

# Accommodating your child's needs through a 504 Plan

by Terry Illes, Ph.D.

**E**ACH SCHOOL YEAR BRINGS NEW HOPES AND CHALLENGES TO YOUR CHILD

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with attention-deficit/hyperactivity disorder (AD/HD). Some school years probably seem to go better than others. Hopes and challenges may be dashed and failed one year, fulfilled and conquered the next. You may be wishing for your child's upcoming school year to be either vastly different or, more happily, quite similar to the previous school year. Leaving this outcome to a "wish" is not a very dependable strategy. Fortunately, there are more practical and hands-on approaches to improving your child's odds of having a productive and satisfying school year.



Section 504 of the Rehabilitation Act of 1973 is an underused resource to help meet this goal for your child. In the *CHADD Educator's Manual* (2006), Mary Durham and Chris Ziegler Dendy, M.S., write that Section 504 is a "civil rights law that prohibits discrimination... [and] addresses the educational needs of students in public as well as private, nonreligious schools receiving any federal funds." At its core, this law is intended to protect children from discrimination and may apply to your child if he/she attends a school that accepts financial assistance from the federal government.

### **Who qualifies?**

As with most federal laws, the language of Section 504 can be confusing and vague. Eligibility requirements vary somewhat from state to state. In general, children with AD/HD may meet the eligibility requirements of Section 504 if they have a mental impairment (such as AD/HD) that substantially limits a major life activity, such as

learning and/or behavior in school.

The disorder must impair your child's learning and/or functioning in some way within the school setting. A diagnosis of AD/HD does not guarantee that your child will qualify for accommodations under Section 504, however. An educational specialist must still determine that the disorder is interfering with your child's ability to learn and/or otherwise function within the school setting—that it substantially limits his or her "equal opportunity" to be successful in school. Most children with AD/HD experience problems or impairment in some aspect of their school functioning. If your child's educational and related needs are substantial, then your child may be eligible for an Individualized Education Plan (IEP) under the Individuals with Disabilities Education Act (IDEA).

If it can be documented that your child is having academic, behavioral, social, and/or emotional difficulties at school, but those needs do

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# Common 504 Interventions

## BEHAVIORAL ACCOMMODATIONS

- › use daily notes home to track behavioral progress
- › develop behavior contracts to identify behavioral goals
- › use incentive programs to encourage appropriate behavior
- › cue transitions/changes in routine
- › use frequent praise/feedback to sustain appropriate behavior
- › model appropriate behavior to clarify behavioral expectations
- › take anger management training to teach coping skills
- › use precision commands to increase compliance
- › review/practice classroom rules daily to cue behavioral expectations
- › schedule AD/HD “breaks”/time for movement and physical activities
- › use self-monitoring to reduce inappropriate behaviors
- › provide the student with a “calm down” area
- › provide recess buddy
- › provide structured recess
- › provide hallway buddies

## ACADEMIC ACCOMMODATIONS

- › reduce quantity of work/focus on quality
- › provide frequent breaks
- › use peer buddy to explain instructions
- › assign a designated note taker
- › find alternate ways to complete written assignments (orally)
- › reduce/eliminate homework expectations
- › use untimed tests/take home tests
- › break long-term assignments into short-term assignments
- › use daily organizational monitoring
- › provide preferential seating away from distractions
- › provide a peer tutor
- › provide study sheets that identify key concepts
- › use technological assistance (keyboards, calculators, audio cassettes)



not qualify him/her for eligibility under IDEA, then your child may still be a good candidate for eligibility for accommodations under Section 504. Common school-related problems that may qualify a student with AD/HD for eligibility under Section 504 include:

- difficulty making and keeping friends
- performing academically below ability level
- poor anger control
- noncompliance to rules/discipline problems
- low rate of work completion
- problems completing homework assignments
- off-task behavior
- difficulty following directions
- disorganization; loses materials, etc.
- poor note taker
- poor handwriting
- difficulty making transitions from one activity to another
- poor test-taking skills
- inability to complete timed tests, classwork



### Leveling the playing field

Children with disabilities must be provided equal opportunity to succeed in public or federally-funded private schools as children without disabilities. This means that children with AD/HD who meet the eligibility requirements of Section 504 should be offered classroom supports that address their educational needs and allow them the equal opportunity, based on their individual needs, to learn as students without disabilities.

This does not mean that children who qualify under Section 504 must succeed in school. However, it does place an obligation on the school to provide any accommodations necessary to address the needs of the student with disabilities. For a child who is visually impaired, under Section 504, the school might provide the child with books on audio tape. However, the child might still fail to listen to the tapes and do poorly in class. *It is the opportunity that is guaranteed, not the outcome.*

## Tips for Parents of Secondary School Students

- **INVOLVE AS FEW TEACHERS AS NECESSARY.** Focus on the classes in which your child most needs the accommodations. Many students with AD/HD do reasonably well in high-interest classes or in classes that do not require much writing, note-taking or homework completion, such as art, music, or physical education.
- **TRY TO USE INTERVENTIONS THAT ARE DISCREET AND LESS LIKELY TO BE NOTICED BY CLASSMATES.** Remember, your adolescent is most concerned with peer acceptance. For example, if using an incentive program, the teacher(s) may have to wait until the end of the class to provide the student with feedback, or the school counselor/psychologist may collect the reward chart at the end of the day.
- **INVOLVE YOUR ADOLESCENT AS MUCH AS POSSIBLE IN THE DEVELOPMENT OF THE 504 PLAN.** Allow your adolescent to help target the goals and select the incentives. This will give your son or daughter what every teenager seeks: a sense of control and autonomy from adults.
- **FOCUS ON INTERVENTIONS THAT MAKE LIFE EASIER WHILE NOT REDUCING EDUCATIONAL EXPECTATIONS.** Adolescents are unlikely to object to supports such as reductions in homework, increased time to complete homework, designating a peer “note taker” or allowing tests to be taken at home. However, your adolescent may need to understand that 504 plans provide regular education with appropriate accommodations, not reduction of educational expectations or lowering the grading curve. His or her preparation for post-secondary education must be appropriate.
- **FIND SOMEONE TO ADVOCATE FOR YOU.** Many schools have school psychologists or guidance counselors who can help you develop and implement your 504 plan. They also can alert you to obstacles, such as teachers who are resistant to your plan.



# Strategic Tips for Avoiding Obstacles to 504 Plans

There are many potential roadblocks to obtaining a 504 plan for your child. Some, such as resistant teachers, occur within the school setting, and others are due to misinformation about Section 504.

➤ **KNOW THE LAW.** Many parents do not know what the law does or does not provide or what their child's rights are under the law. Advocate for your child from a position of strength and knowledge.

➤ **KNOW WHAT YOU WANT.** Before you approach the school to develop a 504 plan, consider what it is that you want for your child. Do not leave it up to the educational team to decide

what is best for your child. What might have been done to help your child have a better experience in school last year? What prevented your child from doing better socially, academically or behaviorally? What did your teacher(s) do last year that was helpful to your child that you would like to see continued this school year? See the sidebar titled "Common 504 Interventions" and see if it suggests possibilities for your child.

➤ **SPEAK WITH OTHERS.** Speak with other parents who have children with AD/HD. Find out if they have ever used a 504 plan for their child and what type of interventions were provided. If your school has a school psychologist, he or she would also be a great resource. If you have a local chapter of CHADD, talk with the chapter coordinator to gain suggestions. You can also visit the CHADD Web site ([chadd.org](http://chadd.org)) and learn

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Section 504 provides interventions and accommodations that can be offered within the child's regular classroom. For example, if a child has a severe written language disability, the school might provide a keyboard with which to write assignments. Thus, Section 504 is not a pull-out program in which a student is removed from the mainstream setting and given specialized instruction. Section 504 is not a program at all—it is the guarantee of equal opportunity, a civil rights statute. See the sidebar titled "Common 504 Interventions" for some examples of common behavioral interventions and educational accommodations that may be part of a 504 plan.

## Obtaining a plan

Children may be referred for evaluation under Section 504 by a parent, physician, or school staff member. If you wish to initiate such a request, first contact the designated 504 coordinator in your child's school. Meet with the coordinator and formally request that your child be considered for eligibility under Section 504.

If school staff members also suspect evaluation is needed, the next step will be evaluation by the school to determine if your child's symptoms are interfering with his or her ability to learn and/or function in school. Evaluation under Section 504 does not necessarily require formalized testing—it comprises informal data

such as grades, teacher reports, test scores, medical reports if available, and parent information. A diagnosis of AD/HD or another disorder does not guarantee anything, as a variety of information is required. The primary issue is the degree of impairment of learning and/or behavior, and whether it substantially limits the child's ability to access the educational environment.

If your child is found to meet eligibility requirements, a 504 plan will be developed in writing specifying the supports that will be provided. Although schools are not legally bound to include parents in the development of the 504 plan, most will be glad to do so if the parent requests.

Although the school district is not required to evaluate a child based solely on parental request, it must provide you with notice of your procedural rights. If the school refuses to evaluate your child, or performs evaluations but determines that your child is not eligible under Section 504, you may request an impartial hearing to settle the conflict.

The information in this article is not intended to substitute for the advice of a licensed attorney qualified in the field of disability law. Every child's situation is unique. Consultation with qualified professionals remains always one of the most important steps you as a parent can take to ensure your child with AD/HD receives appropriate accommodations in school. ■

more about Section 504 and what it provides.

➤ **BE REASONABLE.**

Unfortunately, parents sometimes expect far too much from a 504 plan and issue unreasonable demands to the school. This may create resistance among the educational team and interfere with the development of your child's plan. Carefully consider the resources (time, effort, money) that your requests will demand of the teacher(s) or school. In some circumstances, it may be necessary to supplement the school with your personal resources. For example, if the 504 plan calls for the use of a reinforcement program, you may need to consider supplementing the teacher by purchasing some

rewards that the teacher(s) may use with your child.

➤ **COLLABORATE, DON'T**

**DEMAND.** This is an extension of the previous tip. Although you should be prepared to participate and contribute to the development of the 504 plan in a meaningful way, you want to engage the 504 team in a cooperative dialogue. If you offer suggestions rather than demands, you will be more likely to get what you want for your child. I suggest that you present a list of your child's most pressing needs and ask the educational team what accommodations and/or modifications might be helpful. This permits the educational team to have initial input and the team will be more likely to commit to an intervention

if it was their idea. As the atmosphere becomes more collaborative, the educational team will grow more receptive to your input and suggestions.

➤ **MONITOR THE PLAN.**

Parents often view the development of the 504 plan as mission accomplished. Actually, this is just the beginning of the process! Make sure to talk to your child and to the educators at school on at least a weekly basis to determine if the plan is actually helping your child. As you collect information, you can continue to meet with the educational team to fine-tune the 504 plan as necessary.

➤ **CONTINUE THE PLAN TO**

**SECONDARY SCHOOL.** Too often, a 504 plan is discarded when the student makes the transition

to middle school. Parents may have incorrectly heard that a 504 plan cannot be continued in secondary school. There is no denying that it is more difficult to implement a 504 plan during the middle school or high school years. Instead of just one teacher having to implement the plan, there may be several teachers involved. Thus, the plan may require a lot more coordination and legwork than it did within the elementary school setting. Moreover, the most vigorous resistance may come from adolescents who commonly object to anything that might mark them as "different" to their peers. Nevertheless, a 504 plan can be successfully used in the years following elementary school. See the sidebar entitled "Tips for Parents of Secondary School Students with 504 Plans." ■