



The 504 Bulletin

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Plan Review Requirements



A quick reminder that **October 17, 2008** is the due date for completion of the review of all Section 504 plans for students in your building. All new and updated 504 plans must be submitted to the Office of Special Education not later than that date. If you are unable to meet the deadline please email or phone Burl Oliver at 742-4272 or oliver_burl@asdk12.org. Thanks for your attention to this matter.

Idea of the Month!

Once a student has been determined as “qualified” for a 504 plan we often attempt to meet the needs of the student and the desires of their parents by putting “everything including the kitchen sink” into accommodating the needs of the student.

While it is important to address the needs of a disabled student with appropriate and needed accommodations it is also important to not “over-accommodate” the student. Remember that all accommodations developed and implemented should be specific to the individual student and their disability which substantially impacts a major life activity. The 504 team should develop accommodations which directly impact the student’s disability and impairment and not attempt to meet every need of the student. Many students develop mitigating abilities to address their disability and find it unnecessary to have additional accommodations provided in order to maintain academic progress in a regular classroom setting.

If a “504 qualified” student wears hearing aids, it may not be necessary to address the hearing impairment with additional accommodations such as preferential seating or voice-transmission devices. Likewise, a student with limited sight may have already developed their own methodologies for addressing their need for vision enhancement.

504 Resources

The onset of the 2008-09 school year has brought an increasing number of requests for information and ideas concerning the 504 program. In addition to training being provided on an ongoing basis within ASD, the following resources are offered as examples of “where to go” for additional information and input for individual 504 plans and the development of appropriate accommodations for students. While this list identifies only a small segment of the resources available, it summarizes a variety of websites, etc. that can assist in the approach to the development of a meaningful 504 plan.

If you also have resources you have used that would benefit other coordinators and staff, please feel free to share those with us and we will include them in future editions of the Bulletin.

- ① idaamerica.us/aboutId/teachers/index.asp
Learning Disabilities Association
- ① add.org
Attention Deficit Disorder Association
- ① chadd.org
Children and Adults with Attention Deficit/Hyperactivity Disorder
- ① nimh.nih.gov/health/topics/child-and-adolescent
National Institute of Mental Health
- ① nmha.org/go/get-info
Mental Health America



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Section 504 Coverage of Students with Hidden Disabilities

Introduction

Section 504 of the Rehabilitation Act of 1973 protects the rights of persons with handicaps in programs and activities that receive federal funding. Section 504 protects the rights not only of individuals with visible disabilities but also those with disabilities that may not be apparent.

Disabilities covered under Section 504

The Section 504 regulations define an "individual with handicaps" as any person who (1) has a mental or health impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment.

The key factor in determining whether a person is considered an "individual with handicaps" covered by Section 504 is whether the physical or mental impairment results in a substantial limitation of one or more major life activities. Major life activities, as defined in the regulations, include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

The impairment must have a material effect on one's ability to perform a major life activity. For example, an individual who has a physical or mental handicap would not be considered a person with handicaps if the condition does not in any way limit the individual, or only results in some minor limitation.

What are hidden disabilities?

Hidden disabilities are physical or mental impairments that are not readily apparent to others. They include such conditions and diseases as specific learning disabilities, diabetes, epilepsy and allergies. A disability such as a limp, paralysis, total blindness or deafness is usually obvious to others. But hidden disabilities such as low vision, poor hearing, heart disease or chronic illness may not be obvious.

Students with hidden disabilities frequently are not properly diagnosed. For example, a student with undiagnosed hearing impairments may be unable to understand much of what a teacher says; a student with a learning disability may be unable to process oral or written information routinely; or a student with an emotional problem may be unable to concentrate in a regular classroom setting. As a result, these students, regardless of their intelligence, may be unable to fully demonstrate their abilities or attain educational benefits equal to that of non-handicapped students. The students may be perceived by teachers and fellow students as slow, lazy or as discipline problems.



§504 Questions and Answers

1. Teachers accommodate students all the time. Section 504 seems to be another paperwork burden for already overworked staff. Why do I have to formalize what I already do?
2. A student has diabetes and her parents are concerned that she will not be able to maintain her academic progress as she learns to adjust to the newly diagnosed condition. To date, the student has been an excellent student and continues to attend school regularly. Eligible for a 504 plan?
3. A student currently on a 504 plan for ADHD has been suspended for possessing/selling an illegal drug and is being considered for expulsion. Can the school proceed with the potential expulsion or does the 504 plan preclude such disciplinary action?

How can the needs of students with hidden disabilities be addressed?

The following examples illustrate how schools can address the needs of students with hidden disabilities.

- ① A student with long-term, debilitating medical problems such as cancer, kidney disease, or diabetes may be given special consideration to accommodate the student's needs. For example, a student with cancer may need a class schedule that allows for rest and recuperation from chemotherapy.
- ① A student with a learning disability that affects the ability to demonstrate knowledge on a standardized test or in certain testing situations may require modified test arrangements such as oral testing or alternative formats.
- ① A student with a learning disability or impaired vision that affects the ability to take notes may need a note taker or tape recorder.
- ① A student with a chronic medical problem such as kidney or liver disease may have difficulty walking distances or climbing stairs. Under Section 504, this student may require a special parking space, sufficient time between classes, or other considerations to conserve the student's energy for academic pursuits.
- ① An emotionally or mentally ill student may need an adjusted class schedule to allow time for regular therapy or counseling.

These are just a few examples of how the needs of students with hidden disabilities may be addressed. Teachers and administrators need to be aware of these "hidden disabilities" and be prepared to work with the student, other teachers and parents to ensure the students are provided a "level playing field" from which they can demonstrate their academic abilities.



§504 Questions and Answers

1. Paperwork happens! Documentation of the consideration provided to a student with disabilities and the potential impact of the disability on their educational progress is not only "best practice", but also helps ASD meet the legal requirement to provide FAPE to disabled students under Section 504 of the 1973 Rehabilitative Services Act. While all teachers accommodate on a regular basis, it is important to clearly document just what efforts have been made to provide a disabled student with equal opportunity in the classroom. Your documentation does not have to be voluminous; it does have to clearly state what the potential disability is, the substantial limitation on a major life activity and the accommodations put into place to "level the playing field" for you were to walk out the door today and get hit by a bus, would anyone know the accommodations you have put into place to aid the student in the classroom? Ok, maybe "I won the lottery and decided not to teacher one more day" sounds better, but I think you get the idea.
2. While the parents have sound reasons to be concerned as their daughter adjusts to the reality of having diabetes, there is no requirement or right to have a plan developed "just in case" the student experiences difficulties due to her newly diagnosed medical condition. In other words, keep an eye on the student's ability to maintain her classroom progress and be prepared to respond accordingly if issues become apparent (perhaps a health plan would be appropriate). A 504 team can be convened to determine the student's eligibility and need for services relatively quickly should problems present themselves.
3. The school may proceed with the potential suspension/expulsion as they would with a non-disabled student. The student forfeited their 504 protection by engaging in an illegal act during school.