

**"HOW MANY ACCOMMODATIONS
ARE TOO MANY?"**
Drafting an Effective Accommodation Plan

By

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**Why is a proper
accommodation plan 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

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 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

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

OCR AND ACCOMMODATION PLANS

- 504's LRE requirement is essentially the same as IDEA's
- A generic 504 plan violates the statute—it must be individualized based on a student's needs
- An unclear or ambiguously worded IAP violates the statute
- The focus in 504 is whether a student with a disability is receiving educational services as effective as those made available to nondisabled peers

OCR AND ACCOMMODATION PLANS (con't)

- ❖ The team should describe the physical or mental impairment and how it *substantially limits* one or more major life activities.
- ❖ The committee should also adequately describe how the student's disability impacts the child's *educational performance*. This becomes the driving force for the accommodations in the plan.
- ❖ "Boilerplate" BIPs may also violate 504.

ACCOMMODATIONS

- "Accommodations" are basically any adaptations that are made to the environment, curriculum, instruction, or assessment practices in order for the student to participate actively with other students in the general education classroom and in school-wide activities.
- Accommodations change "how" a student accesses information and demonstrates learning. They do not substantially change the instructional level, content, or performance criteria.

RULES AND BEST PRACTICES REGARDING ACCOMMODATIONS

Accommodations are mandatory if written in the IAP.

The teacher, not the student, must ensure that the accommodations are provided.

Accommodations go beyond the basic supports that a reasonable teacher would provide to all students; e.g., a student receiving extended time must receive more time than other students.

Determine whether a requested accommodation improperly changes the content or curriculum standards.

RULES AND BEST PRACTICES REGARDING ACCOMMODATIONS (con't)

Information should be gathered from a variety of sources, which could include teachers, parents, physicians, nurses, and other school staff members.

The 504 committee should gather written input from all teachers about the student's performance (and possible accommodations).

It is a good practice for a school or campus to adopt procedures for uniform data collection and documentation.

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

ADDRESSING PARENTAL REQUESTS

When addressing parental requests for accommodations, the 504 committee should answer three questions:

1. Is the accommodation necessary for FAPE?
2. Will the accommodation have a detrimental effect on the student?
3. If the accommodation is not detrimental to the child, will it cause a hardship to the staff?

Generally, accommodations should not be provided merely to "accommodate" the parents' desires or demands.

ACCOMMODATIONS AND DEALING WITH STAFF

To avoid confusion and failure to implement, the accommodations should be reviewed with appropriate staff members. Do not simply adopt a "signature upon receipt" type procedure.

Do not name specific personnel or programs to implement the IAP.

Do not over-accommodate.

Avoid boilerplate and vague accommodations.

Monitor compliance by a student's teachers and on a periodic basis and reconvene the 504 committee if necessary.

In order to remove an accommodation, a 504 meeting must be held.

IMPLEMENTATION ISSUES

Have the teachers keep samples from each grading period. The samples must reflect that the accommodations were made.

When including extended time, remember that extended is "reasonable", not "unlimited".

The purpose of highlighted texts is to emphasize important concepts. The teacher, not the student, must highlight the important concepts.

Do not use the term "as needed" since it leaves the implementation to the teacher's discretion. Remember, accommodations are mandatory.

If the child needs recorded texts, the district must make sure that the recorded texts are provided *prior to the use* of the text in class.

ACCOMODATIONS AND STUDENT ISSUES

When a student is refusing an accommodation, the committee must determine if it is necessary.

If it is necessary, the committee must then determine why it is being refused. For instance, is the child embarrassed or being harassed? The committee should determine proper alternatives.

With behavior issues, it must first be determined whether the student's behavior is appropriately addressed with the teacher's classroom management strategies as used with the entire class. If these are not sufficient, then behavioral accommodations can be considered.

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