



The 504 Bulletin

May, 2009 ~ A publication of the Anchorage School District
Special Education Department

TRAINING

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.

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.

Inside this issue:

§504 Data	2
NOPA (Notice of Proposed Action)	2
§504 Questions	2
§504 Eligibility	3
§504 Answers	3



Note: We would like to thank all of you for your hard work this year with Section 504 students. Whether you have one or forty students covered by Section 504, it is time consuming, sometimes frustrating but always valuable to determine a student's eligibility and implement a meaningful 504 plan. Compound that effort with the introduction of new forms and procedures at the beginning of the school year and things get complicated quickly!

The following is a brief outline of findings for the 2008-09 school year. If some of the findings appear familiar, it's because there are common threads from building to building, from student to student and coordinator/team to coordinator/team. Take a look at the information contained on the next page and see if you recognize a student or two in your own building.

§504 DATA

The following information is of a general nature and is subject to change on a daily basis. However, the data provides a "snapshot" of the ASD Section 504 program as of April 1, 2009:

- Number of 504 students:

Elementary	157
Middle	114
High	<u>295</u>
Total	566

Primary disabilities listed at all levels within ASD:

1) ADD/ADHD	101
2) Medical conditions (diabetes, ortho, etc.)	248
3) PTSD	17
4) Learning disabilities	78

Primary accommodations listed on 504 plans:

Preferential seating	178
Extended time	129
Access to computer/calculator/other	63
Hot Pass	41
Oral Instructions	27
Small groups/quiet space	21
Notebook	73

*The average number of accommodations on 504 plans, at all school levels is a bit greater than 4.2.

- Number of 504 students per grade:

1	9
2	15
3	25
4	29
5	41
6	32
7	55
8	59
9	82
10	72
11	73
<u>12</u>	<u>68</u>
Total	566*

NOPA (Notice of Proposed Action)

The Anchorage School District is required to provide notice to parents to explain any evaluation and/or placement decisions affecting their child. The Notice of Proposed action (NOPA) also explains the parent's rights to review educational records and appeal any decision regarding evaluation and/or placement through an impartial hearing.

504 Coordinators should ensure that NOPA's are provided to parents as outlined in the previous paragraph. This includes when a student is removed from Section 504, graduates, changes school, etc.



§504 Questions and Answers

1. How long does ASD have to conduct an initial evaluation?
2. A parent recently requested an evaluation for a 504 plan for their daughter. I have spoken with all of the student's teachers and none of us believe that the student is in need of accommodations in the classroom. However, the parent is insistent that we pay for an Independent Educational Evaluation for her daughter to identify her academic issues. What do I do now?



§504 Questions and Answers

1. While the regulations at 34 CFR(A) require ASD to conduct an evaluation of any student needing or believed to need services under Section 504, the regulations do not address the time period within which an initial evaluation must be completed. Optimally, as little time as possible should pass between the time when the student's possible eligibility is recognized and the district's conduct of the evaluation.
2. As OCR has indicated on numerous occasions, an Independent Educational Evaluation, while it may be one of many resources utilized by the school district in making eligibility and other programmatic determinations, is not a requirement under Section 504. Consideration of an IEE is one thing, but public funding is another. Section 504 does not contain a requirement that gives a parent the right to obtain an IEE of their child at public expense.

504 "ELIGIBILITY"

Section 504 regulations at 34 CFR 104.2(i)(2) define a qualified individual with a disability, with respect to elementary and secondary education programs, as one who is of an age during which non-disabled individuals are provided educational services; of any age during which it is mandatory under state law to provide such services to disabled individuals; or who is entitled to FAPE under the IDEA. Since Alaska law required school districts to provide a free appropriate public education to students with disabilities from the ages of 3 to 21, then a student within that age range is a "qualified" student with a disability under Section 504.

The above information has generated significant discussion about what students fall within the framework of the Section 504 program. On the surface it appears that all disabled students within the identified age range are entitled to services under Section 504. However, establishing "eligibility" for the program is one thing, establishing "need" is something entirely different.

If a disabled student is "succeeding" in the regular education classroom and making appropriate academic progress, it would appear that their disability has not prevented them from accessing FAPE and thus they would not be in need of Section 504 services. Many students who have disabilities have no specific restrictions with regard to obtaining FAPE. Other students however, are impaired by their disability to the point that accessing education or learning is not possible without accommodations to enable them to do so. The latter, rather than the former, is the group for which Section 504 services are intended.

Many parents would like to have a Section 504 plan developed because their son or daughter has a disability or "in case" the need arises. However, the essential basis of the law is to provide equal access to disabled students and provide a level playing field on which they can pursue a free appropriate public education. Students in need of medical or behavioral supports, not affected or minimally affected academically, often find those needs met by a medical or behavioral management plan involving the appropriate professional staff within their building.

HAVE A GREAT SUMMER!