Section 504 of the ADA?**

Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives federal financial assistance.

Section 504 mandates that public school districts offer a "free appropriate public education" (FAPE) to eligible students with special needs.

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<sup>1</sup> U.S. Department of Education Office for Civil Rights. [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#). Published December 2016.

## [A Guide to Disability Rights Laws - ADA.gov](#)

### **Does ADA apply to schools?**

While it is true that the ADA does apply to schools, both public and private, it is important to remember that the ADA is foremost a civil rights act with a broad application. The ADA does not contain specific special education rules or requirements.

The ADA covers individuals of all ages who have a physical or mental disability that substantially limits a major life activity. People with disabilities have the right to reasonable accommodations so they can have equal access to different areas of life. Accommodations can be anything from written text being available in an audio format to a ramp. An accommodation is not required if it causes an undue burden or a fundamental alteration to what a school, program, or business is offering. Again, it must be reasonable.

### **The differences between an Individualized Educational Plan (IEP) and a 504 Plan**

#### **What is an IEP?**

The Individualized Educational Plan (IEP) is a plan or program developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives specialized instruction and related services. An IEP is a legal document that includes objectives, goals, benchmarks, measurements, accommodations, and a description of an agreed-upon educational setting for the student.

#### **What is a 504 Plan?**

The 504 Plan is a plan developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives accommodations that will ensure their academic success and access to the learning environment. The goal of a 504 plan is to remove obstacles and allow students with disabilities to participate freely in school.<sup>2</sup> A 504 plan spells out modifications and accommodations that will be needed for the student to have an opportunity to perform at the same level as their peers.

Not all students who have disabilities require specialized instruction. For students with disabilities who do require specialized instruction, the [Individuals with Disabilities Education Act \(IDEA\)](#) controls the procedural requirements, and an IEP is developed. The IDEA process is more involved than that of [Section 504 of the Rehabilitation Act](#) and requires documentation of measurable growth. For students with disabilities who do not require specialized instruction but need the assurance that they will receive equal access to public education and services, a document is created to outline their specific accessibility requirements.

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<sup>2</sup>U.S. Department of Education Office for Civil Rights. [Disability Discrimination: Overview of Laws.](#)

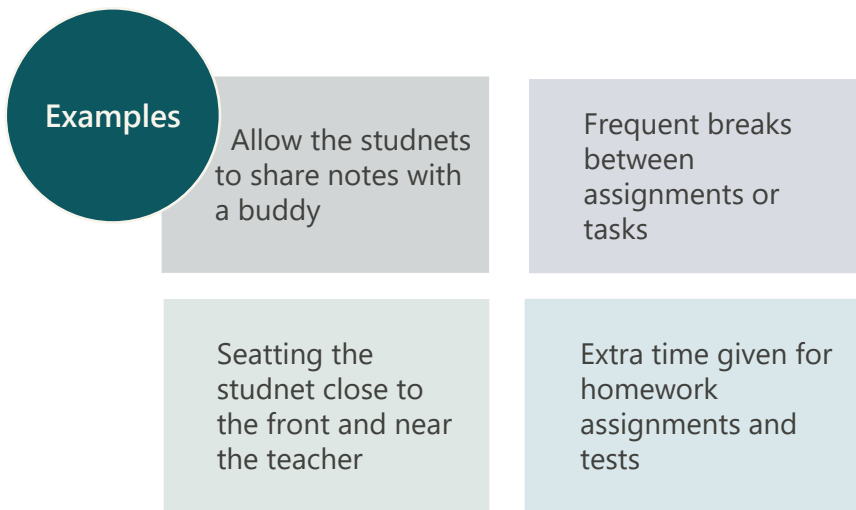
Students with 504 Plans do not require specialized instruction, but, like the IEP, a 504 Plan should be updated annually to ensure that the student is receiving the most effective accommodations for his/her specific circumstances.

A 504 plan may include accommodations, assistive technology, and school services.

### What are accommodations?

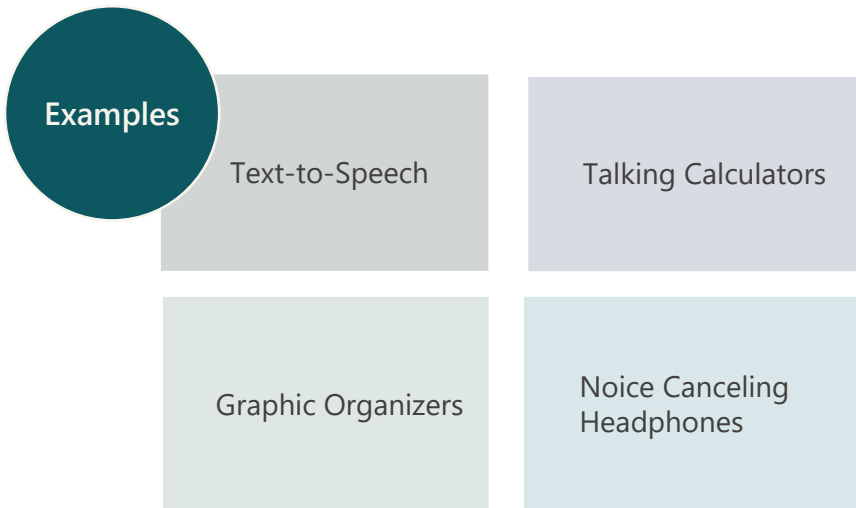
Accommodations are changes in the classroom that helps the students overcome or work around the disability in order to learn the curriculum and complete the same tasks as their peers but with some variation in format, setting, time, and/or presentation.

The purpose of an accommodation is to provide a student with equal access to learning and an equal opportunity to show what they know and can do.



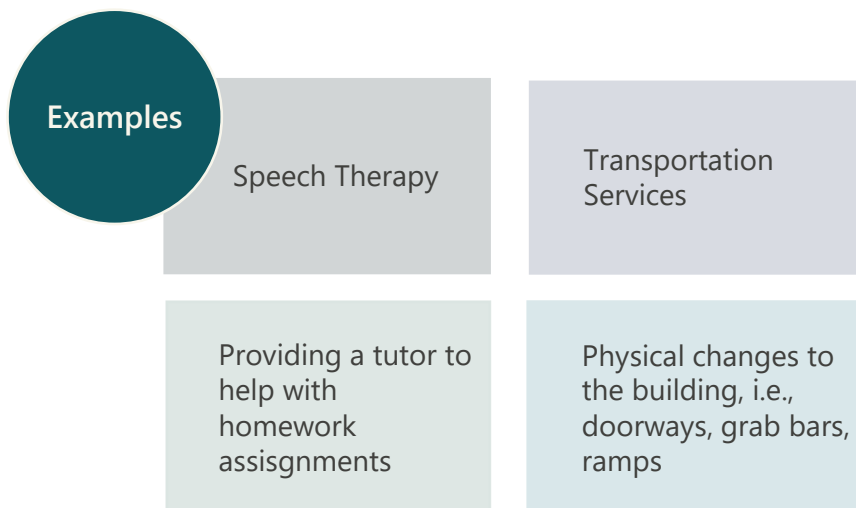
## What is assistive technology?

Tools that assist the student to eliminate barriers to learning.



## What are school services?

Services that help the student obtain access to general education.



## Contact Information

### **Deifi Stolz**

Program Supervisor  
Methods of Administration  
Operations  
Office of Superintendent of Public Instruction (OSPI)  
PO Box 47200  
600 Washington St. SE  
Olympia, WA 98504-7200  
Office: 360-725-6254  
[deifi.stolz@k12.wa.us](mailto:deifi.stolz@k12.wa.us) | [www.k12.wa.us](http://www.k12.wa.us)

### **Equity and Civil Rights Office**

OSPI  
PO Box 47200  
600 Washington St. SE  
Olympia, WA 98504-7200  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
Phone: 360-725-6162  
TTY: 360-664-3631  
[www.k12.wa.us/Equity](http://www.k12.wa.us/Equity)

## Local and Regional Information and Technical Assistance on the Americans with Disabilities Act

### **ADA National Network**

1-800-949-4232  
Email: <https://adata.org/email>

### **Region 10 – Northwest ADA Center** | Comprised of Alaska, Idaho, Oregon, Washington

Center for Continuing Education in Rehabilitation  
University of Washington  
6912 220<sup>th</sup> St. SW, Suite 105  
Mountlake Terrace, WA 98043  
Phone: 425-248-2480 | Fax: 425-774-9303  
Email: [nwadactr@uw.edu](mailto:nwadactr@uw.edu)

### **Seattle University's Center for Change and Transition Services**

The following tools for transition free resources are available:

- [T-Folio](#)
- [OSPI's Indicator 13 Checklist/Transition File Review](#)
- [Special Education Consistency Index \(SECI\)](#)
- [Transition Systemic Framework 2.0 \(TSF2\)](#)
- [Quality Indicators for Secondary Transition \(QUIST\)](#)

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