

Common Challenges Managing Your Child's Educational Rights Plan: Tips from a 504 Coordinator

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Senior Manager
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UPCOMING EVENTS



How to show you are #STRONGERthanJA

- Get involved in your local market
- Jingle Bell Run & Walk to Cure Arthritis
 - Join the planning committee
 - Form a team & recruit others
 - Share your story & fundraise





Join us for **Jingle Bell Run** this holiday season!
Get in the spirit on race day by wearing holiday themed costumes and tying jingle bells to your shoes.

Jingle Bell Run Registration is Open:
www.arthritis.org/jbr



Register for Walk to Cure Arthritis!

WalkToCureArthritis.org

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FIND A LOCAL OFFICE

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TOTAL
RAISED \$1,365,850



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Event City

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OR

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Miles

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Find a Participant

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JA Family Events & Camps



- Events provide encouragement and support to families of children with JA and other childhood rheumatic diseases
- Opportunities to connect with others
- Educational and fun opportunities

SAVE-THE-DATES: 2018 JA Conferences

June 28-July 1
Bellevue,
Washington (Seattle)

August 2-5
Washington DC



More details online, January 2018:
www.arthritis.org/JAConference

School Solutions:

Common Challenges

Managing Your Child's

Educational Rights Plan

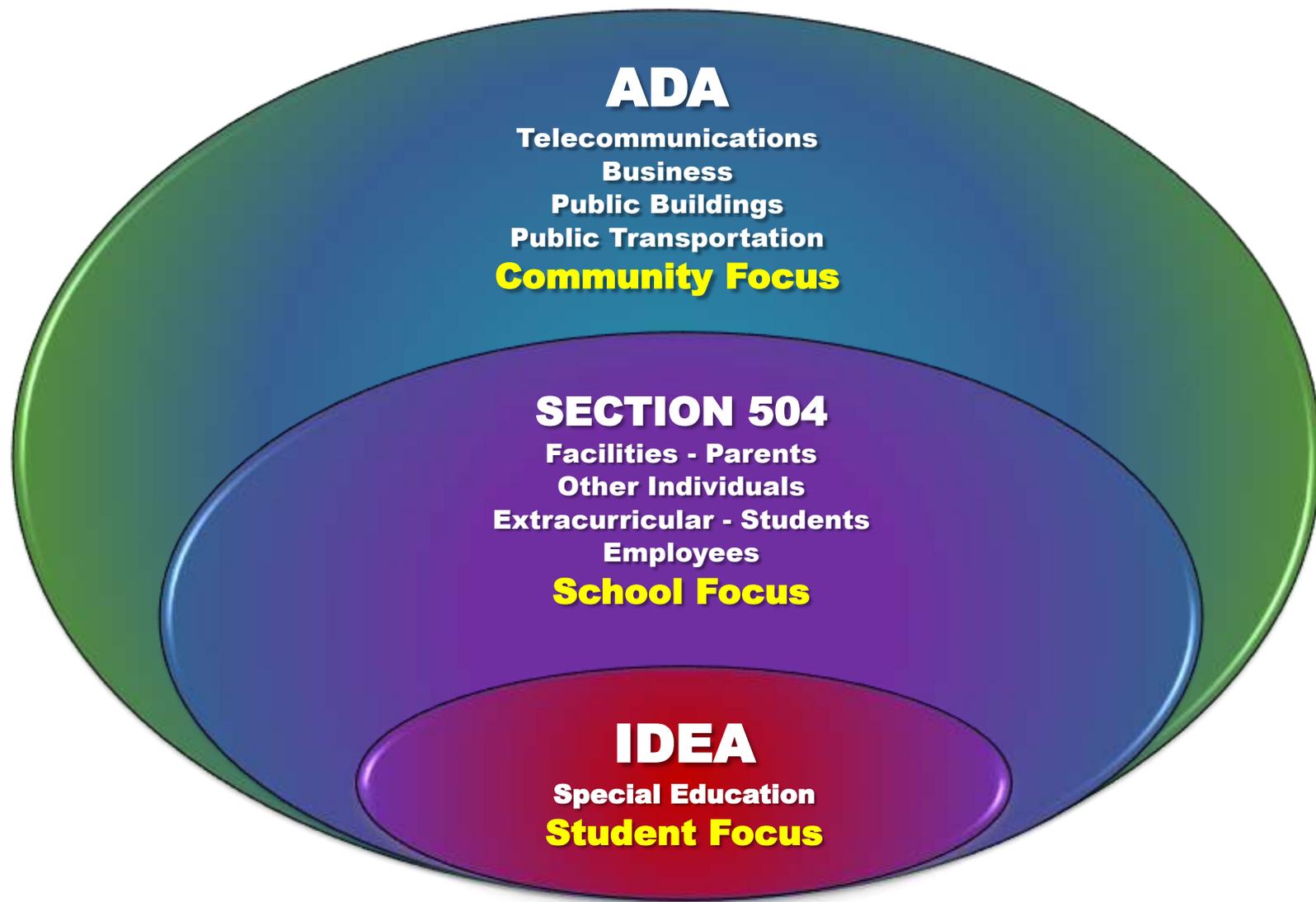


Cheval Bryant, MCD, CCC-SLP



- **Senior Manager, Speech-Language Services and Section 504, Houston Independent School District** (7th largest school district in the nation)
- **Education:**
 - **Bachelor's Degree:** Louisiana State University
 - **Master's Degree:** Louisiana State University Medical Center
- Experience working with and supporting students and families with all types of disabilities.
- Her passion is ensuring equity for all students.

Quick Recap: The Basics



Are there any impairments which automatically mean that a student has a disability under Section 504?

No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.



SECTION 504

Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?

Are medical assessments required?

FAPE = Free and Appropriate Public Education. Under Section 504, this refers to accommodations.

No. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity.

A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity.

No. There is nothing in Section 504 that requires a medical assessment as a precondition to the school district's determination that the student is eligible under Section 504.

However, if the district believes a medical assessment is necessary and the parent volunteers to pay for a private assessment, the district must make it clear that the parent has a choice and can choose to accept a school-furnished assessment.



504 Accommodations **DO NOT mean** Maximize Performance

Under Section 504, a school district must provide “reasonable accommodations”. These accommodations do not have to maximize a student’s performance. Accommodations are not chosen to ensure high grades but only equal access as compared to average peers nationwide.



“Reasonable Accommodations”

- Accommodations involve changes in presentation, manner of response, setting and/or timing to accommodate the student with a disability and provide an equal opportunity to enable the student to demonstrate the skill and/or abilities assessed.
- Accommodations do not involve changes to the curriculum or assignment. They do not lower expectations.



“Reasonable Accommodations”

Examples for the classroom

Organization

- Allow time at the beginning/end of class to organize materials
- Provide visual reminders showing steps to get organized

Test-Taking

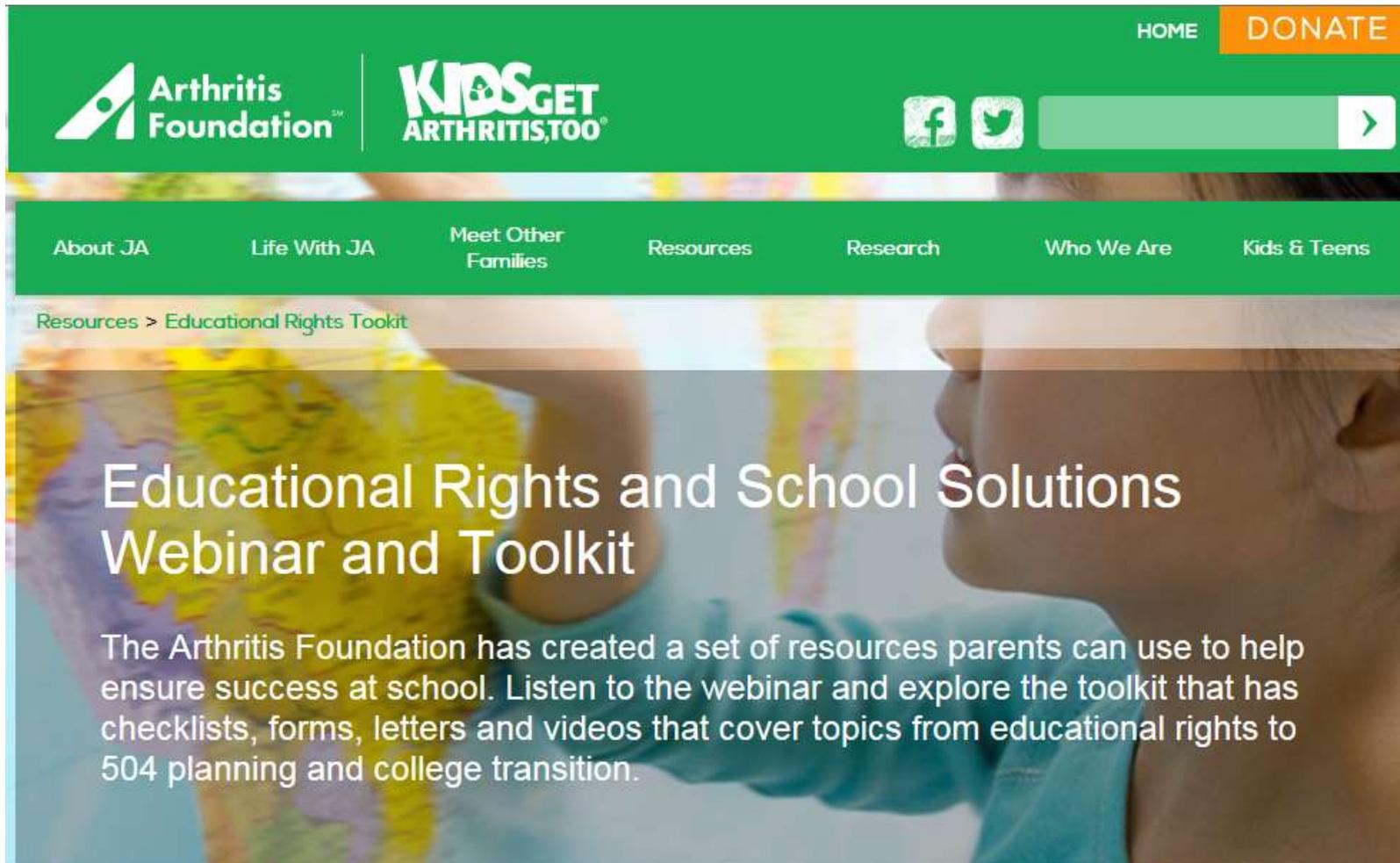
- Have test directions read aloud
- Administer test in a small group setting

Behavior

- Allow student to use a fidget
- Allow frequent movement/motor breaks during the day between tasks



504 planning and development: kidsgetarthritistoo.org/resources/educational-rights-kit/



The screenshot shows the top navigation bar of the Arthritis Foundation website. On the left is the Arthritis Foundation logo, followed by the 'KIDSGET ARTHRITIS, TOO' logo. To the right are social media icons for Facebook and Twitter, and a search bar with a right-pointing arrow. Below the navigation bar is a menu with links: 'About JA', 'Life With JA', 'Meet Other Families', 'Resources', 'Research', 'Who We Are', and 'Kids & Teens'. The main content area features a breadcrumb trail 'Resources > Educational Rights Toolkit' and a large heading 'Educational Rights and School Solutions Webinar and Toolkit'. Below the heading is a paragraph: 'The Arthritis Foundation has created a set of resources parents can use to help ensure success at school. Listen to the webinar and explore the toolkit that has checklists, forms, letters and videos that cover topics from educational rights to 504 planning and college transition.' The background of the main content area is a photograph of a child's hands pointing at a map.

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Resources > Educational Rights Toolkit

Educational Rights and School Solutions Webinar and Toolkit

The Arthritis Foundation has created a set of resources parents can use to help ensure success at school. Listen to the webinar and explore the toolkit that has checklists, forms, letters and videos that cover topics from educational rights to 504 planning and college transition.

Common 504 Plan Challenges

Challenge # 1:

**My child's school rejected
the request for the 504 Plan.**



What You Should Know

Speaker Notes:

- Remember, a REQUEST for a 504 plan is just that.... A REQUEST! Schools are legally obligated to consider your request. If the school determines that your child is not eligible and does not need a 504 plan, they should provide you with an explanation as to how they reached their decision. If you disagree with their explanation and decision, you have the right to request an impartial hearing and be represented by counsel.
- There is no requirement for filing a complaint with the Office for Civil Rights or following the district's grievance process prior to requesting a hearing for disagreements about identification, evaluation or placement.



Challenge # 2

My child's 504 committee refuses to put the accommodations that I (or her doctor) request in his/her plan.



What You Should Know

504 Eligibility \neq necessarily Accommodations

Eligibility under section 504 means the student is eligible for anti-discrimination protections. Eligibility does not automatically mean the student will receive accommodations. Remember, 504 is not an education law. The 504 committee must consider many sources of data in determining whether or not the student requires accommodations. Your input and the input of the doctor are just some of the information that must be considered. The Section 504 committee is the expert in determining 504 accommodations needed at school. No one source of information or request would determine which accommodations the student receives.



Challenge # 3

The school administrators or teachers at my child's school don't honor the accommodations in my child's plan.



What You Should Know

Prior to any significant change of placement and prior to implementation of a Section 504 plan, the district must provide the parents with a copy of their procedural safeguards.

Speaker Notes:

Once the 504 committee decides on the accommodations the student will receive and everyone on the committee signs in agreement, it is a legally binding contract. School administrators are responsible for distributing the accommodations to the student's teachers and teachers are responsible for implementing and documenting implementation of the student's accommodations. You should be able to request documentation of implementation of the student's accommodations at any time. If the school cannot produce the documentation of implementation, the assumption is that the accommodations were not implemented



What You Should Know

Speaker Notes, cont.:

If there is an adverse educational impact of the lack of provision of accommodations, you can and should work with the campus toward resolving the issue in a way that would somehow mitigate the adverse effect. If you are not able to come to a resolution with campus administrators, you would elevate this to the district's 504 coordinator who would do an internal investigation and provide some remedies to the campus. Of course, you always have the option for an OCR complaint, but you should exhaust campus and district level resolution processes first unless the adverse impact is egregious.



What You Should Know

Speaker Notes, cont.:

Please explain how to file for a grievance. (Your school/district should have their own grievance policy in place. Please request their specific policy)

If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Coordinator within 30 calendar days from the time you receive written notice of the Section 504 Committee's action(s).

Cheval Bryant, Senior Manager 504 Coordinator

4400 W 18th St.

Houston, TX 77092

Voice Phone: 713.434-4700

FAX: 713.434-4714

A hearing will be scheduled before an impartial hearing officer, and you will be notified in writing of the date, time, and place for the hearing.



What You Should Know

Speaker notes, cont.:

- If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. (34 CFR § 104.36)
- On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
- Any student having a complaint of discrimination on the basis of disability may use the formal or informal grievance procedures listed in the Code of Student Conduct and stated in Article 7 of the HISD Administrative Procedures in order to quickly resolve the matter at the lowest level possible.
- You also have the right to file a complaint with the Office of Civil Rights.

The 504 coordinator should provide you a written report of findings with a specified time period (usually 45-60 calendar days).



What About Advanced Classes?

- ❖ Section 504 students who are enrolled in gifted and talented/advanced placement programs are equally entitled to reasonable accommodations as other students protected under section 504.



Challenge # 4

My child's school refuses to provide accommodations necessary for him/her to participate in extracurricular activities, field trips, P.E., art class, etc.



What You Should Know

“Reasonable Accommodations” Field Trips/Extra-Curricular Activities

- ❖ Districts must provide a student with a disability the reasonable accommodations necessary for the student to equally participate in all school programs, including extra-curricular activities and field trips.
- ❖ A school district may prohibit a student with a disability from going on a field trip if it believes participation presents an unacceptable risk to the student's health or safety. However, the district should be prepared to demonstrate the necessity of the exclusion.
- ❖ Actions that are generally inappropriate to accommodate a student in school are also inappropriate on field trips.
- ❖ A school district cannot require the parent of a student with a disability to accompany the student on a field trip when a similar obligation is not imposed upon the parents of nondisabled students.



Challenge #5

I need to make changes to my child's current 504 plan.



What You Should Know

- ❖ A student's Section 504 service plan must be reviewed and updated, if needed, at least once each calendar year.
- ❖ You can request a 504 committee meeting at any time.
- ❖ Parents should always be invited to attend the meeting.
- ❖ 504 plans are written to meet the student's needs for one calendar year. If the student will be transitioning to a different grade level/school during that year, consider what the student will need at the new school/grade level.



Challenge #6

My child has a bully and the school won't address the issue.



What You Should Know

❖ **Bullying and harassment** against a student with a disability = **Discrimination** under Section 504 and subjects districts to claims of damages for hostile school environments.

Speaker Notes:

Be sure you have documentation that shows you have notified school administration of the issue. Proceed to filing a grievance immediately.



Challenge #7

My child's teachers and administrators already give my child accommodations. I'm don't think I need a plan, and I'm afraid that I'll offend them if I request one.



What You Should Know

Speaker Notes:

- Even if the school is meeting all of your child's needs without a 504 plan in place, it is important that both the school district and you/your child are protected under the anti-discrimination law of Section 504. The protection provides a formal avenue for resolving disputes and a legal framework for service provision.
- I'm not sure why a school would be offended by asking for protections and services that you are entitled to; but if you are concerned about offending the school, a good way to frame your request would be to say that you know the staff and teachers are doing a great job of meeting the needs of your child. However, you would like to formalize the services so that in the event your child moves to a different school or different teachers they know exactly what works and what your child needs to be successful.



What You Should Know

Speaker Notes, cont.:

- If the school is already providing accommodations for your child, that is their acknowledgement that your child does indeed have a disability that adversely impacts a major life activity. If they do not formally identify and document the child's disability and needs, they are in violation of Child Find.



Involving Your 504 Coordinator

What is a 504 Coordinator?

- A 504 Coordinator is a district-level administrator who has been designated to coordinate the implementation of and compliance with Section 504 for the schools within the district.
- The 504 Coordinator is responsible for ensuring that all campus-based 504 Chairpersons are knowledgeable about the laws surrounding section 504 and their role in ensuring that students are being appropriately identified and served.
- In addition, the 504 Coordinator is responsible for mediating and investigating issues and complaints that are not resolved at the campus level; and responding to OCR complaint investigations



Section 504 Parent Rights

Give parents the right to:

- ✓ Notice of any proposed changes in the identification, evaluation or placement of the student
- ✓ Periodic reevaluations, generally every three years
- ✓ Examine relevant records
- ✓ Request an impartial hearing and review procedures to challenge a recommendation by the Team regarding the identification, evaluation or provision of FAPE (accommodations) to the student.
- ✓ Counsel at hearings and appeals.



Section 504 Parent Rights

Give parents the right to:

- ✓ If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction.
- ✓ On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
- ✓ You also have the right to file a complaint with the Office for Civil Rights.



Questions?





Join us for our next webinar on Family Dynamics

Wednesday, November 1, 2017

7:30 PM EDT

Learn about real-life solutions to better manage and advocate for your child's health; care emotionally and physically for yourself, your child, and your family; and maintain healthy relationships and career performance

Register and view past Educational Webinars Online:

www.kidsgetarthritis.org/resources/webinars