



# Legal Foundations of Inclusion – What You Need to Know

Students with disabilities have the legal right to participate in their school and community, including afterschool programs. Explore the four federal laws that impact students with disabilities in 21<sup>st</sup> Century Community Learning Centers.

## Section 504 of the Rehabilitation Act of 1973 (Section 504)

### *Key Information*

- Section 504 **prohibits discrimination** on the basis of disability in **federally funded programs**.
- Disability is defined as anyone who has a **mental or physical impairment that limits one or more major life activity**, has a record or history of such an impairment or is regarded as having the impairment.
- The needs of students with disabilities must be met as adequately as the needs of students without disabilities.
- Qualified students are served through a **504 Plan** that details the student's needs and accommodations to meet those needs. Students with 504 Plans are on target academically but need accommodations for learning in the **general education setting**.

### *What this Means for 21<sup>st</sup> CCLC Programs*

- Since 21<sup>st</sup> CCLCs receive federal funding, they **must adhere** to Section 504.
- Students with disabilities cannot be excluded from the program because of their disability.
- You can ask families if their child is served through a 504 plan but cannot require families to provide a copy. Ask permission to review the school 504 plan and collaborate with the school-day teachers to implement similar accommodations into your program.





## Legal Foundations of Inclusion – What You Need to Know

### The Americans with Disabilities Act (ADA)

#### Key Information

- The ADA **prohibits discrimination** on the basis of disability.
- Disability is defined as anyone who has a **mental or physical impairment that limits one or more major life activity**, has a history or record of such an impairment or is regarded as having such impairment.
- Public entities are places **run by federal, state or local governments** such as schools.
- A place of public accommodation is **anywhere that business is conducted** such as recreation or childcare centers.
- Public entities and places of public accommodation must make **reasonable modifications** to ensure people with disabilities have **equal opportunity to participate and benefit** from the services provided.
- Reasonable modifications are made using information about the **individual person**, not their diagnosis.
- Reasonable modifications should **not fundamentally alter the nature of the program or cause an undue burden**.
- There are four primary types of modifications:
  - Inclusive admissions policies that do not tend to screen out people with disabilities.
  - Changes to organizational policies, practices, and procedures.
  - Auxiliary aids and services to ensure communication.
  - Removal of physical barriers in program facilities.

#### What this Means for 21<sup>st</sup> CCLCs

- Since 21<sup>st</sup> CCLCs are either public entities or places of public accommodation, they must adhere to the ADA.
- Students with disabilities cannot be excluded from the program because of their disability.
- 21<sup>st</sup> CCLCs can develop systems for gathering information about the individual student (strengths, needs, communication preference, sensory sensitivities, existing modifications they use in other places) and use that information to implement accommodations and modifications in the program.



## Legal Foundations of Inclusion – What You Need to Know

### Individuals with Disabilities Education Act (IDEA)

#### *Key Information*

- IDEA is a **federal education** law but each state sets regulations and provides guidance for implementation.
- IDEA requires public schools to provide a **free appropriate public education (FAPE)** in the **least restrictive environment (LRE)** to eligible students with disabilities so they have the **same opportunity for education as non-disabled students**.
- Eligible students are served through an **Individualized Education Program (IEP)**, which describes the services and supports the student needs to participate in the education setting.
- **Eligibility criteria differs by state** and usually falls within one of 13 disability types: autism spectrum disorder (ASD), deafness, deaf-blindness, emotional disturbance (ED), hearing impairment, intellectual disability, multiple disabilities (MD), other health impairment (OHI), specific learning disability (SLD), speech or language impairment (SLI), visual impairment, including blindness, orthopedic impairment, and traumatic brain injury (TBI).

#### *What this Means for 21<sup>st</sup> CCLCs*

- IDEA includes language ensuring students with IEPs have equal access to school-sponsored extra-curricular activities.
- Afterschool activities can be written into a student's IEP if it is considered important to the student's development. This means the modifications, accommodations and supports the student receives during the school day can follow the student into the 21<sup>st</sup> CCLC program.
- Even if your program is not part of the school district, the supports written into the IEP can provide ideas and guidelines to support the student.
- You can ask families for a copy of the IEP but cannot require them to provide you with a copy. Ask families for permission to review the IEP and communicate with the school-day personnel who support the student so accommodations, modifications and supports can be implemented in the program.



## Legal Foundations of Inclusion – What You Need to Know

### The Every Student Succeeds Act (ESSA)

#### *Key Information*

- ESSA is a federal law that applies to 21<sup>st</sup> CCLCs.
- ESSA requires states to consider all disadvantaged students, including those with disabilities, in their education planning.
- ESSA states that 21<sup>st</sup> CCLC funds “may be used to carry out a broad array of activities that advance student academic achievement and support student success including ... services to individuals with disabilities.”

#### *What this Means for 21<sup>st</sup> CCLC*

- 21<sup>st</sup> CCLC programs are obligated to serve students with disabilities.
- Because funding comes through a state agency, 21<sup>st</sup> CCLC program funds can be dedicated to accommodating students with disabilities.