School Practitioner Community of Practice
(A network for sharing & exchange)
(2/17/21)

Contents

>**504 accommodations**

>*Links to a few other relevant shared resources*

(Scroll down to read about the above and for hotlinks to resources)

Note: Go to http://smhp.psych.ucla.edu/ for links to other Center resources.

This resource is from the
Center for MH in Schools & Student/Learning Supports, UCLA

So please feel free to share with anyone you think might benefit (e.g., forward our resources to individuals and share on listservs and websites).

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For those who have been forwarded this and want to receive resources directly, send an email to Ltaylor@ucla.edu

For previous postings of community of practice discussions, see
http://smhp.psych.ucla.edu/practitioner.htm

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For discussion and interchange:
>**504 accommodations**

We received a request for discussion of 504 accommodations:

I'm doing some research on ... Section 504. Some states are is especially low in identifying 504-only students. 504 has less risk of a stigma than IDEA identification since there are no labels. I'm using the low rates just to illustrate the lack of services. Low-income students and kids of color are typically under-identified for 504-only, and there's no clear funding stream to meet their needs. Simply identifying more of these students won't help unless there are resources to meet their needs. I agree that we need to avoid pathologizing kids in order to get them help. Yet there are these poorly met needs and our failure in this regard contributes to the school to prison pipeline.

Here are some questions she raises:
>"Some large districts identify 0 students as 504-only, yet the national average is nearly 3%. Every state is different, so perhaps some states are finding some other ways to meet their needs?"
>"And legally every district is obligated to identify such students. Theoretically, a good system wouldn't depend on identifying students as 504-only but would provide effective early interventions. Do you know of any districts that have sufficient resources and are doing well by the students with needs for mental health supports and services, especially students of color? "
>"The lack of effective supports and services is a major problem and that the needs are rising due to experiences during the pandemic. What should the state and districts do to better prepare for the full return to in-person education?"

Here's Some Comments from the Field:

(1) "This is a good question. IDEA is under the umbrella of 504 so we have seen cases rise from IEP related problems that make it to the state as an access problem filed under 'deliberate indifference'. The burden of proof is on the parent and their attorneys and it is very hard to win. When this happened in our state, the DOE won. If they had filed differently, they would have won compensatory services. The person writing expresses a similar story to us and it is only going to be more of a problem with budget cuts. Unfortunately, unless a parent files for a due process, not much happens. However, there are ways to address students' needs for access through a multi-tiered relational approach to learning.

We have been working hard with our district schools to implement MTSS for academics and behavior. Without it being overwhelming, we work with school teams to identify the Tier 1, 2, and 3 activities they are using or will use based on their data, because academics and behavior is everyone's responsibility. We really emphasize a few teaming systems and a problem solving process to address student needs. Depending on the needs you might have, we would also include community partnerships, families, and state agency support for connecting to resources that help students. It is not perfect, but redundancy builds fluency and our approach is to coach, to support, and to keep using language of a multi-tiered relational approach to help students get their needs met. Very few districts have funds, so we have to be creative and tap into our school community or partnerships to assist.

From the district, we are going the extra mile to help schools team better to problem solve school wide, small groups, and student specific concerns proactively rather than reactively. What I have seen is some pretty innovative proactive ways of reaching families that have not happened before. Attendance is one area that our schools are hosting parent happy hours for families who are struggling during this time. We have also created infographics for home classroom management strategies that families can post on the fridge. We have also offered in-services to families and teachers on understanding anxiety and how to take care of themselves during these challenging times.

Unfortunately, nothing seems to happen without advocacy or a lawsuit. my frustration is that this is a reactive way, rather than a proactive way of dealing with the situation, but long term negligence leads to lawsuits that make an impact for the better. I am a big advocate for improved teaming around academics and behavior support problem solving from a school wide (Tier 1), small grouping (Tier 2) and before individualized (Tier 3) approaches. Schools and districts just don't have funds or resources to address students 1 by 1. We can reach more students if we embrace a relational multi-tiered approach."

(2) "Section 504 is part of the Federal Rehabilitation Code of 1973. The legislation, unlike Special Education law, left Section 504 as an unfunded mandate. Nevertheless, schools need to know the criteria for qualifying a student under 504. The criteria that I am familiar with is that the student must have an illness or disability that effects a major life function (e.g., seeing, hearing, walking, and learning, etc..). When I was on the 504 committee in our district, we developed a manual for schools that defined the criteria for qualification, along with the procedure and required documentation needed as the first step toward eligibility. The 504 committee would review the referral and documentation to show evidence of either an 'illness or disability'. that was effecting a major life function. (My understanding is that the "illness or disability" can be one that is perceived as such, even without a professional diagnosis). The 504 committee would review the referral and documentation and either give the school site the go ahead to write the 504 plan, or one of the committee members would go out to the school to be part of the plan writing process. When I worked in another district over the past couple of years, there was no defined Section 504 procedures or guidelines in place, and schools were writing 504 plans (which are legal documents) for anyone they wanted to give more support to, whether they met the qualifications or not. Some saw it as sort of "booby prize" for students who did not qualify for SpEd, which it is not intended to be.

I recall having some argument with another member of the 504 committee over whether a student qualified or not for a 504 plan, largely due to the service being a cost item that would be written in, and therefore would have to be paid out of the general fund. I am of the belief that schools need to develop a range of opportunities, services and supports within the regular education environment. When the student support teams (e.g., Coordinated Care Team, Student Success Team, School Attendance Review Team) meets to discuss students of concern, they should have a listing of those resources to draw upon....

Unfortunately I believe that some school districts try to discourage their schools from finding students eligible for 504 accommodations by depriving them knowledge of the law and the guidelines and process to follow with regard to a referral for 504 eligibility....

Most often the accommodations provided through 504 are non cost items, such as seating closer to the teacher, an extra set of books to have at home, extra time for test taking, etc. There are times when a cost item is indicated. I recall advocating for a student to get an assistive listening device so as the teacher speaks the voice comes right into the student's ears. A good district would have a budget for cost items that are generated through 504 plans, but I doubt many do. ...

A Student Success Team meeting and Action plan can also be a good way to define the services and supports a student needs. Although the SST plan is not considered a legal document, an SST plan may still qualify a student for extra time on the SAT or other tests if extra time is part of the SST plan. A 504 plan is a legal contract, much like an IEP, and therefore, an investigative and complaint process (Fair hearing) can start if the defined accommodations/services are not being provided. With regard to those students who require mental health services, it is doubtful that a 504 plan would pay for an outside therapist unless the student's disability or illness is directly related to a DSM diagnosis and this 'illness or disability' is effecting a major life function. Many would say that this youngster should be considered for SpEd eligibility as Seriously Emotionally Disturbed and, if found eligible, receive mental health services via the arrangement the district has to provide them. Some districts are utilizing their school psychologists to provide these services as Sp Ed law allows for the 'related service' of 'psychological services other than assessment'.

Schools should have on their staff trained, certificated, and often licensed school/clinical psychologists, school social workers, and others who can provide mental health services as part of their defined responsibilities. Schools can and should also develop MOU's with outside agencies and providers to provide certain therapeutic services either at the school site or linked to the school.

Both the criteria for Special Education Services and Section 504 needs to be understood at the site level as these are legal mandates, and this information should not be hidden from the schools based on a fear that the District will have to spend general funds to provide for services defined in 504 plans. When these guidelines and provisions are clearly known at the school, and they are joined with a range of opportunities for students to participate in or take advantage of, a range of services to address student needs, and a number of supports of various kinds for students who need them, there is a good chance that students will be better served and will be more successful. In may opinion, only then will the schools have truly comprehensive plans to address and support student needs."

(3) "I recommend using the school's 'study team' to evaluate ANY and EVERY student concern. I believe that some schools bypass the 504 identification process because they view it as something different from special education. A learning problem is a learning problem. Regardless of funding streams, the process should be the same. The team should meet to identify concerns and begin a process of documenting what has been tried and what else could be done. Identification for special education requires interventions prior to entitlement anyway, so it only makes sense to treat all students the same in an effort to address student challenges.

The difference comes at a systems level. The study team needs to 'classify' student needs and needed interventions. The team needs to figure out the classifications most appropriate for their circumstances. For example, the study team may determine that an elementary student referred for reading problems does better with individual support offered by a volunteer. The volunteer soon learns that the child's home life is disruptive with parents unable to pay bills, support learning at home, etc. Clearly, this could be a 504 situation rather than a special education need. If documented, school leaders can learn how pervasive such problems are and determine what services and supports are most needed.

Then, the development of a system of learning supports kicks in to build the relationships and provide the supports that are most needed – based on data. Of course, data should also be collected on the effectiveness of supports provided so that the system can remain dynamic and responsive to student needs as they change over time.

My experience has been that some teachers may initially think this to be a bad idea, believing there will be too many referrals to manage. What I found was that teachers who went through the process began learning about interventions that they could apply with other students in their classrooms. The actual number of referrals didn't increase all that much but teachers began implementing strategies much sooner without referrals and only came to the study team when their efforts failed. Of course the other benefit of using this process is that on-going or reoccurring student problems related to issues outside the school can be documented and addressed through partnerships with community-based programs and services.

As for what schools can do to prepare for students to return to in-person learning, I think it's safe to assume there will be mental health issues and begin developing community-based relationships now. There is no reason a school needs to wait to see what students will need when they return. Mental health professionals will have an idea of what might be needed as will some teachers. They should be proactive to figure out now what can be done and make needed adjustments later.

What the federal government should do? Support schools in their efforts to build comprehensive systems of learning supports. The bottom line is that schools have never had to think systemically about supporting learning and tend to operate in silos based on funding streams and federal requirements. While MTSS is a start, it is very limited in scope. Based on my own experience, I think school systems could begin to build systems of supports for very little money. It first requires understanding of what is possible. Most of the costs would support staff time for training and to initiate the relationships needed to build a system of supports. I honestly believe it wouldn't take much to get this work going within a district that is looking for help. I'm more than happy to talk further with anyone wanting to discuss possibilities."

(4) "We talk about '504', but the full title is 'Section 504 of the Rehabilitation Act of 1973.' Understanding the history may help to clarify some of the more unusual aspects of the situation.

I'm not a lawyer, so all I can do is pass along what I learned at various school inservice training sessions on Section 504. Pre-1973, some employers would not hire anyone who had a disability of any kind. But was it fair to refuse to hire a person in a wheelchair even though that individual could do the typing, filing, answering the telephone, and meeting the public components involved in many clerking positions? Obviously, no. So, in short, one of the features of the Rehabilitation Act was to declare it is discriminatory to refuse to hire an otherwise qualified person simply because of the presence of a disability in some other area.

Notice at this point, we aren't talking about students in public schools. The law was written to deal with discrimination in the work place. A similar discrimination-based-on-disability situation was noticed in schools. If a student had a disability, a school district could deny enrollment. To deal with this, in 1975, Public Law 94-142 was enacted. It required that all students with disabilities have access to a 'free, appropriate, public education.' Both laws were similar in that a person suspected of having a disability would be evaluated to determine the nature and extent of any personal limitations. If the limitations were severe enough, the individual would be declared eligible for special services under a particular State-recognized disability category. Based on the evaluation, a written plan would describe the assistance needed, and progress would be monitored at certain points along the way.

This resulted in a number of students who were clearly struggling in school to be evaluated for special education placement, but found 'not eligible' under the State's rules. Missing a cut-off by just a little bit seemed unfair to parents and their lawyers. So the lawyers started to press for the student to receive services under Section 504. Nothing in 504 said you could not apply a rule intended for employment to a school setting, so why not give it a try?

The 504 disability definition is broad, and does not contain clear cut points. Under 504, people are disabled if they:
•have a physical or mental impairment that substantially limits one or more major life activities,
•have a record of such an impairment, or
•are regarded as having such an impairment.

Even if a student did not qualify under stringent PL94-142 rules, the less specific eligibility definition in 504 seemed to open a door.

As lawyers started winning cases using 504 to access special planning, it created an interesting situation in which all PL94-142 students were also eligible under 504 rules, but not all people eligible under 504 would be eligible under PL94-142 rules. Additionally, PL94-142 provided some Federal money for instruction, whereas 504 could cause the loss of Federal funds if a school failed to adequately serve a student with a 504 disability.

Remember, this came at a time when the Federal Government stepped in because the States were all doing special education differently and some places weren't doing anything at all! Imagine how you would feel if your country told you that you and your local school were in violation of Federal law and that from here on out you would have to perform your job according to a large set of confusing new rules and procedures dictated by Washington, D.C.!

At that time, some educators thought the whole 'special education' concept was wrong-headed! Those students didn't belong in the mainstream. Nobody knew where they should attend, but it wasn't here. Some educators thought the slower learning students just weren't trying hard enough, or they were malingering to get attention. Educators who thought this way weren't going to change their ways, no matter what the law said! Clearly, it was going to take some time to get everybody to enthusiastically come over to this new way of working. And things did improve over time, but not completely.

I'm taking the time to explain this because it's not simply 'here is the law and you need to obey.' There's

this complex interaction between socio-cultural, financial, and organizational factors that come into play. School budgets have been whittled back for decades. The number of problems schools have been told to take on have increased dramatically. There are more families in poverty than in the recent past. Teachers plates are already full. Tell me how they are going to write an extensive 504 plan, implement it, and evaluate progress with no extra money, not enough staff, not enough materials, and not even a spare classroom or office space. And we haven't talked about prevention programs yet…

I've been in pandemic lock-down for about 10 months at this point, and that experience has changed my thinking on a number of issues. I believe that all of us have been somewhat blind to the problems in many of our systems. The pandemic and the way our systems responded to it cast a bright spotlight on those problems, revealing all the mistakes, faults, inequalities and inefficiencies. It's clear to me that we cannot 'go back' and use those same failing systems again.

Canadian philosopher and media critic, Marshall McLuhan, used to say that schools move forward by looking in a rear-view mirror. When faced with a problem, many people - including educators - tend to think back to what worked previously. That sort of thinking helps to explain why, even today, some schools continue to advocate for spanking students for rules violations and holding slower learning students back a grade or two.

My recommendation for states and districts, then, is to take this moment as a wonderful opportunity to wipe the slate clean and start fresh. When schools re-open, we will still be dealing with Covid-19 and it's mutated cousins. What skills are needed to avoid infections, care for family members who are sick, and provide comfort the dying? How do people maintain healthy bodies, manage stress, and deal with depression and anxiety? How can people earn a living in the new economy? How can we have clean air and clean water? How can we survive the super wildfires, hurricanes, flooding and crop failures caused by global warming? How do we talk to each other without every little comment dialing up the drama to 11? What's a better way to organize cities, nursing homes, hospitals? While we are still in recovery mode, does it make sense to put a lot of time and money into State-wide standardized achievement tests?

At the Federal level, I wish we would move to a relatively non-categorical method of identifying students who need extra help. It's relatively easy to figure out who is struggling with a particular subject—just ask the teachers. We can spend a lot of time and money being more precise in our description of the student's current levels so we can give them one of a dozen or so eligibility labels, but schools often don't have very many ways to differentiate instruction. I'd be more excited about exact measurement if that data resulted in a precise treatment. (In some schools, special education could mean repeating the same reading series lessons as found in the regular classroom.) Let's just say that anybody who is below a certain rate of progress gets extra assistance.

Yes, there are aspects of the old scope and sequence of courses that continue to be helpful. Let's not pretend we can move forward into the future simply by re-starting all of the faulty systems of the past. That was then. This is now. What do we want our students to learn so they will be better prepared for tomorrow?

Schools will need to talk with their students and their patrons to find out what are their needs. I suspect this kind of planning would not work well if done without an in-depth knowledge of the receivers of school services. It takes time, and schools should be allowed the time to do this work correctly and thoroughly."

Center Comments:

With specific respect to low rates of use of Section 504, districts in many places tend to diagnose kids for special education (especially LD and ADHD) with a view to at least getting some reimbursements for providing costly accommodations and other interventions. In addition to special education funding, they try to qualify student support staff for Medical reimbursements for services, and this reduces personnel who in the past provided 504 accommodations. Mainly pushing for more services tends to perpetuate unrealistic calls for more student support staff; while more would be good, school budgets never are adequate to the demand.

Rather than just focusing on 504 and more services, our work broadly stresses the need for transforming the ad hoc and piecemeal ways schools address barriers to learning and teaching and their attempts to reengage disconnected students. A problem with focusing first and foremost

on 504 accommodations and the designation of students for special education is that personal pathology is not at the root of the learning, behavior, and emotional problems at school manifested by most students. This is especially so in large urban districts and rural schools serving poor families. The first focus in preventing such problems is on enhancing the ability of schools to address the variety of factors that interfere with learning and teaching. And, the difficulty here is that many of these factors are the result of long-standing, unresolved structural and systemic barriers that require transformative school improvements. (This is a reason why we stress barriers to learning and teaching rather than ACEs and emphasize blending a range or school (e.g., Title I, etc.) and community resources.)

Thus, we suggest that a basic approach to accommodating student differences is to enhance teacher's ability to provide personalized instruction and specialized supports in the classroom and to recognize that teachers can't do this without a school developing a unified, comprehensive, and equitable schoolwide system of learning supports. To these ends, we stress that: "Equity of opportunity is fundamental to enabling civil rights; transforming student and learning supports is fundamental to promoting whole child development, advancing social justice, and enhancing learning and a positive school climate."

Our approach is highlighted in the new policy brief we prepared at the request of PACE. See

>*Restructuring California Schools to Address Barriers to Learning and Teaching in the COVID 19 Context and Beyond*
https://edpolicyinca.org/publications/restructuring-california-schools-address-barriers-learning-and-teaching-covid-19

For resources related to this concern, also see:

>*Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities*
https://www2.ed.gov/about/offices/list/ocr/504faq.html

>*Special Education: "Individuals with Disabilities Education Act" and Accommodations/Inclusion* http://smhp.psych.ucla.edu/qf/idea.htm

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Is this topic being discussed in your locale?

What is your experience/recommendations regarding this matter?

Please let us know so we can share the info widely. Send to ltaylor@ucla.edu

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>Links to a few other relevant shared resources

Community service ideas for teen volunteers
https://www.teenlife.com/blogs/50-community-service-ideas-teen-volunteers

Do good from home https://leadasap.ysa.org/dogoodfromhome/

COVID-19: Resilient Educator Toolkit https://resilienteducator.com/collections/covid19/

Guidance on Preparing Workplaces for COVID-19
https://www.osha.gov/Publications/OSHA3990.pdf

3 summer program strategies to address learning loss, support emotional health
https://www.k12dive.com/news/districts-turn-to-summer-programming-to-help-address-learning-loss/594246/

Anti-Racism Resources
https://www.schoolcounselor.org/Publications-Research/Publications/Free-ASCA-Resources/Anti-Racism-Resources

Helping Students in Troubling Times
https://www.schoolcounselor.org/Publications-Research/Publications/Free-ASCA-Resources/Helping-Students-in-Troubling-Times

BAM! Body and Mind: Classroom Resources for Teachers
https://www.cdc.gov/healthyschools/bam/teachers.htm

The Star Collection: Books for young American Indian and Alaska Native (AIAN) readers
Features and celebrates feelings connected to culture and community and having positive relationships with others that are safe, stable, and nurturing.
https://www.cdc.gov/injury/tribal/starcollection/index.html

Pandemic Has Changed Main Challenges of School Counselors
https://thejournal.com/articles/2021/02/01/pandemic-has-changed-main-challenges-of-school-counselors.aspx

Supporting social-emotional and behavioral needs during COVID-19:
>Resources for Educators and Schools
https://oese.ed.gov/resources/social-emotional-behavioral-support/resources-educators-schools/
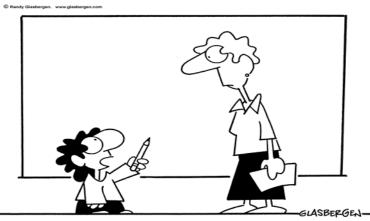*>Resources for Districts*
https://oese.ed.gov/resources/social-emotional-behavioral-support/resources-for-districts/
>Resources for Parents and Families
https://oese.ed.gov/resources/social-emotional-behavioral-support/resources-parents-families-remote-learning/

No Going Back: Providing Telemental Health Services to California Children and Youth After the Pandemic
https://cachildrenstrust.org/wp-content/uploads/2021/01/NoGoingBack_final.pdf?mc_cid=3dc2ba4ab0&mc_eid=056fdb902d

The Nuts and Bolts of Telemedicine: Essential for a Family-Centered Experience
https://familyvoices.org/telehealth/curriculum/

A Population Health Perspective on Middle School Success
https://www.nap.edu/catalog/25807/a-population-health-perspective-on-middle-school-success-activities-programs

Guide to Online School Psychology Programs
https://www.publicservicedegrees.org/online-degrees/psychology-programs/school-psychology/

"How do you expect me to write with this?
It doesn't even have a USB port for a keyboard!"

A Few Upcoming Webinars

2/23 Beyond Equity - the Lens Through Which We Lead

2/23 The Resiliency Journey

3/3 Middle School College and Career Program

3/16 Creating a Culture of Equity: School Social Workers, Advocacy, and Professional Ethics

3/17Access and Accommodations: Reimagining Places and Spaces for Students and Staff

3/31 Transform the Norm: Rethinking How Teachers Teach & Principals Lead

How Learning Happens (Edutopia's updated series of videos explores how educators can guide all students, regardless of their developmental starting points, to become productive and engaged learners.

Webinar recording: Unpacking the Impacts of Structural Racism on Youth
https://preventioninstitute.us17.list-manage.com/track/click?u=5f4bf5a36bd9f72789255d49a&id=17f472fea9&e=b6757fd9d7

For more webinars, go to the our Center's links to Upcoming/Archived Webcasts/Podcasts –
http://smhp.psych.ucla.edu/webcast.htm

For brief outlines about meeting the challenges ahead, see the following recent resources:

>Restructuring California Schools to Address Barriers to Learning and Teaching in the COVID 19 Context and Beyond

https://edpolicyinca.org/publications/restructuring-california-schools-address-barriers-learning-and-teaching-covid-19

(While this brief was prepared for California, it has relevance for every state.)

>Have Districts and Schools Established a Leadership Team to Meet the Challenge of the Increased Number of Students Manifesting Learning, Behavior, and Emotional Problems?
http://smhp.psych.ucla.edu/pdfdocs/leadership.pdf

>Finding and Reengaging Students who Went Missing During the COVID Pandemic
http://smhp.psych.ucla.edu/pdfdocs/Findingdisconnectedstudents.pdf

For in-depth presentations, see the following books provided by the Center at no cost:

>Improving School Improvement
>Addressing Barriers to Learning: In the Classroom and Schoolwide
>Embedding Mental Health as Schools Change
(all three can be accessed at - http://smhp.psych.ucla.edu/improving_school_improvement.htm)

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*For **i**nformation about the*

National Initiative for Transforming Student and Learning Supports
go to http://smhp.psych.ucla.edu/newinitiative.html

Equity of opportunity is fundamental to enabling civil rights;
transforming student and learning supports is fundamental to
promoting whole child development, advancing social justice,
and enhancing learning and a positive school climate.

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Invitation to Listserv Participants:

**Everyone has a stake in the future of public education. This is a
critical time for action. Send this resource on to others. Think
about sharing with the growing number who are receiving it.
AND Let us know about what we should be including.**
Send to Ltaylor@ucla.edu

**THE MORE FOLKS SHARE, THE MORE USEFUL AND
INTERESTING THIS RESOURCE BECOMES!**

For new sign-ups – email Ltaylor@ucla.edu

Also send resources ideas, requests, comments, and experiences for sharing.

**We post a broad range of issues and responses to the Net Exchange
on our website a**t http://smhp.psych.ucla.edu/newnetexchange.htm
and on Facebook (access from the Center's home page http://smhp.psych.ucla.edu/)