

504 AND IEP OBLIGATIONS AT PRIVATE OR INDEPENDENT SCHOOLS

Section 504 and IDEA federal laws help to protect the educational rights of children with disabilities, including arthritis and related diseases. They apply to private or independent schools that receive federal funding, either directly or indirectly. For more specific information about the laws, [click here](#)

The funds may be given to a school directly as a grant or loan for various activities including, physical structures/renovation, nutrition, transportation, special education, physical activity, educational reform, technology or STEM programs, as well as payment for providing supplemental educational services outside of the regular school day, such as after-school programs or tutoring in math, reading and language arts.

The private or independent school may also receive federal funds indirectly. For example, the federal government may provide a grant to a non-profit that promotes education, and that organization may reallocate some of the funds to the school.

Then, as with public schools, the private or independent school must adhere to the regulations of Section 504 (that requires schools to provide related services and accommodations to qualified students with disabilities regardless of eligibility for special education) and IDEA law (that ensures children with disabilities have the same opportunities as all children for an appropriate education).

Uncovering Federal Funding

Finding out if the school receives federal funds will require research. First, get a copy of the school's annual report. This is likely available on the school's website or you can ask for a hard copy from the school. Most annual reports include a list of funding sources.

- Federal Government – This [FAQ](#) from the U.S. Department of Education provides more information about the types of programs that give funding to private or independent schools. In a school's annual report, the financial assistance or payment from the government would be listed as coming from the U.S. Department of Education (the federal agency) or your [state's Department of Education](#), also called the state education agency (SEA). The state funds may come from the state's budget or from monies that the federal government gives to states for education-related expenses.
- Non-profits - You will need to check the annual report of the non-profit organization that donates money to your child's school to determine if they receive federal funding.

Once you uncover a federal funding link to your child's school, then you can include a reference to this information in your communication to the school as a reminder of their legal obligations based on Section 504 and IDEA laws.

When There is No Federal Funding

504 and IDEA Laws

If the school does not receive federal funding, Section 504 and IDEA laws are applied differently.

- Section 504 requires that these schools must merely provide "minor adjustments" for students with disabilities. There is no general standard for a minor adjustment. Additionally, courts tend to look at potential administrative burden, expense and related factors of the requested adjustments. In short, the 504 requirements imposed on these schools are minimal.
- If your child has a learning disability that is unrelated to arthritis, you can request an evaluation based on IDEA law that will be paid by the public school district you live in. If your child qualifies for an individualized education plan (IEP) and you keep your child at the private school, he or she may get what's called "equitable services." These services are paid by public funding set aside for students with disabilities whose parents place them in private school. These funds are limited, so students might receive fewer, or no, free services if they attend private school.

Americans With Disabilities Act

The ADA offers protection to children with disabilities in private schools that do not receive federal funds. The ADA does not contain specific special education rules or requirements, but Title III of the ADA prohibits discrimination by public accommodations. That includes private businesses that offer goods and services to the public. They must make reasonable modifications in policies, practices and procedures that deny access to individuals with disabilities, and provide aids, such as, note takers or readers when necessary, unless it would cause an undue burden on the private institution. However, Title III does not cover religious institutions; so, private schools which are directly operated by religious institutions are not covered by this requirement. You will need to contact the Office of Civil Rights in your state's department of education or the U.S. department of education to file an ADA-related complaint.

Accrediting Agencies

You may need to explore avenues through the accrediting agency or membership organization that the school belongs to advocate for your child's accommodations. For example, your child's school may be accredited by the National Association of Independent Schools (NAIS), a non-profit membership association that provided services to more than 1,500 independent or private K-12 schools in the U.S. These organizations usually have member directories available online. [Click here](#) to access the NAIS' school listing. You can find information about your school's accrediting body (if applicable) in the school's annual report, on the school's website or by calling the front office. Not all private and independent schools are accredited.

Once you identify the school's accrediting agency or association, you can review the policies related to educational access, diversity and/or special education programs. Then you can use this language in your communication to the school to encourage their willingness to facilitate accommodations.

For example, the NAIS has a policy statement on educational access that says:

NAIS schools adopt a nondiscrimination statement applicable to the administration of all programs and policies, in full compliance with local, state, and federal laws. For most schools, the law is the floor, not the ceiling, for establishing diverse, inclusive, safe, and welcoming communities for all students, staff, and families.

An accrediting agency has no legal authority over a member private school with regards to specific policies. But, it's very likely that your child's school will want their policies to reflect the standards and guidelines of their accrediting organization and avoid complaints from parents that could potentially affect accreditation status.

State Education Agencies

Another avenue for finding resources and information to assist you with 504 and IEP implementation challenges at your child's school is contacting the special education support services division at [your state department of education](#). There may be state education laws that are applicable to private and independent schools.