

504 Plan Considerations

There are a number of other things that I want you to consider in the development of a 504 plan. Number one is to remember that in most 504 plans that I've ever seen, much of it falls on the shoulders of the teacher. Often if you have a willing teacher or a skilled teacher, a teacher that you have a good connection with, you can introduce modifications, accommodations, even some supportive elements, without actually forming a 504 plan. Unfortunately, in my experience a number of schools have gone to the point that they won't introduce those accommodations, modifications, and services without a 504 plan. It would be like not allowing a child with a sprained ankle to use a ramp to get into the building unless the physician or the clinician provides a note with a diagnosis of sprained ankle. A lot of the times a lot of the work that goes into formalizing a 504 plan isn't really necessary, particularly in the early stages of elementary school. I find 504 plans are generally more useful as task expectations increase, organizational skills are required and we're anticipating increased expectations in middle school.

The legal elements of 504 plans are actually quite intricate, and not every school clinician are going to be experienced and knowledgeable about the 504 plan and it's law. If I am approaching a school team about a 504 plan, first of all you do it in writing. Second of all, you do your homework. You become the expert about how 504 plans work. Contrary to popular opinion, or common opinion, I don't know if it's popular or not, find that 504 plans are not just restricted to accommodations and modifications. A 504 plan can include services, generally not special education services, because they would be provided under Special Ed eligibility, but certainly covered by a wide range of services including some work in reading, including some work in speech or fine motor skills. It's not restricted to just making changes in the classroom environment, or sitting close to the teacher, or shortening assignments. A 504 plan can be more robust than many teachers and many parents would imagine.

The 504 plans are supposed to be individualized to your son or daughter. We are doing a deeper dive into this issue, because one that I've found is that 80% of the 504 plans I've reviewed for children with attention deficit, or hyperactivity disorder have 80% of the same items. They always include some item about being closer to the teacher or strategic seating, modifying assessments or testing, shortening assignments, an opportunity to take movement breaks. Many of these, frankly these 504 plans because schools are under such pressure to develop them, include some basic elements and don't go into a deeper dive about what really would be effective for your son or daughter. In fact, I think there's good reason to question why the sum of the 504 plan modifications that are used are actually beneficial in the first place. I don't think we've done enough research to really see which elements of a 504 plan help, and which do not.

The 504 elements really need some empirical validation. We have to have some process in our 504 plans to know that what we're doing works. Otherwise, we create the 504 plan, we codify it with signatures, it's tattooed on the teacher's arm so they absolutely know what the 504 plan is all about, but we don't really measure whether it's making a difference. It's important to put things in place that truly do level the playing field and give an ADHD child every opportunity possible to benefit from their regular educational experience. The 504 plan should be reviewed.

There are some significant differences between review of a 504 plan and a special education plan that I don't want to get into here right now. You can read about it, but the most important thing is there is no commonsense reason not to review the 504 plan with the teacher periodically just to see what's working and what isn't.

Parent involvement is required in the implementation or the development of a 504 plan, but as I understand it, it's not required to modify a 504 plan. I've never seen a school modify a 504 plan without parental involvement, but just know that checking in with the teacher about what they're doing, how things are working, and, more importantly, how you can support their efforts always, and respond to feedback and be part of a discussion with teachers. Talk about how you can support the school's efforts. They cannot accomplish these goals by themselves.

As I've said, the request for a 504 plan should be put in writing. I give it to the principal, because the principal is the captain of the ship. I encourage parents to make sure it goes to the principal who goes to get it in the right hands. Again, the Office of Civil Rights actually has a template for letters such as this requesting consideration of a 504 plan. In my experience, almost every school will presume that the diagnosis of ADHD a documented, established diagnosis of ADHD, is sufficient for a 504 plan, even if the child seems to be doing relatively well at the time. Children who are doing relatively well, with medication, for example, are still eligible for a 504 plan.

The timeline for developing 504 plans is a bit ambiguous. I know there shouldn't be any undue delay, and I know there are often guidelines that are tailored to the special education guidelines. Please remember that our schools are burdened with the challenge, particularly in a pandemic, of all the responsibilities to meet the needs of kids is overwhelming, so I would encourage all parents to be patient, to see if they can introduce some elements of a 504 plan, just a collaborative conversation with a teacher or a counselor, and wait until the system can go through all the steps to develop a formal plan.