Short Paper #2
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IN 620

Under Section 504, "major life activities" include, but are not limited to: self-care, manual tasks, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others, and working. Considering the definition of "major life activities" as noted, look at the IDEA/504 Chart **provided below** and answer the following questions:

1. Why do you think that both of these exist rather than just have every student fall under IDEA if they have a disability?

IDEA and Section 504 both exist because there are different ways to define a disability and measures to help support that disability. For a student to qualify under IDEA, they must have a disability that adversely affects their educational performance or ability to benefit from general education. For a student to be eligible for Section 504, their disability must be a physical or mental impairment that substantially limits a significant life activity. It is essential to have both groups because students who qualify for Section 504 do not always need the services of IDEA and the specialized instruction that comes with it. They may just need extra supports in the classroom or school to help them manage their day.

2. In your opinion (there is no Federally defined clarification), what is the difference between "disability adversely affects (IDEA)" and "disability substantially limits (504)?"

The difference between "disability adversely affects (IDEA)" and "disability substantially limits (504)" is how the disability functions in the person's life. When a disability adversely affects (IDEA) someone, it changes how a person "interprets" information. For example, when a student with a specific learning disability in reading, reads a passage, their disability gets in the way of "normal" function and interprets it in their own special way. When a disability substantially limits (504) someone, it gets in the way of the person's daily life function, like walking or using the bathroom.

3. Under what conditions should a child (use this example: a 4th grade boy with ADHD) be served under Section 504 and when should he be served under IDEA?

A 4th-grade boy with ADHD can be served either under Section 504 or under IDEA, depending on how the disability affects his ability to function in the classroom and if there is an effect on his learning. If the boy has significant difficulties with his education and his ADHD is severely interfering with him in the classroom, he could qualify for protection under IDEA. Some examples of ways that ADHD could be affecting the student's educational performance could be concentrating, thinking, and reading.

If the boy's ADHD is milder, he may just need a few supports to help him in the classroom and qualify for Section 504. These supports could be behavioral interventions, organization in the classroom, or extra time to complete assignments or assessments.

4. Why is there no Federal funding for Section 504?

There are fewer regulations in Section 504 than IDEA required by the federal government. The fewer regulations require less oversight, so the government does not provide extra federal funding. However, it does have a provision that says if a school is out of compliance with Section 504, it may lose its federal funding for other programs. So even though it does not provide extra funding, the measure can be used to punish schools that do not comply with the rules.