



Plan for these likely scenarios in remote learning

The U.S. Education Department has been clear that school districts are still expected to provide eligible students with FAPE during the pandemic, said Patrick Andriano, a school attorney at Sands Anderson PC in Richmond, Va.

"We're seeing more focus on revisiting IEPs, reviewing and revising IEPs, but not so much 504 plans," he said. "Don't forget about students on 504 plans," Andriano said. Review and revise plans accordingly, depending on the learning platform that's been adopted by the district, he said. "Be clear about the accommodations and services and be clear in terms of what settings those accommodations and services will be provided [in]."

As you implement student accommodations this school year, you may encounter at least one of the scenarios detailed below. Here's how to respond.

Scenario 1: A parent questions why his child isn't receiving an accommodation listed in her 504 plan while she is learning remotely.

Take, for example, a district that is currently providing remote-only instruction. When the parent asks why an accommodation isn't being provided, the district says, "That accommodation is not applicable to the remote learning platform the district has adopted."

"That may be true, but ... the school would've been in a more defensible position had the plan been reviewed by the 504 team," Andriano said. The team of individuals knowledgeable about the student, the evaluation data, and the placement options should make the decision, rather than administrators unilaterally determining that an accommodation or service is not applicable, he said.

Your response

"Don't make a unilateral determination that an accommodation is not applicable, so therefore you're not going to provide it," Andriano said. "Make sure that the ... group of knowledgeable individuals reviews that plan and updates it accordingly."

Scenario 2: A 504-eligible student gets COVID-19.

Take, for example, a student with ADHD. His district has returned to in-person learning, and currently his 504 plan includes accommodations of extended time and preferential seating. But the student gets COVID-19 and now will be learning at home for a period of time. The district doesn't revise the student's 504 plan.



If a student who is currently eligible for 504 gets COVID-19, she might now have different needs the district should address, Andriano said. This will require the district to reevaluate that student. "I'm sure that's going to happen at some point," Andriano said.

This also includes students who are "technically eligible" under Section 504: Those who meet the criteria for eligibility, but the team previously determined didn't need accommodations or services. "That could change if the student gets sick," Andriano said. Technically eligible students are protected under 504, he said. "They might now need certain accommodations or services to access the school district's educational program."

Your response

Convene the team to consider whether the current accommodations are applicable to the home setting, and if the student requires different accommodations or services. For example, preferential seating would be no longer applicable in the home setting.

As another example, a new accommodation for a student whose migraines increase with computer use, due to the light from the screen, might be allowed short breaks after a certain period of time. For instance, the student's revised plan might indicate that after every hour or every 45 minutes of instructional time on the computer, the student will take a 15-minute break.

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