

**"WHERE IS THAT IN WRITING?:
Proper Documentation Under 504"**

By

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Why is proper documentation important?

- ✓ We want to prevent litigation
- ✓ If we are in litigation, will be necessary for discovery and evidence
- ✓ Section 504 local hearings
- ✓ TEA/OCR complaints
- ✓ Employee related matters
- ✓ Investigations

WHAT IS THE DISTRICT REQUIRED TO DEMONSTRATE IN 504?

- FAPE under 504
 - meet needs as "adequately" as nondisabled peers
 - adhere to procedures that satisfy requirements regarding evaluation, placement and procedural safeguards

Does the law specify how to document 504 implementation?

Section 504 does not provide significant guidance on how to document implementation of 504 plans

This can be good because the school can create methods that are best for the campus and the student

This can also be dangerous since the school will need to justify its methods and choices

DOCUMENTATION CONCEPTS

- ✓ Some say that if you don't document it, it never happened
- ✓ You can still prove it happened, but is it relevant if there is no documentation?
- ✓ Voluminous but meaningless documentation may appear as incompetence and cause confusion

DISTRICT-WIDE COMPLIANCE REQUIREMENTS

1. Written assurances of non-discrimination
2. Designation of 504 coordinator
3. Adoption of grievance procedure
4. Notice of nondiscrimination in access to programs
5. Child find for 504 students
6. Provide parents with procedural safeguards
7. Notify parents annually of district's responsibilities under 504

STUDENT SPECIFIC PROCEDURAL SAFEGUARDS

1. The right not to be discriminated against
2. The right to FAPE and LRE
3. The right to an equal opportunity to participate in school programs
4. The right to notice a reasonable time before evaluation and placement
5. The right to inspect, review, copy, amend records
6. The right to impartial hearing and representation

AVOIDING PROBLEMS WITH ACCOMMODATION PLAN IMPLEMENTATION

1. Return phone calls in a timely manner
2. Don't procrastinate
3. Keep the focus on what's best for the child
4. Train staff
5. Organize documentation

What about those pesky emails?

- Keep it professional-don't respond in anger
- Write your response as if a PIA request will be made
- Stick to the facts-no judgments
- Document your phone calls
- Remember to send good news alerts
- After hours emails (respond during business hours, unless it is an emergency)
- Voluminous emails (periodic response/refer back to older responses)

What should be in the Accommodation Plan?

- ✓ A statement regarding eligibility
- ✓ A statement regarding evaluation data considered by the committee
- ✓ The reason for conducting the 504 meeting
- ✓ Any necessary accommodations
- ✓ The student's placement in the LRE
- ✓ Brief deliberations



What should be in the Accommodation Plan? (con't)

- ✓ A statement that all required notices have been made or that appropriate consent has been obtained

- ✓ Signatures of 504 committee members

GENERAL DISTRICT TIMELINES

IN THE EARLY SUMMER:

- a. 504 records must be transitioned to new campuses over the summer

- b. Campus 504 coordinator-box up-list-sign off on box

- c. Receiving campus coordinator verifies receipt

GENERAL DISTRICT TIMELINES START OF SCHOOL

- a. District 504 coordinator provides lists of 504 students to campuses, including transfers and new students
- b. Campus coordinator locates accommodation plans for each 504 student on campus
- c. Provide plans to teachers—have them sign for receipt and understanding

GENERAL DISTRICT TIMELINES FIRST SIX WEEKS

- a. Check grades after three weeks
- b. Determine if evaluation is necessary for transfers
- c. At end of six weeks, discuss any student who has failed
- d. Discuss appropriateness of listed accommodations

WHO SHOULD BE AT A SECTION 504 MEETING?

1. At least two persons knowledgeable about the child, the meaning of the evaluation data, placement options and comparable facilities requirement
2. Local policy dictates whether the parent is invited
3. The child is not a required member. However, it may be appropriate to invite older children

ACCOMMODATION PLAN MINUTES/DELIBERATIONS

- Keep them short
- Get to the point
- Summary of decisions
- Stay positive with wording
- Do not emphasize errors/omissions

504 COORDINATOR CONSIDERATIONS WHEN CONFLICTS ARISE REGARDING THE ACCOMMODATION PLAN

- ✓ Meet with parent—consider alternative dispute resolution like mediation
- ✓ Redirect contact from campus level to district level
- ✓ Campus must gather all meaningful data
- ✓ Confer with campus and create summary and chronology of events

The importance of proper data collection

Generally, data collection is accomplished through some form of data sheets

Usually, the data sheets measure through percentages, duration, and/or frequency

Data sheets can be used to assess a student's success in items not typically assessed by tests, such as behavior, socialization, and communication

Work samples are easy to understand and provide tangible, corroborated data

Data Collection Tips

- ❑ Try to collect and summarize data in real time
- ❑ Take data samples with consistent times and activities
- ❑ Review the data on a regular basis to make it functional and not just to "complete paperwork"
- ❑ Use software to graph data or to utilize spreadsheets

Discipline Referrals

Young Billy unloads a string of obscenities at the librarian when he discovered the entire Harry Potter series was checked out. How should this be documented on the discipline referral?

ANSWER: Discipline referrals should be written in a manner that is factually accurate. No personal opinions should be interjected. The referral should accurately depict what occurred, particularly if foul language is used.

