CASE FILE: Review, copy of 504 plan ensures the team can use word bank on math homework

Case name: *Wethersfield (CT) Pub. Schs.*, 120 LRP 18707 (OCR 04/30/20).

Ruling: The Office for Civil Rights concluded that a Connecticut district may have violated Section 504 and Title II when it allegedly failed to implement the 504 plan of a high schooler with a learning disability. To remedy the potential FAPE violation, the district executed a resolution agreement in which it pledged to conduct staff training and provide the student any necessary compensatory services.

What it means: When a district develops a Section 504 plan for a student, it should promptly send the plan to all relevant staff. This will help ensure that all educators are aware of the accommodations they need to implement during instruction. On at least seven occasions, this teacher allegedly failed to provide a high schooler the "operations word bank" he needed to complete his precalculus homework assignments. The district could have avoided this alleged implementation failure by delivering a copy of the teen's most recent 504 plan to the teacher and reviewing it with her at the beginning of the school year.

Summary: A math teacher's failure to ensure that a 17-year-old high schooler with a learning disability received an "operations word bank" for homework assignments and extended time on assessments raised Section 504 and Title II compliance concerns, according to OCR. Although the Connecticut district may have failed to implement the student's 504 plan, OCR permitted the district to resolve the allegations by conducting staff training and providing the student any necessary compensatory services. OCR explained that under Section 504 and Title II, a district must ensure that all eligible students with disabilities in its jurisdiction receive FAPE.

One way to meet this obligation is to implement all provisions in a student's Section 504 plan, OCR added. Here, the student's most recent 504 plan stated that he was entitled to, among other accommodations, a "list of operations word bank to utilize on homework and with extended time on assessments." However, the parents claimed the student did not receive appropriate accommodations from January to May 2019 in his honors-level precalculus course. OCR noted that the precalculus teacher failed to offer the student an operations word bank on seven homework assignments and two quizzes as required by his 504 plan.

Although the district argued that the student was not entitled to an operations word bank on the seven "homework checks" at issue, OCR questioned this contention. It pointed out that when the parents subsequently reported the alleged implementation failure, the

precalculus teacher and the school counselor agreed to provide the operations word bank during homework checks for the rest of the year. Before OCR completed its investigation, the district agreed to resolve the matter voluntarily. In a resolution agreement, the district promised to conduct Section 504 and Title II training for its math department staff and provide the student compensatory education, if necessary.

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