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Article

Empowering Education Professionals as Advocates

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Abstract: *During the 2020-2021 school year, 8.4 million students with disabilities attended public schools (U.S. Department of Education Office of Civil Rights, 2024). Of these, 6.8 million were serviced under the Individuals with Disabilities Education Act (IDEA). At the same time, 1.6 million were solely served by Section 504 of the Rehabilitation Act of 1973 (U.S. Department of Education Office of Civil Rights, 2024). Section 504 of the Rehabilitation Act prohibits disability discrimination among students. This article will discuss pre-placement evaluations, anticipating barriers, addressing systemic barriers and collaboration, and collaboration for effective advocacy. Working together with families, school-based teams, and healthcare practitioners is essential to ensuring that the rights of the child and family are upheld under Section 504 of the Rehabilitation Act of 1973.*

Keywords: Accommodations, disability, special education, 504, individualized education program

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Empowering Education Professionals as Advocates

During the 2020-2021 school year, 8.4 million students with disabilities attended public schools (U.S. Department of Education Office of Civil Rights, 2024). Of these, 6.8 million were serviced under the Individuals with Disabilities Education Act (IDEA). At the same time, 1.6 million were solely served by Section 504 of the Rehabilitation Act of 1973 (U.S. Department of Education Office of Civil Rights, 2024). Section 504 of the Rehabilitation Act prohibits disability discrimination among students. The Rehabilitation Act celebrated its 50th anniversary in 2023 as the first federal legislation for the civil rights of people with disabilities (U.S. Department of Labor, 2023). This landmark legislation laid the foundation for subsequent policies and protections ensuring free and appropriate public education access for students with disabilities from kindergarten through 12th-grade. As we reflect on the progress made over the past five decades, it is crucial to examine how these legal frameworks have evolved to meet the changing needs of students.

Empowering Education Professionals as Advocates

As education professionals, advocating for students with disabilities or those suspected of having disabilities holds significant importance. Section 504 of the Rehabilitation Act of 1973 is critical to a student's academic experience, and the Individuals with Disabilities Education Act does not supersede it. According to the Federal Education Department's 34 CFR 104.35(a) and 34 CFR 104.35(b), students who have or are believed to be handicapped or in need of special education or related services must undergo a preplacement evaluation. This evaluation is crucial in determining the student's most appropriate educational placement, ensuring their unique needs are met. The effective utilization of validated tools in educational assessment is essential to ensure accurate and fair evaluation of students' scholastic needs and achievements. Validated tools, including tests and other evaluative measures, are designed with specific purposes and guidelines. It is imperative that trained professionals administer tools adhering to strict these guidelines. This ensures that the results obtained are reliable and meaningful, reflecting the true abilities and needs of the students being assessed.

Tests used in educational settings should encompass a broad spectrum of domains beyond intelligence quotient (IQ) evaluations. While IQ assessments provide valuable insights into cognitive abilities, they may not capture the full range of a student's educational needs. Therefore, it is crucial to incorporate tests that measure specific areas relevant to educational achievement, such as reading comprehension, mathematical reasoning, and writing skills (National Archives, Subpart D, 2024). This comprehensive approach ensures that a student's strengths and weaknesses are appropriately considered, thereby guiding the development of appropriate educational interventions and support.

It is important to note that, when selecting and administering tests, it is essential to consider how well they accommodate students with disabilities or impairments (Subpart D—Preschool, elementary, and secondary education, 2024). A test should accurately measure a student's achievement level without being influenced by disability-related limitations, such as sensory challenges, inattention, or literacy difficulties arising from speech disorders (Subpart D—Preschool, elementary, and secondary education, 2024). This requires careful consideration of

the test's format, instructions, and accommodations provided to ensure that all students, regardless of their specific challenges, have an equal opportunity to demonstrate their true abilities (Subpart D—Preschool, elementary, and secondary education, 2024). The thoughtful selection and application of validated tools in educational assessment are fundamental to promoting fairness, accuracy, and effectiveness in identifying students' educational needs and achievements. By adhering to the guidelines, utilizing comprehensive assessment measures, and accommodating diverse student needs, educators and professionals can ensure that assessment outcomes contribute meaningfully to educational planning and support for all students (Evaluation and Placement, 2024).

Anticipating Barriers

As an educator, advocating for the best interests of special education students can present considerable challenges (Stark & Koslouski, 2020). Several critical considerations underscore the complexity of this advocacy:

- Firstly, the Family Educational and Privacy Rights Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) govern the communication between school providers and non-school-based healthcare providers (Pappalardo et al., 2018).
- Secondly, disparities in ADHD diagnoses have been linked to various factors such as biases among educators and medical professionals, systemic racism, unequal access to community resources, insurance status, stigma, psychological literacy, sociocultural norms, funding, and policies affecting families seeking services (Zhao et al., 2023).
- Furthermore, the intersection of poverty and discrimination—manifesting in racism, classism, and ableism—poses significant challenges. These structural inequities not only affect access to quality education and support but also contribute to health disparities among children with diverse needs (Houtrow et al., 2022).
- Additionally, time constraints faced by medical professionals can delay developmental evaluations and exacerbate families' wait times on service waitlists (Steinman et al., 2022).
- Lastly, incomplete data from education professionals regarding social, emotional, or behavioral challenges may hinder accurate medical evaluations essential for diagnosing developmental, mental health, and behavioral disorders (Wilbert et al., 2020).

In summary, advocating for special education students necessitates a comprehensive understanding of legal frameworks, awareness of systemic biases, and a commitment to addressing socio-economic disparities that impact access to services and support.

Addressing Systemic Barriers and Collaboration

The American Academy of Pediatrics emphasizes the need for coordinated policies, practices, and procedures across sectors to mitigate the health effects of societal oppression (Houtrow et al., 2022). This principle highlights the importance of collaboration among entities that serve children and youth with special healthcare needs and their families working together. It is imperative to address systemic barriers such as biases from educators and medical professionals,

systemic racism, and unequal access to community resources. These barriers can affect the accuracy and timeliness of evaluations and the quality of support services provided. Strategically planning to address these issues proactively can help create a more equitable and supportive environment for all students.

Additionally, policies must be in place to ensure that information sharing adheres to legal standards, such as the Family Education and Privacy Rights Act (FERPA) and the Health Insurance Privacy and Portability Act (HIPAA). Understanding and navigating these regulations is crucial for maintaining the privacy and confidentiality of students and their families. By recognizing and addressing these systemic barriers, we can work towards a more inclusive and equitable educational system that supports the diverse needs of all students.

Collaboration for Effective Advocacy

With the previous being examined, having families discuss their goals for communication with the school-based team and their healthcare providers is recommended to ensure proper procedures are followed to facilitate information sharing in the student's best interest to support the evaluation process. Additionally, it is critical with information sharing that all parties involved understand each perspective's vital role in creating a holistic approach to the student's needs. Barriers such as unavailable diagnostic information due to a delayed evaluation from a non-school-based provider or incomplete data from the school can be challenging for families to navigate. Building on this understanding of the vital nature of collaboration between families, school-based teams, and healthcare providers becomes paramount to protecting the student's and family's rights under Section 504 of the Rehabilitation Act of 1973.

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