



Students with Disabilities

21st Century Community Learning Centers (Learning Centers) receive federal financial assistance. Therefore, regardless of whether the Learning Center is offering services at a public school or through a private entity, certain legal protections may apply to students with disabilities.

There are many different laws that protect students with disabilities and may apply to Learning Centers. Two of those laws include Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) and the Individuals with Disabilities Act (IDEA).

Section 504

Section 504 is a federal 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. Section 504 provides, "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . ." ¹ 34 CFR § 104.4. More information on Section 504, including the contact information for the Office of Civil Rights may be found on the U.S. Department of Education's website:

<https://www2.ed.gov/about/offices/list/ocr/504faq.html>.

The protections afforded by Section 504 apply to all otherwise qualified children with disabilities in Learning Centers because all Learning Centers receive federal financial assistance. The Office of Civil Rights, a component of the U.S. Department of Education, enforces Section 504.

Individuals with Disabilities Act (IDEA)

The IDEA is also a federal law. The IDEA's purpose is:

- a) To ensure all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet the unique needs and prepare them for further education, employment, and independent living;
- b) To ensure that the rights of children with disabilities and their parents are protected;
- c) To assist states, localities, education service agencies and federal agencies to provide for the education of all children with disabilities; and
- d) To assess and ensure the effectiveness of efforts to educate children with disabilities.

34 CFR § 300.1

The IDEA is a federal grant statute that funds special education programs. Each state has a state educational agency responsible for administering the IDEA. 20. U.S.C. § 1400 et seq. OPI is the

¹ Citation taken from the Department of Education's Website: <https://www2.ed.gov/about/offices/list/ocr/504faq.html>

state education agency in Montana. IDEA applies to local education agencies including public school districts in Montana that receive IDEA funding. OPI provides guidance to school districts on nonacademic services and extracurricular activities under the IDEA in OPI's Special Education Guide.² The Learning Center programs operated by school districts, or in affiliation with a school district, are required to take the steps, including the provision of supplementary aides and services determined appropriate and necessary by a student's IEP Team, to afford students with disabilities an equal opportunity for participation.

The rights and protections of the IDEA are afforded to students who have met the eligibility requirements of the IDEA and their parents.

If a Learning Center would like technical assistance on a particular issue regarding a student with disabilities, they may call OPI's Special Education Division for technical assistance (406) 444-5661.

²Link to OPI Guide:

<http://opi.mt.gov/Portals/182/Page%20Files/Special%20Education/Guides/One%20guide%20Update%209-6-17.pdf?ver=2017-09-11-142832-737> Information on nonacademic services and extracurricular activities begins on page 80.