# Deliberate Indifference under ADA and Section 504

Beyond IDEA, students with disabilities are also protected by the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Both laws prohibit discrimination on the basis of disability and require schools to provide reasonable accommodations and services. When a school district is aware of a student’s needs and fails to act, or acts with reckless disregard for those needs, it may be found liable for deliberate indifference. This standard is higher than negligence: it requires proof that the district knew of the harm and consciously disregarded it.

## Important Legal Note

Courts have held that deliberate indifference under ADA/§504 occurs when districts intentionally ignore or refuse to accommodate known needs of students with disabilities. This includes failure to implement IEPs or 504 plans, ignoring requests for reasonable accommodations, or persisting in ineffective approaches despite clear evidence of harm. The following cases provide guidance:

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| Case | Key Holding |
| Duvall v. County of Kitsap, 260 F.3d 1124 (9th Cir. 2001) | Established the deliberate indifference standard under ADA/§504: officials must have actual knowledge of the need and fail to act appropriately. |
| Mark H. v. Lemahieu, 513 F.3d 922 (9th Cir. 2008) | Confirmed that deliberate indifference to a student’s known needs constitutes discrimination under §504. |
| K.M. v. Tustin Unified Sch. Dist., 725 F.3d 1088 (9th Cir. 2013) | District found liable where it failed to provide effective communication accommodations despite clear evidence of need. |

**Takeaway for Parents:
ADA and Section 504 provide powerful protections beyond IDEA. If a district knows your child needs specific supports or accommodations and refuses to provide them—or consciously disregards your child’s needs—this may constitute deliberate indifference. Parents can invoke ADA/§504 claims in addition to IDEA when schools fail to act on known needs.**