

Memorandum

To: Kristin Dixon
From: Will Crowley
Date: March 7, 2018
Re: Section 504 “Minor Adjustments” and Catholic Schools

Federal Law Regarding Students with Disabilities. Catholic educators don’t always know the legal parameters involved in accepting and accommodating students with special needs. Three federal laws are in play: the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973. The IDEA does not apply directly to Catholic schools because they don’t directly receive federal funds for delivering special education services to students. The ADA does not apply because there is a specific exemption for religiously affiliated schools. Section 504 applies to schools that receive federal financial assistance and there is no exemption for religious schools. Thus, Catholic educators should have basic knowledge of Section 504.

The “Minor Adjustment” Standard. Private schools are required under Section 504 to make “minor adjustments” for students with disabilities. The term “minor adjustments” is left undefined, Section 504 provides no examples, factors or other specifics. The determination is made on a case by case basis, in the context of how much of a burden is placed on the Catholic school. The “minor adjustment” standard is less than a reasonable accommodation, requiring only a minimal burden placed on the Catholic school.

Application of Section 504. Specific examples of “minor adjustments” include tutorial services, extra time to take exams, special seating arrangements, modifications to the school’s disciplinary policies, leaves of absence, time extensions, and daily notices to parents describing assignments. The standard should be determined in context of the situation presented.

“Minor adjustments” do not include modifications to essential academic requirements, changes of minimum GPA standards, changes to core academic requirements, creation of new curricula, waiver of minimum achievement levels for admissions, or deviations from basic school disciplinary policies. Establishing a new program or hiring additional personnel is not a minor adjustment. If other students are disrupted, or their health and safety is at risk, that is not a minor adjustment. If the teacher must take significant amounts of time away from regular responsibilities, that is not a minor adjustment.

Conclusion. Because the “minor adjustment” standard is loosely defined, schools get in trouble when they don’t set forth realistic expectations for the student and parent. Schools also get in trouble when they over-promise and under-deliver. This all can be avoided if the individual student’s needs are judged against the Catholic school’s ability to actually address those needs based upon financial and human resources available. **This determination should be made before admitting a student with disabilities and explained to the parents at the outset.**

Additional Resources:

<http://www.louisvillelawreview.org/sites/louisvillelawreview.org/files/pdfs/printcontent/52/2/Daggett.pdf>

<https://ejournals.bc.edu/ojs/index.php/cej/article/viewFile/263/260>