



The 504 Bulletin

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Special Education Department

AVOID THE RUSH!



As the 2008-09 school year nears its conclusion, it's a good time to gather all the pertinent information regarding the 504 plans you currently have responsibility for and update the information. Since almost, if not all, of the students will be making a "substantial change in placement" with the beginning of the new school year, you are required to review the plan for each student and prepare it for the upcoming changes. Don't forget that this requirement includes all 504 students, not simply the ones making the transition to middle or high school next year.

TRAINING

Section 504

Online Section 504 training will be available with the beginning of the 2009-10 school year. The training tutorial can be completed at your own pace and offers all of the information you will need to determine 504 eligibility, develop and implement a 504 plan for qualified students.

In addition, plans are underway for **mandatory training** for all Section 504 building-level coordinators. The training will be held at the beginning of the 2009-10 school year. Further information regarding dates, locations and times will be forthcoming soon.

Further information is available by contacting Burl Oliver, Compliance Coordinator, Office of Special Education at 742-4272 or via email at Oliver_Burl@asdk12.org.

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Section 504 Building-Level Coordinators



A list of building-level Section 504 Coordinators is available online via the ASD District Connection. Listed are the names and schools of each coordinator and their contact telephone number. Do not be shy about using your fellow coordinators to obtain information and utilize their expertise! A number of the coordinators have been at this activity for a while and have become "resident experts" about the processes, paperwork, accommodations, communications, disabilities and compliance. While every potential 504 student needs to be individually assessed and individual plans developed, there are many commonalities, and the collective experience of numerous ASD staff can be a significant source of support and knowledge. Remember, if it is new to you, someone else has probably already dealt with a similar situation.

WHAT ARE THE BASIC STEPS IN THE §504 PROCESS?

Generally, the identification of a potential 504 student, the determination of eligibility and the development and the implementation of a plan will, at a minimum, involve the following steps.

Step 1—Referral to §504 building coordinator

Step 2—Invitations to 504 eligibility determination meeting sent to parents and staff

Step 3—Eligibility determination team meeting with data review

Step 4—Determination of eligibility/ineligibility

Step 5—If student determined ineligible, send Notice of Proposed Action to parents

Step 6—If student determined eligible:

6a) Plan developed by team

6b) NOPA sent to parents and teachers

6c) Records forwarded to Anchorage School District, Special Education Records department

6d) Plan sent to student's teachers and filed in student's cumulative folder

Step 7—Plan implemented

Step 8—Ongoing monitoring of plan

Step 9—Annual review of plan

Step 10—3 year reevaluation of eligibility



§504 Questions and Answers

1. I have a student who broke his arm at recess yesterday. The doctor placed the arm in a cast for 6 weeks. It is the student's dominant hand and he cannot write with his other hand. Can we write a 504 plan for a student with this "temporary" problem?
2. When does an impairment "substantially limit" the major life activity of learning?
3. Is attention deficit disorder (ADD) a recognized disability under Section 504?



§504 Questions and Answers

1. The question of whether a temporary disability can be covered under Section 504 must be resolved on a case-by-case basis, taking into account both the expected duration of the impairment and the extent to which it actually limits a major life activity of the affected individual. In the scenario above, the student could qualify to have a 504 plan developed due to his broken dominant arm impairing his ability to perform manual tasks, such as writing.
2. Office of Civil Rights has established the standard for substantial limitation of a student's ability to learn by stating: "by definition, a person who is succeeding in regular education does not have a disability which substantially impairs the ability to learn." Section 504 does not require ASD to provide students with disabilities with potential-maximizing education, only reasonable accommodations that give those students the same access to the benefit of a public education as all other students.
3. Yes. Attention deficit disorder (ADD) and attention deficit hyperactivity disorder (ADHD) are impairments that can be the basis of eligibility under Section 504. However, some students with ADD/ADHD may have a disability within the meaning of Section 504; others may not. The key is whether the student's ADD or ADHD is sufficiently severe that it substantially limits a major life activity.

504 Data

While each 504 coordinator has building-level knowledge of their 504 students, the district-wide data can best be stated as incomplete. Efforts at collecting, analyzing and coalescing the data into something useful have been limited in the past. The new online system will allow the ASD to collect more timely and accurate information about each school, the district as a whole and enable staff to obtain more meaningful training

ADA AMENDMENTS ACT OF 2008

NOTE: The ADA Amendments Act of 2008, effective January 1, 2009 could directly impact eligibility of students for services under Section 504. The current administration has placed a hold on all new/revised federal regulations, pending further review. Once a determination has been made regarding the efficacy of the proposed changes, further information will be provided to all staff. In the interim, all current guidelines and rules are to be followed and eligibility determinations, plan development and implementation shall be in accordance with the specified guidelines provided to all building-level staff and available on line via District Connection.

If you have any questions concerning the potential changes and their impact on student eligibility contact Burl Oliver, Compliance Coordinator @ ext. 4272.

RESULTS OF 504 PROGRAM REVIEW

While waiting on the new online system to be completed and provide ongoing, real-time data, we have identified 185 students flagged 504 on VAX for which we have no plans on file. Each 504 Coordinator should take the necessary steps to ensure all current plans are on file and students are removed from 504, and their flag removed from VAX if they do not have a plan.