

(Approved by the Board of Directors of the Educational Audiology Association July 2010)

Audiology Services Under 504

Audiologists diagnose children with a full range of hearing disorders and auditory processing deficits. Due to early identification and effective intervention services many of these children may not be eligible for special education services under the Individuals with Disabilities Education Act (IDEA) because they demonstrate age-appropriate developmental and educational milestones. These students do require, however, the support of an educational audiologist to identify and manage accommodations that are necessary for them to continue to make these benchmarks. Often these accommodations and supports are provided under a 504 Plan.

Some students with hearing disorders, especially those with mild, unilateral and high frequency hearing losses, and less severe auditory processing deficits, appear to be making adequate progress. They may, however, exhibit subtle behavior or listening problems that do not appear to be directly impacting academic achievement. Common behaviors include misunderstanding instructions, being distracted in noisy situations, and having difficulty processing multiple step directions. The educational audiologist is equipped to analyze the relationship between these auditory behaviors and learning and to address problems through teacher consultations, especially for students who are not eligible for special education services under IDEA. Often, an explanation of the problem and discussion with the classroom teacher may be all that is necessary so that a student's actions are not misunderstood. Through periodic monitoring, the educational audiologist is able to support communication access accommodations, including the use of assistive technology, as they pertain to the student's auditory deficits. Section 504 supports students to be successful in general education classes or special classrooms.

Section 504 of the Rehabilitation Act is a federal civil rights law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education. Any qualified individual with a disability has the right to a reasonable accommodation, such as services or aids, to help that individual participate in the school program. Like IDEA, it requires a school district to provide a free and appropriate public education (FAPE) including individually designed instruction to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. "Appropriate" under 504 means an education that is comparable to the education provided to nondisabled students while under IDEA "appropriate" education means an IEP designed to meet the child's unique needs that results in educational benefit. Areas where 504 further differs from IDEA includes no categorical eligibility, no requirement for prior written notice or consent for placement, and no federal or state funding for the services that are provided. All funding for 504 services comes from each school or school district's own financial resources.

Each Federal agency has its own set of 504 regulations that apply to its programs. In education, enforcement for 504 is provided by the U.S. Office for Civil Rights (OCR) within the U.S. Department of Education. OCR also enforces the Title II of the Americans with Disabilities Act (ADA). The Office of Special Education and Rehabilitative Services (OSERS), which is also part of the U.S. Department of Education, administers IDEA, a grant entitlement program which provides limited funding to states for special education services.

In order to qualify for a 504 plan, a student must be determined to have a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment (except that the impairment cannot be "transitory and minor" defined as having an expected duration of 6 months or less). Further, 504 determinations must be made without consideration for "mitigating measures". These include hearing aids and assistive technology, medications, and other learned behavioral adaptations such as tutoring. Referenced under 34 CFR Part 104.3 (j) as a Handicapped person, (ii) major life activities includes functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning reading, concentrating, thinking, communicating, and working.

References:

Individuals with Disabilities Education Act (IDEA) (2004), 20 U.S.C. §§1400 et seq. Regulations: 34 CFR Part 300.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794. Regulations: 34 CFR Part 104 (U.S. Department of Education).

This document is part of the School-Based Audiology Advocacy Series. Please see additional statements on School-based Audiology Services, Audiology Services Under 504, Auditory (Re)habilitation, Classroom Acoustics, Educational Audiology Services Under IDEA: Pertinent Regulations, Hearing Assistance Technology, Hearing Screening, Noise and Hearing Loss Prevention, Role in EHDl and On-Going Hearing Loss Surveillance in Young Children, and References and Resource Materials.