



GUIDANCE FROM THE OFFICE OF CIVIL RIGHTS at the US Department of Education, consisting of a Dear Colleague Letter and Resource Guide on Students with ADHD (2016), has made it clear that many students with ADHD qualify for school 504 plans. Their plans will only be meaningful if parents and schools collaborate to write plans that are individualized, are communicated to all involved staff, are understandable by all staff, and ultimately are implemented by each staff member.

In my experience in over four decades on “both sides of the table,” I have advocated for students both as a public school employee and now, in private practice, as an educational consultant and supervisor of other consultants and advocates. There are several obstacles to overcome if we are to work together, across the table. It is my experience that having a shared understanding of the following six basic principles will allow us all to work collaboratively in the best interest of students with disabilities to create meaningful plans.

To illustrate how these six principles come into play in developing 504 plans, I’ve provided the example of a student I’ve called Jordan. Following each part of Jordan’s story, I provide some key points that illustrate each principle. These points, based on my experience advocating for 504 plans, are supported by the Dear Colleague Letter.

Writing Effective 504 Plans

by Richard Weinfeld, MEd



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PRINCIPLE 1

The parents and the other members of the 504 team must have a shared understanding of the disability, including how the disability substantially limits a life activity.

Jordan is a ninth grader who is getting As and Bs on his report card, including a B in his Advanced Placement US History class. He is often unsure of when assignments are due and spends four hours a night, on average, completing his unfinished classwork and his homework. Jordan's parents have a letter from Jordan's physician in which she has diagnosed him with ADHD. The 504 team is unsure of

whether Jordan's disability substantially limits a life activity since he reads, writes, and does math at levels that are well above average. However, after observing his difficulty concentrating in classes and listening to the parents' report of his struggles at home, the 504 team determines that Jordan's life activity of concentrating is substantially limited and he qualifies for a 504 plan.

KEY POINTS:

- If evaluation of any kind, including medical, is needed for determination of disability, the school system is responsible for providing the evaluation, at no charge to parents.
- Schools can't delay evaluation because they are using a Response to Intervention (RTI) or multi-tier intervention

model. Information from RTI may inform the evaluation process, either showing that the student didn't respond to typical interventions or showing that he or she needs a continued intervention. In either case a student with ADHD might still qualify for a 504 plan.

- "Life activities" go beyond just the consideration of traditional academic activities and include other activities such as concentrating and thinking.
- A student who is getting good grades and/or scoring well on standardized tests may still qualify for a 504 plan due to the impact on his or her life activities. For example, a student may be spending many more hours than other students outside of school to complete assignments.
- Students who have a high number of discipline referrals for incidents such as disruptive activities may be in need of 504 plan accommodations and services.
- A student who is not attending school on a regular basis may not be attending due to the impact of her disability and may be a student in need of 504 accommodations and services.

Here is what the 2016 Dear Colleague Letter says:
The definition of disability is to be construed broadly and determination of whether a student has a disability doesn't need an extensive analysis.

PRINCIPLE 2

A determination of a student's disability must consider the ameliorative effects of mitigating measures.

The 504 team also discussed that Jordan has been taking medication for his ADHD since third grade and there is no evidence of hyperactivity during school. The team considered how Jordan would likely perform without the medication and this added to their determination that Jordan should qualify for a 504 plan.

KEY POINTS:

- The 504 team must consider what the student's performance would be without the ameliorative or helpful effect of mitigating measures like medication, tutoring, therapies and other outside help.
- The 504 team should consider history from school records and parent reports of how the student previously performed without the mitigating intervention.
- The 504 team must also consider how the student would be likely to perform without the mitigating intervention.

PRINCIPLE 3

The 504 plan must provide the unique interventions necessary for the individual student at the time of the meeting.

Since Jordan had such a difficult time accurately recording his assignments, Jordan's parents asked that his teachers check his agenda book at the end of each class, to make sure he accurately recorded that night's homework assignment. School staff initially responded that this was not an age-appropriate accommodation and it was not provided for other students in their high school. After discussion, the team agreed that this accommodation was appropriate for Jordan due to his unique needs. A teacher suggested and the team also agreed to provide Jordan with a copy of information that teacher's entered about assignments on the Smart Board during class.

KEY POINTS:

- Interventions can include not only accommodations typically provided to students with 504 plans, but also those typically provided to students with IEPs.
- Interventions should not relate to what other students are generally expected to do at this or the next grade level.
- Interventions should focus on what this individual student needs at this time regardless of his or her age or grade level.
- Interventions should be evidence-based, whenever possible.
- Interventions in each student's plan should be evaluated and changed over time.
- Interventions should not be taken away if a student does not use them. Instead we should investigate why the student is not using them and correct the related problems. For example, the student may not be aware the accommodation is available to him, she may not have been trained to use the intervention, or he may be embarrassed to use the accommodation in the setting, in which it is offered.
- Teachers can be a valuable source of determining what would work in their classrooms to remove obstacles, but may also need guidance and training to employ novel strategies.

PRINCIPLE 4

The 504 plan must be communicated to all staff members who will work with the student and they must all understand they are responsible for implementation.

Only two of Jordan's seven teachers were able to attend the 504 meeting. The school counselor volunteered to meet with the other five teachers after the meeting to explain the reasoning of the team in deciding that a 504 plan was warranted. The teacher who suggested the accommodation of copying material from the Smart Board agreed to meet with all teachers who had not previously used that accommodation to discuss the logistics of its implementation.

KEY POINTS:

- While there may only be one general educator at the 504 meeting, the student may encounter seven or more educators throughout the school day. It is crucial that each of these educators understand the reasons that the interventions were chosen by the 504 team, what the interventions are, and how to implement them in their class or activity.
- Training must be provided to staff members so that they can effectively implement the 504 plan.

PRINCIPLE 5

No student is too smart to qualify for a 504 plan.

One of the teachers at the 504 meeting was Jordan's AP US History teacher. She expressed concern that the college level content of her class would be compromised if she had to provide accommodations. She also argued that she had not provided accommodations to students in her class in the past and that if a student belonged in that level class they should not need modifications. The school administrator explained that the law was clear that a student's strong cognitive ability did not mean they could not simultaneously have a disability. The administrator also reassured the teacher that the 504 team was not asking that she modify the high level content, but to remove obstacles to a student with a disability, who qualified for the class, to learn that high level content.

KEY POINTS:

- Strong grades or test scores do not mean that a student cannot qualify for a 504 plan.
- Students may not be denied admission into advanced classes or programs because they have a 504 plan.
- Once placed in advanced classes or programs, including Honors and Advanced Placement, students may not be denied their 504 accommodations within these classes and programs.

PRINCIPLE 6

We should always strive to move students from dependence to independence.

Jordan's parents had heard from a neighbor that their daughter had a scribe to whom she could dictate her ideas, rather than write them on her own. They asked for that accommodation for Jordan. The team rejected this accommodation request and instead included the use of a word processor, since Jordan had already been demonstrating competence with written output when using a computer.

KEY POINTS:

- While we should provide appropriate interventions to students, regardless of their grade or age, we should also consider changing the intervention as the student



demonstrates readiness for interventions that make them less dependent. For example, having an adult scribe for a student may no longer be appropriate once the student has learned to use assistive technology.

- Students may continue to have a 504 plan in college and even at their job. We need to help students learn how to advocate for themselves so that they can effectively communicate about their unique strengths and challenges and what works for them.
- It may be best for students to have specialized instruction so that they learn strategies and skills that will allow them to utilize fewer accommodations in the future. This specialized instruction can be part of the 504 plan or, in some cases, part of an IEP.

IN SUMMARY, the creation of a meaningful 504 plan requires that all team members have a shared view of the disability and its impact on life activities for the individual student in question. We must avoid the pitfalls of determining the student's current functioning without considering the ameliorative effects of mitigating measures. Once a 504 plan is agreed upon, it must be communicated to all involved staff, and staff must be helped to understand their part in its implementation. Finally, the 504 plan must be evaluated and changed periodically, always with an eye to helping the student to become as independent as is possible, at any given time.

We can work together across the table to make effective 504 planning a reality. 🗣️

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