



# Disability Rights Center-NH

Karen Rosenberg, Policy Director

# Introduction & History

- Willowbrook expose led to Protection & Advocacy System (P&A)
- NH P&A authorized by Federal statute
- Independent from government & service providers

# Legal Services

- Free consultation with an attorney
  - Legal advice
  - Self advocacy support
- Representation (sliding scale)
  - Negotiation
  - Administrative & court proceedings
- Class actions and systemic litigation

# Monitoring & Investigations

- Lakeview, Sununu Youth Services Center, Group homes, residential schools
- Our staff conducts 20 site visits every month
- Resources Include:
  - [drcnh.org/know-your-rights/restraint-and-seclusion-school](https://drcnh.org/know-your-rights/restraint-and-seclusion-school)
  - [drcnh.org/know-your-rights/restraint-and-seclusion-facilities](https://drcnh.org/know-your-rights/restraint-and-seclusion-facilities)

# Other Projects

- Beneficiaries of SS with Rep Payees
- Voting
- Outreach & education
- Policy Advocacy

# Eligibility

- NH resident
- Disability-related legal problems
- Statewide
- All ages
- Person with a disability or their guardian is the client
- Subject to Case Criteria: [drcnh.org/contact-us/what-we-do](https://drcnh.org/contact-us/what-we-do)

# When Someone Contacts Us

- Receptionist schedules phone or in-person appointment with an attorney or makes referral
- Meeting with the attorney is private & confidential
- Attorney provides legal advice or may refer the issue to the litigation team for further legal representation

# By The Numbers



- 20 appointments for legal advice per week for all disability-related issues
- Last fiscal year, we provided legal advice for 961 clients.

197 of these were education related (20.5%)

# Education Priorities

- Abuse & neglect
- Restraint & seclusion in schools & institutions
- Access to home and community-based services
- Accessibility
- Education
- Employment discrimination

Full list of priorities is available at: [drcnh.org/about-us/priorities](https://drcnh.org/about-us/priorities)

# Current Trends in Education Cases



- Failure to implement IEPs
- Exclusionary discipline/suspension & shortened school days
- Placement disputes
- Bullying
- Schools proposing changes to IEP not based on student's needs

# Education Resources


Advocating for the Legal Rights of People with Disabilities

**DRC**  
DISABILITY RIGHTS  
CENTER - NH

If you have concerns about a child's access to education services you can contact us to speak with an attorney free of charge.

**Education Series**  
**Individuals with Disabilities Education Act (IDEA)**

The federal Individuals with Disabilities Education Act (IDEA) as well as New Hampshire state law require school districts to provide education and related services for children with certain types of disabilities who, due to their disability, need specialized instruction and related services to receive an appropriate education. Under these laws, school districts must make a free appropriate public education (FAPE) in the least restrictive environment (LRE) available to eligible children.



**Individualized Education**

Every child who is eligible under the IDEA receives specialized instruction and related services that are outlined in a written document, called an Individualized Education Program (IEP). The IEP is individually designed to meet the unique needs of the specific student. The IEP is developed by the student's IEP Team which includes the student's parents or guardians and can include the student himself.

**Qualifying for an IEP**

Having a medical diagnosis does not automatically qualify a student for an IEP under the IDEA. To be eligible for an IEP, the student must have a disability for which they need specialized instruction and related services to receive an appropriate education. In New Hampshire, a qualifying disability is defined as one of the 14 categories below:

1. Autism
2. Deaf-blindness
3. Deafness
4. Developmental delay for children ages 3 to 10 (DD)
5. Emotional disturbance (ED)
6. Hearing impairment (HI)
7. Intellectual Disability
8. Multiple disabilities
9. Orthopedic impairment
10. Other health impairment (OHI)
11. Specific learning disability (LD)
12. Speech or language impairment (SL)
13. Traumatic brain injury (TBI)
14. Visual impairment, including blindness (VI)

A meeting to develop the IEP must occur within 30 days after a student is determined eligible.

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1-800-834-1721 | [www.drcnh.org](http://www.drcnh.org)

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**IEP vs 504**

IEPs are developed under the IDEA, a federal law specific to the education of students with disabilities.	Section 504 plans are authorized under Section 504 of the Rehabilitation Act, a federal civil rights law that protects all people with a qualifying disability from discrimination based on their disability.
IEPs are used when a student requires specialized instruction	504 plans are used when a student needs accommodations or modifications to programs and facilities
Student must fit one of the 14 disability eligibility categories	Section 504 has a broader definition of disability
The IDEA grants specific procedural safeguards that must be upheld	Section 504 contains some limited due process rights
Parents are part of the IEP team	No parental input is required to develop or implement a 504 plan
IEPs follow a specific format including evaluation timelines, goals, and objectives	504 plans are usually written documents but do not have to follow a specific format
IEPs require documenting measurable growth	Assures that a student will have equal access to public education and services
Generally, applies to public schools. May apply to non-public schools under certain circumstances.	Generally, applies to all schools that accept federal funding (public, private, religious)
The Office of Special Education and Rehabilitative Services (OSERS) at the Department of Education administers the IDEA and IEPs.	The Office of Civil Rights at the Department of Education administers Section 504 of the Rehabilitation Act and 504 plans.

No cost to parents  
Designed to meet the individual student's needs  
Require a qualifying disability - qualifications differ  
Based off of an evaluation of the student - specific requirements differ

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**Education Series**  
**Section 504 of the Rehabilitation Act of 1973**


Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a federal law that prohibits discrimination based on disability in programs and activities (whether public, private, or religious) that accept federal funds. Students with disabilities who do not qualify for an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA) but who still need accommodations, modifications, or services to fully participate in and have equal access to school, may qualify for what is known as a "504 plan."

**Qualifying for a 504 Plan**

Section 504 is a civil rights law that provides services to students who:

- have a physical or mental impairment which substantially limits one or more of the student's major life activities;
- have a record of such an impairment; or
- are regarded as having such an impairment.

Major life functions include walking, talking, taking care of oneself, working, and learning.  
(Examples may be found on next page)



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[drcnh.org/issue-areas/education](http://drcnh.org/issue-areas/education)

# Stay Up To Date

- Monthly E-News
- Bi-annual *Disability RAPP*

[drcnh.org/resources/  
publications-sign-up](https://drcnh.org/resources/publications-sign-up)



# Questions?

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