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Article

Need Help at School: Develop a 504 Plan with Your Team

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Need Help at School: Develop a 504 Plan with Your Team

Phoenyx experienced pain in her knees with some swelling. After several months of complaining and her family doctor thinking it was just "growing pains," Phoenyx saw a rheumatologist. She had other symptoms that had not been connected to her knee pain, such as fatigue, occasional fevers, and loss of appetite. After testing, it was determined Phoenyx had Juvenile Idiopathic Arthritis (JIA)*. Phoenyx went back to school with a prescription to receive special education services.*

Neither the doctor nor the parents understood that just because a student has a medical condition or diagnosis does not guarantee special education services. Special education is for those who need specialized instruction for learning and behavior. Since the passage of Public Law 94-142 in 1975, individuals with disabilities have been assured the right to a free, appropriate public education (FAPE). While the law was revised in 1990, 1997, and 2004, and renamed the Individuals with Disabilities Act (IDEA) in 1990, FAPE has remained for all students. IDEA established criteria for who qualifies for special education, which includes much more than a medical diagnosis in many cases. Special education, specifically having an individualized education program (IEP), is for those needing specialized instruction to meet their unique educational needs (Yell et al., 2020). Under IDEA, FAPE is determined by the IEP team for each individual student and "is provided in conformity with an individualized education program which meets the requirements (of the regulations)" (Smith & Patton, 1998, p. 9). Under IDEA, schools must provide an appropriate education at public expense for all students.

Students with chronic and complex conditions (CCC) may qualify for special education services under the following, but not limited to, IDEA categories: Other Health Impairments (OHI), Orthopedic Impairments, Traumatic Brain Injury, and Multiple Disabilities. However, individuals with CCC who do not need specialized instruction (e.g., diabetes, heart conditions, asthma, or a seizure disorder), only related service support (e.g., nurse, physical therapy, occupational therapy, etc.) probably do not require an IEP (IDEA, Sec. 300.8.a.2i). These students' services could be accomplished with a 504 Plan, allowing for students to have their accommodations, services, and any necessary medical supports met in the least restrictive manner, suitable to their needs.

What Is a 504 Plan?

Section 504 is a part of The Rehabilitation Act 1973, passed to protect the rights of individuals with disabilities. Any program, service, or entity receiving federal financial assistance cannot discriminate against a person with a disability if, through reasonable accommodations, that individual could perform all job duties. Section 504 states:" No otherwise qualified individual with a disability…. shall solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (29 U.S.C. § 794). While this did not specify public education, after the reauthorization of IDEA in 1990, parents became aware of Section 504 and began using it to request reasonable accommodations for their children who needed medical or other supports to participate in their education fully but did not qualify for special education services. The term *reasonable accommodations* is defined as having access to the same content

as their peers, ability to demonstrate mastery, and/or participating in activities (Smith & Patton, 1998).

IDEA and Section 504 require a Free, Appropriate Public Education (FAPE) for all children. However, under Section 504, FAPE is defined as "the provision of regular or special education and related services that…. are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met" [§ 104.33(b)(1)].

IEP and 504 Qualifications

Students must be evaluated within the public education system to determine if their disability adversely affects their educational performance. To determine this, the school district and/or outside agencies perform several evaluations and academic interventions to establish an IEP. These include observations, formative and summative evaluations, intervention data, and psychological testing. Once a need for special education services is determined, a team is formed of school personnel (general and special education teachers, a local education agency (LEA) representative who is usually a school administrator, related service providers if applicable), the student's parent or guardian, and the student to develop the IEP. Each year, the IEP team meets to update goals, determine the number of minutes in specialized instruction, establish accommodations and modifications needed in the classroom and curriculum, describe related services the student will receive (e.g., speech therapy), and record their present academic and functional performance levels. A formal evaluation is conducted every three years to maintain the student's status in receiving special education services.

If specialized instruction is not needed, meaning a student is performing at grade level but needs help with mobility, assistance with daily living skills, medical needs, etc., a 504 plan should be considered. Like IEP teams, most 504 teams involve a school administrator, at least a teacher (general or special educator), a parent or guardian, related service providers (if applicable), and possibly the student. Qualifying for a 504 plan is less complicated than qualifying for an IEP. For example, the Section 504 Regulations do not specify what assessments are required before a plan can be created, or who is required to be part of the 504 team. Rather, the definition of who qualifies is:

> Any person who (i) has a physical or mental impairment which substantially limits one or more of the person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. (Section 504 Regulations, 34 C.F.R. § 104.3 {j})

In addition, "major life activity" is defined as:

> Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, breathing, learning, and working (Section 504 Regulations, 34 C.F.R. § 104.3 {j}{2}{ii}).

The 504 team typically meets yearly to discuss appropriate accommodations and modifications, any changes to related services a school will provide, and the person in charge of implementing the plan. A brief reevaluation plan meeting could take place every three years.

Phoenix went back to school with a diagnosis of Other Health Impaired (OHI), and her parents requested special education services. The school then took 60 days to evaluate her academic performance using observations and school formative and summative data. The team determined that her OHI diagnosis did not adversely affect her educational performance. Observations indicated that Phoenyx's motor skills seemed adequate for the classroom daily. She could adequately hold and use writing utensils, cut with scissors, and type on a QWERTY keyboard. The team decided she did not need further individualized testing to determine if specialized instruction was needed and put a 504 Plan in place for the school. Her accommodations included:

- *A second set of books at home so she did not have to carry a heavy backpack,*
- *Extended time to walk to different rooms in the building (library, gym, etc.) during "flare-ups" of her symptoms,*
- *Movement breaks within the classroom (move and stretch, stand while working, alternative seating),*
- *Possible adaptations in physical education if the lesson of the day was too difficult for Phoenyx's current physical condition (i.e. in pain or with swollen joints),*
- *Rest breaks in the nurse's office during periods of fatigue, and*
- *Observation of transportation needs to determine if accommodations needed to occur for getting on and off the school bus.*

To obtain accommodations for your student, first, obtain documentation from your doctor regarding the diagnosis any potential issues within an educational setting. Sign a release form for the doctor's office to allow the doctor's office to communicate with the school about your child. Additionally, list your and your student's concerns and issues in the educational setting. Once you have that information, contact the school and ask to speak with the 504 Administrator for the building. If you live in a small school district, that person may also serve as the 504 Administrator for the district.

Arrange for an appointment and arrive with your documentation. Ask for a form allowing third-party information release between the school and the doctor's office. FERPA form) and ensure that all necessary signatures are obtained before exiting the meeting. Discuss your concerns and request a 504 Team meeting with the administrator and your child's teacher. Others may attend as needed, including those working with your child (related service personnel), to implement the necessary accommodations for the student to be successful in the educational setting. This can include before- or after-school activities, lunchroom needs, physical education or recess assistance, and within the classroom environment. Before ending the meeting, ensure there is a plan for everyone working with your child to be aware of the accommodations and the legal requirements of implementing them.

Conclusion

504 Plans can be for a short time, such as when a student has a broken leg and needs accommodations for a wheelchair for several weeks, or on an as-needed basis, such as with Phoenyx and her JRA symptoms. They can also become part of the child's continued educational experiences. If you need assistance with making this happen, ask for the name of the parent advocate in the district who can help you navigate the school system. The public school system

is responsible for providing a free and appropriate education for all children, with and without disabilities.

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