



The 504 Bulletin

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

504 NEWSLETTER NOW A QUARTERLY PRODUCTION

The 504 Bulletin will continue to contain such topics as 504 regulatory updates, questions and answers, case histories, disability information and other relevant information designed to assist you in the development, implementation and maintenance of a successful building-level 504 program.

Periodically, a review of District performance will provide information about well-managed and maintained programs at individual schools. Updates of Federal regulations and/or programmatic issues will be provided regularly and advance notice provided regarding 504 training available throughout the District.

Suggested topics, questions, or concerns should be directed to Burl Oliver, 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. The list of coordinators can be located at: <http://www.asdk12.org/depts/sped/504/contact.asp>.

Inside this issue:

Discussion of §504 eligibility terms	2
§504 Questions	2
§504 Disability Information	3
§504 Translations	3
§504 Answers	4
§504 Training	4

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All 504 plans must be reviewed, updated, cancelled, and submitted to this office **not later than** October 16, 2009.

ADAAA Changes

Effective January 1, 2009 the ADA Amendments Act of 2009 made the following changes relevant to the Section 504 program:

1. Expanded definition of "disabled"
2. Expanded definition of "major life activities"
3. Reduced use of "mitigating measures"
4. Altered definition of "temporary disabilities"

The above changes have been noted and placed into relevant ASD 504 documents.

Please direct any questions or concerns to the ASD Compliance Coordinator, Burl Oliver, at 742-4272 or oliver_burl@asdk12.org.

DISCUSSION OF "QUALIFIED," "ELIGIBLE," AND "IN NEED OF" IN SECTION 504

In the educational context, "qualified" means that the student is qualified if they are within the legal ages for which public education is required in their state of residence and they are "eligible" if they are of that age range and "disabled." However, many people, including parents, advocates, teachers, etc. are of the notion that if the student is "disabled" and "qualified," they are entitled to services under Section 504. This is not always the case. Each individual student's situation must be reviewed on its own merits.

Many students who meet the "qualified" and "disabled" criteria for section 504 are able to meet appropriate academic standards and progress through the required curriculums of the ASD. In most cases that is a result of their individual efforts and the informal supports they receive from family and school staff. Most, if not all, teachers informally and routinely accommodate students in the regular education setting. They often provide preferential seating, oral guidance for tests and assignments, additional time for assignments and testing, for students. This is just part of what they do to help students progress and learn.

However, when a student's disability "substantially impairs" their ability to meet the academic standards and progress appropriately, Section 504 can assist in meeting their needs on a more formalized basis. This is done via the development and implementation of a Section 504 plan which provides all of the student's teachers with the information needed to assist the student to compete with their nondisabled peers on a level playing field.

Advocates and parents often argue that a student with a disability is qualified and in need of Section 504 services and without those services and accommodations the student could not maintain their current academic standing. However, it needs to be noted that Section 504 is an equal opportunity and "level playing field" program and is not intended to provide academic-optimizing services for students. Students in programs such as gifted, international baccalaureate, college-prep and who are making progress through the curriculum are generally not in need of 504 services (although they can be) to compete equally with their peers, disabled or nondisabled.

Likewise, the student who academically struggles, but maintains passing grades and makes appropriate progress is also not the target audience for Section 504. The essential bottom-line of eligibility and need for the program is that that student who is making progress through the traditional curriculum and who is not falling behind their peers, as determined by standardized testing, is not eligible for Section 504 services.



§504 Questions and Answers

1. Substitute teachers are often needed to replace regular classroom teachers who are away from their classrooms for various reasons and period of time. Do we have to train substitutes about Section 504?
2. Do charter schools have to comply with the requirements of Section 504?
3. During preparation to expel a student for various offenses, we noted that the student is covered by a 504 plan. Do we have to do a Manifestation Determination prior to expelling the student?
4. Is ASD obligated to conduct an evaluation upon parental request?
5. Are individual behavior management plans required under Section 504?
6. Must ASD develop a Section 504 plan for a student who either "has a record of disability" or is "regarded as disabled"?

TRANSLATIONS

The Question and Answer Booklet and the Parent's Guide for Section 504 are now available in the following languages: Spanish, Korean, Tagalog, Hmong, Samoan, and Russian. These translated versions are located on—line in the Forms and Publications Library located on the District Connection website.

NOTE: All Section 504 forms and booklets are now online and available through District Connection. To download the forms, you will need to: (1) log on to the web District Connection; (2) Click on Forms and Publications Library; (3) type in "504" under keywords search area; (4) click on desired form's name; (5) when new page loads, click on "View Form"; (6) form can be completed on-line and then saved as a uniquely identified document on your computer.

WHAT ARE THE SYMPTOMS OF ADHD IN CHILDREN?

Inattention, hyperactivity, and impulsivity are the key behaviors of ADHD. It is normal for all children to be inattentive, hyperactive, and impulsive sometimes, but for children with ADHD, these behaviors are more severe and occur more often. To be diagnosed with the disorder, a child must have symptoms for 6 or more months and to a degree that is greater than other children of the same age.

Children who have symptoms of *inattention* may:

- Be easily distracted, miss details, forget things, and frequently switch from one activity to another
- Have difficulty focusing on one thing
- Become bored with a task after only a few minutes, unless they are doing something enjoyable
- Have difficulty focusing attention on organizing and completing a task or learning something new
- Have trouble completing or turning in homework assignments, often losing things (e.g. pencils, toys, assignments) needed to complete tasks or activities
- Not seem to listen when spoken to
- Daydream, become easily confused, and move slowly
- Have difficulty processing information as quickly and accurately as others
- Struggle to follow directions

Children who have symptoms of *hyperactivity* may:

- Fidget and squirm in their seats
- Talk nonstop
- Dash around, touching or playing with anything and everything in sight
- Have trouble sitting still during dinner, school, and story time
- Be constantly in motion
- Have difficulty doing tasks or activities

Children who have symptoms of *impulsivity* may:

- Be very impatient
- Blur out inappropriate comments, show their emotions without restraint, and act without regard for consequences
- Have difficulty waiting for things they want or waiting their turn in games.
- Often interrupt conversations or other's activities.

ADHD Can Be Mistaken for Other Problems

Parents and teachers can miss the fact that children with symptoms of inattention have the disorder because they are often quiet and less likely to act out. They may sit quietly, seeming to work, but they are often not paying attention to what they are doing. They may get along well with other children, compared with those with the other subtypes, who tend to have more social problems.

But children with the inattentive kind of ADHD are not the only ones whose disorders can be missed. For example, adults may think that children with the hyperactive and impulsive subtypes just have emotional or disciplinary problems.

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§504 Questions and Answers

1. Yes. All staff involved with a 504 student must be knowledgeable concerning the requirements of the student's 504 plan and be aware of the accommodations used for that student. The easiest way to meet this requirement is to provide a copy of the student's 504 plan to the substitute staff prior to their assuming classroom duties. They should also be informed of their responsibility to implement the accommodations.
2. Yes. Charter schools are public schools. To the extent they receive federal financial assistance directly or indirectly from the Anchorage School District, they are obligated to comply with Section 504 requirements.
3. Because an expulsion is considered a "significant change in placement" "under Section 504 regulations at 34 CFR 104.35, it is permissible as a disciplinary measure only when a manifestation determination results in a finding that the student's behavior was unrelated to his or her disability. Section 504 contains no explicit provision however, that a school district must provide FAPE to students with disabilities who are suspended or expelled.
4. No, but the district must be prepared to document and demonstrate that it had no reason to even suspect that the student might be eligible under Section 504. ASD is required to evaluate a student only when it has reason to believe that the child needs special education or related services. If the district does not have such a belief, it may refuse to evaluate the student. 34 CFR 104.35(a).
5. Yes. OCR has interpreted Section 504 as requiring districts to develop an individualized behavior management plan for a student with a disability when the student's behavioral difficulties significantly interfere with this ability to benefit from his education. The purpose of a behavioral management plan is maintenance of the placement that the student's Section 504 team has determined to be appropriate to meet his educational needs in the least restrictive environment. Thus, a behavior management plan may be a component of FAPE for a student with a disability under 34 CFR 104.33 in some circumstances.
6. No. In public schools, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger those section 504 protections that require the provision of a free appropriate public education (FAPE). This is consistent with the Amendments Act, in which Congress clarified that an individual who meets the definition of disability solely by virtue of being "regarded as" disabled is not entitled to reasonable accommodations or the reasonable modification of policies, practices or procedures.

Training for all 504 neighborhood school building level coordinators will be offered on the following date:

September 29, 2009 (Tuesday)

Location: Education Center, Orange Conference Room

Time: First Session 9:00 am—10:30 am

Second Session 1:00 pm-2:30 pm

Training for "**Special Schools**" (Charter, Optional, etc.) will be held **Thursday, October 1, 2009** from **9:00 am to 10:30 am**, in the **Orange Conference Room**.

You should sign up for one session of the training through My Learning Plan. If you have any questions, please contact Nancy Bertino @ 742-4272 or Bertino_nancy@asdk12.org.