

**"WE CAN'T PROVIDE THAT, WE SIMPLY DON'T HAVE THE
RESOURCES"**

**TOP TEN STATEMENTS THAT SHOULD
NEVER BE SAID**

By

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The teacher stated "Ms. Dunphy, I understand that you disagree with Luke's accommodations. If you think it can help, we can go ahead and pay for an IEE at the school's expense."



STATEMENT #1

Failure to understand the difference between
Section 504 and Special Education

COMPARISON BETWEEN 504 AND IDEA

- Civil rights statute v. funding statute
- Broad civil rights protections v. limited eligibility
- Independent evaluations
- Due process
- OCR v. TEA/DOE

The parent provided the teacher with a short note from Dr. Meredith Grey, M.D., indicating that Junior had ADD and was taking medication for the condition. Junior has a few minor discipline referrals and he generally is a B+ student.

The teacher stated that the district "is ready, willing and able to prepare an accommodation plan."

Is she correct?



STATEMENT #2

Failure to appropriately determine "educational need"

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

Chuckie, a 504 student, is being removed to the DAEP for 30 days based on his continued disruption to the school environment. The counselor stated "His current evaluation is two years old and therefore everything is good to go."

Is she correct?



STATEMENT #3

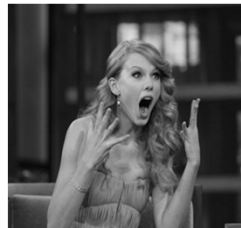
Failure to timely seek re-evaluation

RE-EVALUATION REQUIREMENTS UNDER SECTION 504

- ✓ Periodic reevaluations must take place.
- ✓ Procedures consistent with IDEA are sufficient
- ✓ Required before significant changes in placement
- ✓ May consist of review of IAP and current data on performance, including grades and assessment data
- ✓ Comprehensive evaluation not required—committee determines what additional info is needed
- ✓ Review of IAP good practice when student transfers campuses, moves from elementary to middle, and middle to HS

The assistant principal promised to get Taylor Swift's long-term sub a copy of her accommodation plan. Five weeks after the sub arrived, she still didn't realize that Tay needed extended time to complete quizzes since she never received a copy of the plan. Thus, Tay is failing. The AP said "Ah, we'll deal with that in the fall."

Any problems here?



STATEMENT #4

Failure to address or follow up on the big and/or little things

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
6. Monitor implementation

The 504 committee did not have the parent sign her consent to Jill's initial placement in 504. Also, the members didn't sign the 504 paperwork. It was close to dismissal, so the counselor stated that "the signatures can be done later, perhaps at the next meeting".

Is this ok?



STATEMENT #5

Overlooking or failing to address the required components of the accommodation plan

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

Ms. James, the teacher, chose not to invite Marvin's father to the 504 meeting because she felt he was "cray cray". Consequently, the meeting went smoothly and was over with in five minutes.

Any issues here?



STATEMENT #6

Not inviting all the right people to the
504 meeting

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

Mr. Hill, the teacher, stated that he would provide Billy with the accommodations, but that his grade would not be accommodated because "it is just not fair to the other students". Any issues here?



STATEMENT #7

Failure to include or implement proper accommodations

ACCOMMODATION ISSUES

- Only list necessary accommodations
- If parent is insistent, determine if best interests of student will be served
- Emphasize mandatory nature of accommodations
- Deal with teachers who fail to implement, whether deliberately or based on lack of understanding
- Appropriate accommodations can be provided, even if not in the plan
- AP or honors classes

SPECIFIC ACCOMMODATION ISSUES

1. Modifying for the entire class
2. Grades not reflecting modified work
3. Reduced assignments
4. Highlighted texts
5. The meaning of "as necessary"

Only the 504 committee,
through a properly held
meeting, can remove an
accommodation from an IAP.

Teachers should begin providing
the accommodations immediately
after the plan is completed.

Donald, the teacher, said he "properly implemented" the IAP. The child's father, Joe, said that he "has not properly implemented the IAP". After much discussion, the two agreed that they "agree to disagree". What should happen next?



STATEMENT #8

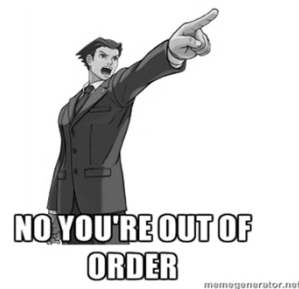
Failure to engage in "problem solving"

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

Charlie, a seventh grader, can be rowdy, disruptive and threatening. Ms. Evans, the teacher, has initiated the teacher removal provisions under state law to get him out of class. Charlie is in the 504 program.

Is this a proper removal?



STATEMENT #9

Utilizing the teacher removal provisions
under state law on Section 504
students

TEACHER REMOVAL UNDER TEC CHAPTER 37

The unilateral teacher removal provisions outlined in Chapter 37 of the Texas Education Code do not apply with students with disabilities. The 504 committee makes placement decisions in the 504 context.

Drake and Kendrick, both 5th graders, got into a feud about who could write a better essay in History. The dispute spilled over to the lunchroom, which resulted in a fight. Both students were disciplined in accordance with their behavior plans under 504. The teacher told Drake's mom that "Everything is cool. We were able to comply with each student's 504 plan, and both students received the same discipline."

Did the teacher act appropriately?

STATEMENT #10

Breaching student confidentiality