

Options Under Section 504



Live Audio Conference • May 16, 2011 or May 25, 2011 • 1:00 PM – 2:30 PM EST

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Live Audio Conference ID:
387733 • May 16, 2011
387904 • May 25, 2011

Presented by:

James P. Evans
Hiscock & Barclay, LLP

- Partner with Hiscock & Barclay, LLP
- Practices in education law, labor and employment law, disability law and litigation
- Frequent speaker concerning special education and disability law as it concerns employer obligations and the obligations of educational facilities
- Successfully represented educational institutions and individuals in cases concerning Section 504 of the Rehabilitation Act, IDEA and the ADA, as well as similar state statutes
- Assistant professor of education at Le Moyne College, where he teaches master's level courses in human resources, education law, classroom ethics, collective bargaining and other related subjects
- J.D. degree, Syracuse University College of Law
- Can be contacted at jevans@hblaw.com

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Public and private educational facilities receiving any federal monetary assistance, and arguably other forms of aid, are obligated to comply with Section 504 of the Rehabilitation Act of 1973. This comprehensive statute imposes a number of obligations on such recipients of federal aid regarding disabled students and employees. An educational facility's failure to comply with Section 504 and its regulations can result in time consuming and expensive litigation, an imposing investigation by the Office of Civil Rights and the potential loss of federal assistance. This live audio conference will pull together the statutory provisions and their recent amendment, relevant regulations and case law regarding the obligations of educational institutions to disabled employees and students, providing cogent and succinct guidance on how to best ensure compliance. Comply with these obligations and avoid liability under this statute.

Learning Objectives

- You will be able to identify the obligations imposed on public and private educational institutions.
- You will be able to review the dimensions of FAPE as required by the U.S. Department of Education's regulations under Section 504.
- You will be able to identify reasonable accommodations.
- You will be able to define the class of individuals covered by Section 504.

AGENDA

Overview of Relevant Statutory and Regulatory Provisions

- Relative to Disabled Students
 - Public Elementary and Secondary Schools
 - Private Elementary and Secondary Schools
 - Post-Secondary Schools
- Relative to Disabled Employees

Defining Class of Individuals Covered by Section 504

- Case Law Pre-2008 ADA Amendments
- Effect of 2008 Amendments to ADA Regarding What Constitutes a Disability Under Section 504 and Case Law Refining Those Amendments

Obligations to Provide FAPE Under Section 504

- Public Elementary and Secondary Schools
 - Child Find Provisions
 - Obligation to Evaluate Potentially Disabled Students
 - Provision of FAPE to Disabled Students Under Section 504
 - Disciplining Disabled Students Under Section 504
 - Dispute Resolution Under Section 504
- Private Elementary and Secondary Schools
 - Obligation to Provide Minor Modifications to the Program
 - Offsetting Additional Costs

Section 504 and Disabled Employees

- Identifying Covert Employees
 - An Employee's Obligation to Request Accommodations
 - Constructive Notice of Need for Accommodations
- Identifying Reasonable Accommodations
 - Import of Cost to Employer
 - Import of Likelihood of Success
 - Import of Employee's Preference
 - Adoption of Collaborative Process
 - Reasonable Accommodations and Mental Illness or Psychological Impairments
- Access to Facilities and Benefits

Defending Against the OCR Investigation and Litigation

- OCR Investigative Process
 - Investigative Process
 - Dispute Resolution
 - Hearing Process
- Federal Litigation and Strategies for Defense
 - Importance of Documentation
 - Employer Policies and Affirmative Defenses
 - Establishing or Disproving Liability

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Dept. 5382, P.O. Box 2933

Milwaukee, WI 53201-2933

Who Will Be There?

This live audio conference is designed for special education teachers and directors, administrators, principals and vice principals, counselors, case managers, classroom teachers, psychologists, social workers, instructional aides, attorneys and parents.

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