

# Get Schooled On Concussion

“What a Section 504 Plan is NOT” Issue #9: Jan. 2015

**Definition:** The term “504 Plan” stems from Section 504 of the Rehabilitation Act of 1973, as amended, which is a civil rights law that prohibits discrimination against individuals with disabilities (Section 504, 1973). To be protected under Section 504, a student must be determined to have a physical or mental impairment that substantially limits one or more major life activities; or have a record of such an impairment; or be regarded as having such an impairment. A major life activity that is substantially limited following a concussion may be learning, concentrating, reading, thinking, or sleeping, to name a few. Section 504 requires that school districts provide a “free appropriate public education” (FAPE) to qualified students in their jurisdictions to meet the student’s individual educational needs as adequately as the needs of nondisabled students.

A Section 504 Plan, as applied to educational settings, is a legal consideration and requires advisement from legal counsel or administration in your school district. Every school district interprets the language slightly differently and the threshold to apply or not apply a Section 504 Plan can vary widely. As it pertains to concussion, there is little to no guidance.

\*Consult your district legal counsel before making decisions on Section 504 Plans\*

In our day-to-day interactions with school districts, we have seen Section 504 Plans used in many helpful, and not so helpful ways. Here are some examples of what a Section 504 Plan, used in the context of concussion, is **NOT**:

<ul style="list-style-type: none"> <li>• A formalized plan that allows a student with a concussion to stay home for long or unlimited periods of time.</li> </ul>	<p>In fact, a Section 504 Plan should be the tool by which a concussed student can get the supports necessary for him/her to attend school and be successful at school. Ideally it is the plan by which “access” to education is outlined – thereby being <b>AT</b> school and succeeding <b>AT</b> school is the ultimate goal of the Section 504 Plan.</p>
<ul style="list-style-type: none"> <li>• A formalized plan that forces teachers to provide academic <b>accommodations</b> because they refuse to provide general education academic <b>adjustments</b>.</li> </ul>	<p>It is recommended that general education teachers provide immediate and generous academic adjustments in their classrooms to maximize recovery in the first 1 to 4 weeks of a concussion, thereby avoiding protracted recovery and the need for a Section 504 Plan. When teachers don’t give commonplace adjustments (or enough adjustments) in their classrooms on the front-end of a concussion, administrators occasionally jump to a Section 504 Plan sooner rather than later to force their teachers to provide the supports. They feel a Section 504 Plan is more binding. This is not an appropriate use of a Section 504 Plan. Work with your teachers to do the right thing, immediately and generously, for a student with a concussion on the front-end.</p>
<ul style="list-style-type: none"> <li>• A formalized plan that allows students to receive academic accommodations for months/years, with no medical oversight or involvement.</li> </ul>	<p>An effective Section 504 Plan requires that it be <i>prescriptive</i> in a few areas of concern, <i>progress-monitored</i> and <i>time-limited</i>. Since it is a support to a small percentage of students, only the most concerning population, it should not be taken lightly; it should not be applied and then forgotten about for years. If this condition necessitates this level of educational support, then it also necessitates a high level of medical and parent involvement. An effective Section 504 Plan cannot/should not be applied and then forgotten.</p>
<ul style="list-style-type: none"> <li>• A formalized plan to support “watering down” of AP, IB or Honors curriculum</li> </ul>	<p>Most schools will do all they can to adjust the environment or cut back on non-essential elements of classes temporarily for a concussion. A concussion most commonly affects efficiency of learning, ability to learn and speed of processing. AP, Honors classes and IB programs are designed to accelerate efficiency and speed of learning. If a student with a concussion needs a Section 504 Plan secondary to slowed processing speed and/or inefficiency of learning, a legitimate accommodation would be a schedule change to a non-AP, Honors or IB class. A Section 504 Plan does not mean that an AP, Honors or IB class needs to be “watered down” long term if a more appropriate placement meets the needs of the student.</p>
<ul style="list-style-type: none"> <li>• Not all areas lend themselves to accommodation</li> </ul>	<p>As much as schools want to support all needs of students, there are occasions when a particular class cannot be appropriately accommodated. For example, if a student cannot enter a lab due to an allergy to chemicals but is currently taking a science lab class, that class might best be substituted. If a concussed student is taking a class on-line where all work is self-taught and all grades are determined by work completed but now the student cannot look at the computer screen or complete any work, that class may need to be dropped or postponed. Not all things can be accommodated - If a pilot loses his eye sight but still wants to fly, accommodations (though a kind gesture) might not be the best idea (for the passengers).</p>
<ul style="list-style-type: none"> <li>• A formalized plan that guarantees all “A” grades</li> </ul>	<p>A teacher who gives a concussed student 10 math problems instead of 20 problems (an appropriate accommodation for reduced work) should grade the 10 problems. There should be no penalty for not completing 20 problems, but the grade earned on 10 problems is the grade earned. You can see that accommodating work over a long period of time may lead to lower grades just because there is less work to grade. An understanding boss who gives his adult employee a lighter work load and fewer shifts during concussion recovery (a nice accommodation) will also have to take a reduction in pay. It would not be fair to pay that employee for work not performed.</p>

Consider this, if school was a race of running speed, a concussed student would not be able to run a 4 minute mile. A Section 504 Plan is intended to help the student **finish** the race, not a guarantee for them to **win** the race. For this race, the student’s time may be disappointingly slow. We cannot give them a medal for a 4 minute mile that they did not run/earn. Our goal is to help them finish the race and heal enough to be able to race again another day.