ACCOMMODATIONS V. MODIFICATIONS

HOW DO YOU DECIDE?
WHY DOES SPECIAL EDUCATION EXIST?

• ANTIDISCRIMINATION

• FROM ACCESS TO RESULTS DRIVEN ACCOUNTABILITY
• In the last 40+ years:
  • advanced our **expectations** for all children, including children with disabilities
  • more **inclusive** classroom
  • better **protecting** the rights of infants, toddlers, children, and youths with disabilities
  • **meeting the needs** of infants, toddlers, children, and youths with disabilities
  • improving educational **results** of infants, toddlers, children, and youths with disabilities
GENERALIZATIONS ABOUT STUDENTS WITH SPECIAL NEEDS

● APPROXIMATELY HALF OF ALL STUDENTS IN PUBLIC SCHOOLS NEED ASSISTANCE.
● DIVERSITY AMONG STUDENTS IN PUBLIC SCHOOLS REPRESENTS THE NORM RATHER THAN THE EXCEPTION.
● EDUCATORS MUST BE ABLE TO IDENTIFY THESE STUDENTS AND HELP DEVELOP AND IMPLEMENT APPROPRIATE PROGRAMS.
WHO IS SERVED?

- 6.9 MILLION STUDENTS
- < 20% = LOW INCIDENCE
- > 80% = HIGH INCIDENCE
STUDENTS WITH SPECIAL NEEDS

- **12%** OF SCHOOL-AGE CHILDREN WITH DISABILITIES RECEIVE SPECIAL EDUCATION AND RELATED SERVICES UNDER THE IDEA.

- ANOTHER **10% TO 20%** EXPERIENCE LEARNING AND BEHAVIOR CHARACTERISTICS THAT ARE NOT SIGNIFICANT ENOUGH TO CLASSIFY THEM AS DISABLED UNDER SPECIAL EDUCATION LAW.

- SOME STUDENTS WITH DISABILITIES DO NOT QUALIFY UNDER SPECIAL EDUCATION LAW. THEY MAY QUALIFY FOR SERVICES AND PROTECTIONS UNDER **SECTION 504 OF THE REHABILITATION ACT OF 1973**.
For what disabilities were students ages 6 through 21 served under IDEA, Part B?

Exhibit 20. Percentage of students ages 6 through 21 served under IDEA, Part B, by disability category: Fall 2014

- Specific learning disabilities: 39.2%
- Other health impairments: 14.4%
- Speech or language impairments: 17.6%
- Autism: 8.6%
- Intellectual disabilities: 7.0%
- Emotional disturbance: 5.9%
- Other disabilities combined: 7.3%
Exhibit 29. Percentage of students ages 6 through 21 served under IDEA, Part B, by year and educational environment: Fall 2005 through fall 2014
WHAT IS SECTION 504?

➢ FEDERAL STATUTE **PROHIBITING DISCRIMINATION ON THE BASIS OF A DISABILITY OR IMPAIRMENT** BY INSTITUTIONS, THAT RECEIVE FEDERAL ASSISTANCE.

➢ DISTRICT MUST PROVIDE **ACCOMMODATIONS NECESSARY TO ENSURE EQUAL ACCESS TO SERVICES, PROGRAMS OR ACTIVITIES** OFFERED BY THE SCHOOL.

➢ PURPOSE = **FAIRNESS AND EQUAL ACCESS TO EDUCATION**

➢ PURPOSE ≠ TO ENHANCE A STUDENT’S PERFORMANCE.

➢ FAILING = **REVIEW BY THE OFFICE OF CIVIL RIGHTS.**
Section 504 - Overview

Americans with Disabilities Act

Section 504

IDEA
IS THERE A NEED FOR BOTH AN IEP AND A 504?

• Students who qualify for special education services would also qualify for Section 504;

• However……in most cases a 504 Plan is not necessary because the Individualized Education Plan (IEP) must include the needed accommodations.
• Provides services and changes to the learning environment to meet the needs of the student as adequately as other students
• Designed to prevent discrimination
• Must have a physical or mental impairment
• No federal $$$
• The student’s disability must prevent equal access to or benefit from the school’s programs or services.

• Provides specially designed instruction
• Designed for programming purposes
• Must have an IDEA disability (specific qualifying condition)
• Comes with federal $$$
• The student’s disability must adversely affect educational performance
504 – AGE & SETTING

1. SECTION 504 PROTECTIONS EXTEND **FOR A LIFETIME** AND

2. APPLY TO SCHOOLS AND THE FULL SCOPE OF COMMUNITY ENVIRONMENTS **RECEIVING FEDERAL FUNDING** (SUCH AS WORK AND ACCESS TO PUBLIC FACILITIES).

• AS A TEAM, COMPARE TO IDEA…..
IDENTIFICATION FOR 504 PROTECTIONS

- **Written parent consent** for initial evaluation.
- “Evaluation” does not necessarily mean “test”.
- Evaluation refers to a gathering of data:
  - Parent
  - Medical Provider
  - Teacher(s)
  - School Nurse
  - Counselor
504 EVALUATION QUESTIONS

1. Does the student have a physical or mental impairment?
2. Does the impairment effect one or more major life activities?
3. Is the effect substantial? (Define substantial?)

TO BE ELIGIBLE FOR A 504 PLAN, THE ANSWERS MUST BE YES TO ALL THREE.
MENTAL OR PHYSICAL IMPAIRMENT?

- No medical diagnosis is required

BUT.....

- If the team determines a medical assessment is necessary in order to determine if the student has a disability –
  - it must be done at no cost to the parent. (Parents may choose to use their own resources)
MAJOR LIFE ACTIVITIES

• MAJOR LIFE ACTIVITIES, INCLUDE FUNCTIONS SUCH AS:
  CARING FOR ONE’S SELF, PERFORMING MANUAL TASKS, WALKING, SEEING, HEARING,
  SPEAKING, BREATHING, LEARNING, AND WORKING.

• GENERAL ACTIVITIES THAT ARE MAJOR LIFE ACTIVITIES INCLUDING:
  EATING, SLEEPING, STANDING, LIFTING, BENDING, READING, LEARNING,
  CONCENTRATING, THINKING, AND COMMUNICATING.

• “MAJOR BODILY FUNCTIONS” THAT ARE MAJOR LIFE ACTIVITIES:
  FUNCTIONS OF THE IMMUNE SYSTEM, NORMAL CELL GROWTH, DIGESTIVE, BOWEL,
  BLADDER, NEUROLOGICAL, BRAIN, RESPIRATORY, CIRCULATORY, ENDOCRINE, AND
  REPRODUCTIVE FUNCTIONS.

• THESE LISTS ARE NOT EXHAUSTIVE, BUT GIVEN AS EXAMPLES.
MAJOR LIFE ACTIVITY

- CONSIDER ALL MAJOR LIFE ACTIVITIES, NOT JUST “LEARNING”

- EXAMPLE: A STUDENT WITH BONE CANCER – THE IMPAIRMENT DID NOT AFFECT LEARNING BUT AFFECTS HIS ABILITY TO WALK, CLimb STAIRS, PARTICIPATE IN PE, ATTEND FIELD TRIPS AND WALK TO SCHOOL. DOES THIS STUDENT QUALIFY FOR A 504 PLAN?
MITIGATING MEASURES

- Shall be made without regard to the positive affects of mitigating measures such as:
  - Medication, medical supplies/equipment, prosthetics, hearing aides or cochlear implants, mobility devices, low vision devices (which do not include eyeglasses or contact lenses)
  - Use of assistive technology
  - Reasonable accommodations or auxiliary aides and services
  - Learned behavioral or adaptive neurological modifications
QUESTIONS?

- HOW WOULD THE STUDENT PERFORM WITHOUT THE INTERVENTION/ACCOMMODATION (MITIGATING MEASURE)?

- IF THE ANSWER IS: THE STUDENT WOULD BE SUBSTANTIALLY LIMITED – THEN THE STUDENT WOULD BE ELIGIBLE FOR A 504 ACCOMMODATION PLAN.

- EXAMPLE: GWEN HAS SEVERE ADHD WHO PERFORMS WELL ON MEDICATION WITH NO PROBLEMS AT SCHOOL. WITHOUT MEDICATION, GWEN GETS INTO FIGHTS DAILY AND CANNOT CONCENTRATE TO DO SCHOOL WORK. DOES SHE QUALIFY?

- STUDENT WITH BONE CANCER, THE CANCER IS IN REMISSION. DOES THE STUDENT QUALIFY FOR A 504?
TEMPORARY IMPAIRMENT

- Impairments that are **episodic or in remission** constitute a disability if the condition would substantially impair a major life activity when active. Have a 504 plan in place for when the condition is active.

- Must have a substantial limitation for an extended period of time (6 months or more) in order to constitute a disability.
504 PLAN DEVELOPMENT

WHAT IS IT?

✓ A (WRITTEN) PLAN LISTING THE NECESSARY ACCOMMODATIONS TO MINIMIZE THE IMPACT OF THE IMPAIRMENT.

✓ THE GOAL IS TO LEVEL THE PLAYING FIELD AND GRANT EQUAL ACCESS ENSURING THERE IS NO DISCRIMINATION.

WHO CREATES IT?

✓ THE TEAM INCLUDES PEOPLE KNOWLEDGEABLE OF THE STUDENT AND THEIR NEEDS.

✓ 504 COORDINATOR
✓ GENERAL EDUCATION TEACHER
✓ PARENT
✓ ADMINISTRATOR

✓ CONSIDER ALL SCHOOL ENVIRONMENTS (BUS, CAFETERIA, PLAYGROUND, FIELD TRIPS)
504 PLAN REVIEW AND/OR UPDATES

- AT LEAST ONCE A YEAR
- IF THE IMPAIRMENT CHANGES SIGNIFICANTLY
- IF CLASSES ARE CHANGED OR ADDED THAT MAY HAVE AN IMPACT ON THE PLAN’S APPROPRIATENESS/EFFECTIVENESS
- BEFORE TRANSITIONS (ELEMENTARY TO MIDDLE SCHOOL, MIDDLE SCHOOL TO HIGH SCHOOL)
- WHEN STUDENT MOVES IN WITH EXISTING PLAN
HEALTH CARE PLANS?

- ANY STUDENT WITH A HEALTH CARE PLAN MAY ALSO QUALIFY FOR A 504 PLAN.

- THEY ARE ENTITLED TO A 504 EVALUATION.

- THE 504 PLAN MAY STATE, “SEE INDIVIDUAL HEALTH CARE PLAN”. (THIS WILL ALLOW FOR CHANGES ON AN “AS NEEDED” BASIS.)
4. LEAST RESTRICTIVE ENVIRONMENT (LRE)

• Students with disabilities are to be educated with their non-disabled peers to the maximum extent appropriate.

IDEA requires a continuum of placements, ranging from the general classroom to homebound and hospital programs, needs to be developed by schools.
THE PURPOSE OF THE PRE-REFERRAL PROCESS?

• THE LAW:
  1. Exclusionary factors to qualifying for special education?
     • Lack of scientifically based instruction in reading and math
     • English as a second language
  2. Least Restrictive Environment-
     HOW DOES THIS APPLY TO PRE-REFERRAL?
WHAT DOES RESEARCH TELL US

• ACCESS TO THE GENERAL EDUCATION CLASSROOM AND CURRICULUM......

• DOES YOUR EXPERIENCE MATCH WHAT RESEARCH SAYS?
WHY ARE ACCOMMODATIONS AND MODIFICATIONS CONFUSED?

- Teachers do not always know how to separate target skills from access skills.
- Teachers need to identify target skills, then identify the skills students need to access them or respond to them (accommodations).
DANGERS OF CONFUSING

1. WE CONFUSE THE TWO AND MAKE CHANGES TO THE TARGET SKILL, THEREBY MAKING INCORRECT ASSUMPTIONS OF WHAT THE STUDENT TRULY KNOWS

2. WE ARE MORE LIKELY TO REDUCE OUR EXPECTATIONS OF STUDENTS WHEN WE PROVIDE MODIFICATIONS

3. WE LIMIT STUDENTS’ OPPORTUNITIES TO LEARN AND MAY CONTRIBUTE TO “LEARNED HELPLESSNESS” IN FUTURE WORK ENVIRONMENTS WHEN WE REDUCE EXPECTATIONS AROUND CONTENT
**IEP**

- All students in special education are required to have an individualized education program designed to meet their needs.

- The IEP includes both short-term and long-term goals, along with how and where services will be provided.

- **The IEP must be developed by a team – special education teacher writes with input from general ed teachers, principals, and related service providers.**
5. ACCOMMODATIONS/MODIFICATIONS
   • IN CONJUNCTION WITH GEN ED

6. Any modifications in the administration of **state or district wide testing**
CASE STUDY #1 - SUSIE

Susie has an intellectual disability. She is placed in a self-contained class, but she has been participating in some general education classes. Susie’s 4th grade general education teacher has required her to participate in spelling tests. Susie received a failing grade for the past 4 spelling tests. The teacher has decided to reduce the number of spelling words on Susie’s list. She is only responsible for the single syllable words on the spelling list each week.
FOCUS ON SPELLING LISTS WITH SIMILAR PATTERNS
REDUCE NUMBER OF WORDS, BUT NOT WORD PATTERNS BEING ASSESSED
PROVIDE REVIEW ACTIVITIES THAT PROVIDE A MEANINGFUL CONTEXT FOR SPELLING WORDS
CASE SCENARIO #2: BOBBY

Bobby is overwhelmed by long reading passages, because he cannot read on grade level. Bobby needs to learn about main idea and supporting details. The teacher provides Bobby a story on his reading level. Bobby only has to identify the main idea while the rest of the class must identify the main idea and supporting details.
BOBBY

- Have Bobby identify main idea and details within a paragraph while class uses the whole story.
- Use graphic organizers to help Bobby organize main idea and supporting details.
- Provide question cards.
CASE SCENARIO #3: JACOB

JACOB IS A NINTH GRADE STUDENT WHO WHEN READING, CONTINUOUSLY BLINKS AND MOVES HIS HEAD, SKIPS LINES, OMITS OR TRANSPOSES WORDS, AND LOSES HIS PLACE OFTEN, EVEN WHEN USING A PLACE MARKER. HE SITS AT THE TEACHER’S COMPUTER SO HE CAN FOLLOW ALONG DURING POWERPOINT PRESENTATIONS.
JACOB

- Colored overlays, colored glasses
- Picture window template or marker to reduce text visible to the student
- Print less text on page
- Text reader which provides cursor to support reading
CASE SCENARIO #4: STEVEN

STEVEN IS AN ELEVENTH GRADE STUDENT WHO EXHIBITS ANGER FREQUENTLY. HE TALKS BACK TO TEACHERS AND OFTEN MISSES CLASS, CAUSING HIM TO BE BEHIND IN HIS WORK. STEVEN’S FAVORITE CLASS (WHEN HE ATTENDS) IS HISTORY CLASS WITH MR. MICHAELS.
STEVEN

- Establish a mentorship time for the student to meet with Mr. Michaels each week (teacher helper 15 min/week)
- Reward attendance with time with Mr. Michaels
- Have a plan for student to help him appropriately deal with anger (step by step procedures for student: breathe, count) and share this plan with teachers
WHAT IS WRONG WITH THIS PICTURE?
CHANGE YOUR FOCUS: WHAT IS RIGHT?