

# “He Needs to Retake any Test with a Grade Less than 100”: Determining Appropriate Accommodations Under 504

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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?

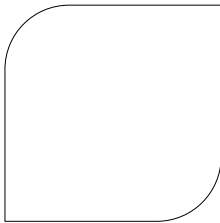
FAPE under 504:

- Meet needs as “adequately” as nondisabled peers
- Adhere to procedures that satisfy requirements regarding evaluation, placement and procedural safeguards

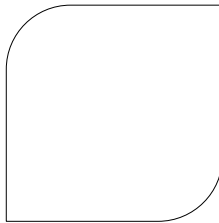
## Does the law specify how to document 504 implementation?

- 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.

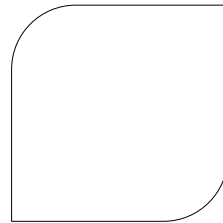
## Documentation Concepts



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

Spring Conference 2025

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## Avoiding Problems with Accommodation Plan Implementation

Return phone  
calls in a  
timely manner

Don't  
procrastinate

Keep the focus  
on what's best  
for the child

Train staff

Organize  
documentation

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## What should be in the accommodation plan?

1. A statement regarding eligibility
2. A statement regarding evaluation data considered by the committee
3. The reason for conducting the 504 meeting
4. Any necessary accommodations
5. Brief deliberations

## What else should be in the accommodation plan?

- 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?

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

## Accommodation Plan Minutes/Deliberations

1. Keep them short
2. Get to the point
3. Summary of decisions
4. Stay positive with wording
5. Do not emphasize errors/omissions

## OCR and Accommodation Plans

- 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 adequate as those made available to nondisabled peers

## OCR and Accommodation Plans

- 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 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

- 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

1

Try to collect and summarize data in real time

2

Take data samples with consistent times and activities

3

Review the data on a regular basis to make it functional and not just to “complete paperwork”

4

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. Having the teacher sign upon receipt procedure ensures that the teachers received the IAP.
- 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.

## The parent is requesting proof that the accommodations were provided. What should the school do?

- Have the teachers keep samples from each grading period. The samples must reflect that the accommodations were made.
- Have the teacher also indicate for each assignment in their grade book the accommodation provided.

The parent is asking for the child to have extended time until the end of the grading period to turn in work. What should the 504 committee do?

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

The teacher provided the student with their choice of highlighters to meet the highlighted texts accommodation. Is this in compliance?

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

## The accommodation plan has "reduced assignments as necessary". Is this appropriate?

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

## The student has the accommodation of recorded texts. When is the district required to provide them?

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.

## Learning Ally

A nonprofit organization offering over 80,000 human-narrated audiobooks, including textbooks and literature, tailored for students with dyslexia, visual impairments, and other learning disabilities. Membership requires certification of a qualifying disability and an annual fee, with hardship waivers available.

## Bookshare

An accessible online library with over 1.3 million titles in formats such as audio, Braille, and large print. Eligible U.S. students can access Bookshare for free, making it a valuable resource for those with print disabilities.

## National Library Service for the Blind and Print Disabled (NLS)

A free program by the Library of Congress providing braille and audio materials to eligible individuals. Materials are available by mail or online download through the BARD (Braille and Audio Reading Download) service.

Johnny is refusing to have the tests read to him even though it is an accommodation. What should the school do?

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.

**Johnny is a  
constant  
behavior  
problem.  
What should  
the school  
do?**

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.

If behavioral accommodations are not working, then an FBA should be completed and a BIP developed.

## **504 Coordinator Considerations when Conflicts Arise Regarding the Accommodation Plan:**

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

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