

The Advocacy Ridge

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Section 504

A Complete Guide for Parents

Understanding Your Child's Rights Under the Rehabilitation Act of 1973

HOW TO USE THIS GUIDE

Color-coded boxes tell you whether a rule is the same everywhere or varies by state:

-  FEDERAL LAW — same in all 50 states
-  STATE VARIATIONS — laws differ; check your state
-  STRONGER STATE PROTECTIONS — some states give you more
-  ADVOCACY TIP — practical advice for parents
-  WATCH OUT — common pitfalls and risks
-  IMPORTANT NOTE — context and clarifications
-  504 vs. IEP COMPARISON — key differences

WATCH OUT

- This guide provides general educational information and advocacy guidance. It is not legal advice. Because Section 504 implementation varies widely by state and district, families may wish to consult a qualified advocate or attorney for case-specific guidance.

1. What Is Section 504?

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) is a federal civil rights law that prohibits discrimination against people with disabilities in any program or activity that receives federal financial assistance. Because virtually all public schools receive federal funds, Section 504 applies to every public school in the country.

In the school context, Section 504 requires that students with disabilities receive a Free Appropriate Public Education (FAPE) — meaning they must have equal access to the education provided to students without disabilities, with the accommodations and services necessary to make that access meaningful. This is accomplished through a 504 Plan.

FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- Legal authority: Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794). Implementing regulations for schools are at 34 C.F.R. Part 104.
- Enforced by: The U.S. Department of Education's Office for Civil Rights (OCR). Unlike IDEA, there is no federal funding attached to 504 compliance — it is purely a civil rights law.
- Who it covers: Any student with a disability who attends a school receiving federal financial assistance — which includes virtually all public schools and many private schools.
- FAPE under 504: Under Section 504, FAPE means providing regular or special education and related services designed to meet the student's individual needs as adequately as the needs of nondisabled peers are met in the same educational setting.
- The ADA connection: Title II of the Americans with Disabilities Act (ADA) also covers public schools and provides similar protections. OCR enforces both 504 and ADA Title II for schools.

IMPORTANT NOTE

- Section 504 is NOT IDEA. It does not provide special education services. It provides access — equal opportunity for students with disabilities to participate in and benefit from public education. Access must be meaningful—not merely physical presence in the classroom.
- Section 504 has far fewer procedural requirements written into federal regulations than IDEA does. This means there is much greater variation in how schools implement 504 Plans, and families have fewer federally guaranteed procedural protections.
- Many students who do not qualify for an IEP will qualify for a 504 Plan. The eligibility standard for 504 is significantly broader than IDEA.

2. Who Qualifies for a 504 Plan?

Section 504 has a deliberately broad eligibility standard. It covers any student who has a physical or mental impairment that substantially limits one or more major life activities. This is a much lower threshold than IDEA — and it has been expanded further by the ADA Amendments Act of 2008 (ADAAA). “Substantially limits” does not mean severe or failing—it means the student is meaningfully restricted compared to most peers.

FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- Three-prong definition: A student qualifies under 504 if they: (1) have a physical or mental impairment that substantially limits one or more major life activities; OR (2) have a record of such an impairment; OR (3) are regarded as having such an impairment (34 C.F.R. § 104.3(j)).
- Major life activities include: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working (29 U.S.C. § 705(20)(B)).
- Major life activities also include the operation of major bodily functions: immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- ADA Amendments Act of 2008 (ADAAA): Significantly broadened the definition of disability. Congress explicitly rejected narrow Supreme Court interpretations. 'Substantially limits' is now interpreted broadly and does not require severe restriction.
- Mitigating measures: Under the ADAAA, the determination of whether a student has a disability must be made WITHOUT considering the ameliorating effects of mitigating measures such as medication, learned behavioral modifications, hearing aids, or other aids — with one exception for ordinary eyeglasses or contact lenses.
- No IDEA category required: Unlike IDEA, there are no specific disability categories. Any physical or mental impairment that substantially limits a major life activity qualifies — including ADHD, anxiety, depression, diabetes, asthma, epilepsy, celiac disease, Crohn's disease, and many others.

STATE VARIATIONS — Laws Differ by State

- Some states have enacted their own anti-discrimination laws that provide additional protections beyond federal 504/ADA, particularly for students with specific conditions.
- California: The Unruh Civil Rights Act and Education Code provide additional disability protections. California schools are also bound by the California ADA.
- New York: The New York Human Rights Law and New York City Human Rights Law (for NYC schools) may provide broader protections.
- New Jersey: The New Jersey Law Against Discrimination (NJLAD) provides very broad disability protections that may exceed federal standards.
- Washington: The Washington Law Against Discrimination (WLAD) adds state-level protections.
- Colorado: The Colorado Anti-Discrimination Act applies to schools receiving state funds.

ADVOCACY TIP

- After the ADA, courts and OCR have made clear that eligibility should almost always be found when a student has a condition affecting a major life activity.
- If a school denies 504 eligibility for a student with ADHD, anxiety, a chronic health condition, or a learning difference, request a written explanation of the data used, the criteria applied, and how the team determined the student is not substantially limited. Consider if the determination was appropriate, and your options to challenge it.
- The question is not whether the student is performing well. A student can be making A's while still having a disability that substantially limits a major life activity. Managing the disability through extraordinary effort, medication, or support from home does not eliminate eligibility.
- Mitigating measures: If your child takes medication that helps their ADHD, the determination of whether they have a disability must be made as if they were NOT on the medication. This is a critical ADA protection that schools sometimes overlook.

3. Section 504 vs. IEP — Understanding the Difference

Many families wonder whether their child needs a 504 Plan or an IEP — or both. These are two separate legal frameworks that can sometimes overlap. Understanding the key differences helps you advocate for the right level of support.

Section 504 Plan	IEP (IDEA)
Civil rights law (Rehabilitation Act)	Education entitlement law (IDEA)
Any physical or mental impairment that substantially limits a major life activity	Must meet eligibility for one of 13+ specific disability categories, have an adverse effect on educational performance, and require specially designed instruction.
Much broader eligibility — ADHD, anxiety, chronic illness, etc.	Narrower eligibility — must need special education
Provides accommodations and modifications to general education	May provide specialized instruction, related services, modified curriculum
No specialized instruction required	Can include specialized instruction, therapies, alternate settings
No specific federal form or format required	Specific required components under federal law
No IDEA procedural safeguards (no stay-put, no due process rights in regulations)	Strong procedural safeguards — stay-put, due process, state complaint
Enforced by OCR complaints and civil lawsuits	Enforced by state complaint, mediation, due process, OCR, civil lawsuit
No federal funding attached to compliance	Federal funding flows to states tied to IDEA compliance
Applies from birth through adulthood (all ages)	Covers ages 3–21 in school settings
May cover private schools receiving federal funds	Applies to public schools; limited private school obligations



IMPORTANT NOTE

- A student can have both a 504 Plan and an IEP. However, in most cases, an IEP alone is sufficient because it must include all necessary accommodations and supports. IDEA and Section 504 are separate laws, but a student who qualifies under IDEA is also protected under Section 504. Decisions about whether a student requires an IEP, a 504 Plan, or both must be based on the student's individual needs—not district preference, available resources, or administrative convenience.
- A student who is found ineligible for an IEP can be referred to, and evaluated for 504 eligibility. These are separate evaluations and determinations under separate laws.
- Some schools offer a 504 Plan in place of an IEP to avoid providing specialized instruction or services. If a student requires instruction to make progress—not just accommodations—a 504 Plan is not appropriate.
- If you suspect your child needs an IEP rather than just a 504 Plan, request a full special education evaluation under IDEA, in writing.

4. How to Request a 504 Evaluation

The 504 process typically begins with a parent or school staff member identifying a student who may need accommodations. As a parent, you have the right to request a 504 evaluation at any time — and your request should be in writing.

STEP 1

Submit a Written Request

Write a letter or email to the school's 504 Coordinator (or principal if there is no designated coordinator) requesting a 504 evaluation. Clearly state that you are requesting evaluation under Section 504 of the Rehabilitation Act. Keep a dated copy.

STEP 2

School Responds

The school must respond to your request. If they agree to evaluate, they will obtain your consent and proceed. If refusing to evaluate, the school must provide written notice explaining the decision and the data relied upon.

STEP 3

Evaluation Conducted

The school gathers information to determine whether the student has a qualifying disability. This may include records review, teacher input, medical documentation, and/or formal testing.

STEP
4

Eligibility Determination Meeting

A team (typically including parents) reviews the gathered information and determines whether the student qualifies under 504.

STEP
5

504 Plan Developed

If eligible, the team develops a 504 Plan documenting the disability, the impact on major life activities, and the accommodations/services to be provided.

STEP
6

Implementation and Monitoring

The 504 Plan is implemented by teachers and staff. The plan should be reviewed at least annually.



FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- Notice and consent: Before conducting an evaluation, the school must notify parents and obtain consent (34 C.F.R. § 104.36 requires procedural safeguards including notice).
- Evaluation must be conducted: A school cannot place a student in or out of a 504 Plan without conducting an individualized evaluation (34 C.F.R. § 104.35(a)).
- Evaluation materials must be validated, administered by trained personnel, and tailored to assess specific areas of need — not just general IQ (34 C.F.R. § 104.35(b)).
- Team evaluation: Placement decisions must be made by a group of persons knowledgeable about the student, the evaluation data, and placement options (34 C.F.R. § 104.35(c)).

WATCH OUT

- No federal timeline: Unlike IDEA, Section 504 regulations do not specify a timeline for completing evaluations. Schools must act within a 'reasonable time'. While no federal timeline is specified, schools are expected to act without unnecessary delay. If you do not receive a response within 2–3 weeks, follow up in writing.
- A school cannot delay or deny evaluation solely because a student is passing classes or receiving informal supports.
- Schools sometimes informally create 'accommodation plans' without a proper 504 evaluation — bypassing the eligibility determination entirely. While well-intentioned, this means no formal disability determination has been made, no procedural safeguards have been provided, and the plan may not be legally enforceable as a 504 Plan.
- Never accept a verbal 504 Plan. Everything must be in writing — the eligibility determination, the disability identified, the specific accommodations, who is responsible, and how progress will be monitored.

STATE VARIATIONS — Laws Differ by State

- Several states have enacted specific 504 procedural timelines that fill in the federal gap:
- California: No state-specific 504 timeline in regulation, but OCR guidance and district policies typically target 30–60 days.
- New Jersey: N.J.A.C. 6A:14 governs IEP processes but 504 is separately enforced. Some NJ districts set internal 60-day timelines.
- Texas: Texas Education Code does not set a 504 evaluation timeline, but TEA guidance recommends reasonable timelines. Some Texas districts adopt 30-day internal policies.
- Oregon and Washington: No state-specific 504 timelines beyond federal requirements. Advocate for a written timeline commitment when submitting your request.
- Always check your district's 504 policy — available on the district website or upon request. District policies may create enforceable timelines even where state law does not.

5. What Goes in a 504 Plan?

Unlike an IEP, Section 504 does not prescribe a specific form or format for a 504 Plan. Federal regulations only require that a qualified student receive FAPE — leaving the format largely to individual schools and districts. This means 504 Plan quality varies enormously.

FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- No mandated form: Federal 504 regulations do not require a specific written plan format (unlike IDEA). The plan is a school's documented commitment to providing FAPE to an eligible student.
- What OCR guidance says a good 504 Plan should include: the nature of the student's disability and how it affects a major life activity; the specific accommodations, modifications, and/or services to be provided; the names or positions of persons responsible for each accommodation; how the plan will be implemented and monitored; and review procedures.
- FAPE standard: The student must receive education and related services designed to meet their individual educational needs as adequately as the needs of non-disabled students are met (34 C.F.R. § 104.33(b)).
- Related services: A student with a disability may receive related services under 504 even without special education — for example, physical therapy, counseling, aide support, or health services needed for access.

5a. Types of Accommodations

504 accommodations fall into several categories. The key question for any accommodation is: Does this address how the disability limits the student's access to education?

Accommodation Type	Examples	Who Benefits
Instructional Accommodations	Extended time, preferential seating, reduced assignment length, oral testing, chunked instructions, frequent breaks	ADHD, learning disabilities, anxiety, processing disorders
Environmental Accommodations	Quiet testing space, reduced visual clutter, separate setting for tests, noise-canceling headphones, flexible seating	Sensory sensitivities, ADHD, anxiety, autism spectrum
Communication Accommodations	Written instructions, visual schedules, speech-to-text, text-to-speech, note-taking support, interpreter	Language processing, hearing impairment, autism, dyslexia

Health/Medical Accommodations	Medication administration, access to water/snacks, frequent bathroom access, rest breaks, modified schedule for fatigue, emergency health plan	Diabetes, epilepsy, Crohn's, chronic fatigue, cardiac conditions
Assessment Accommodations	Extended time, separate setting, use of calculator, scribe, read-aloud, breaks during testing	Most disabilities — often the most contested accommodation type
Social-Emotional Supports	Check-in/check-out, counseling access, cool-down space, modified homework load, social skills support	Anxiety, depression, emotional disturbance, trauma history
Physical/Mobility Accommodations	Elevator access, adapted physical education, accessible seating, modified PE participation	Physical disabilities, mobility impairments, chronic pain



ADVOCACY TIP

- Accommodations must be individualized. The 504 team should ask: What specifically does this child struggle with because of their disability? Then match accommodations to those specific barriers.
- Ensure accommodations are written in a way that the student can meaningfully access and use them in the school setting.
- Accommodations are not the same as modifications. Accommodations change HOW a student accesses learning (e.g., extended time, alternate format) but not WHAT is being assessed. Modifications change what the student is expected to learn (e.g., reduced workload, altered standards).
- Not all modifications result in lowered or altered grade-level expectations; some adjust access, presentation, or demonstration of learning without changing the standard itself.
- If an accommodation or modification appears in your child's 504 Plan, all teachers who work with your child are legally required to provide it, to ensure it is implemented as written — including substitutes, specials teachers, and coaches. It can be helpful to ask how the school ensures everyone is aware of and follows the plan consistently.
- You may use the following resource as a starting point to identify possible accommodations: [Accommodations](#)

5b. What Makes a Strong 504 Plan



ADVOCACY TIP

- Clearly identify the student's impairment and the specific way it limits a major life activity. For example, "ADHD impacting sustained attention and working memory during multi-step tasks" is more meaningful than simply stating a diagnosis.
- Each accommodation should have a clear connection to the specific barrier caused by the disability. For example, if the limitation is attention during tests, extended time and a separate setting may be appropriate. If the school cannot clearly explain why an accommodation is included, push for specificity.
- Include clear implementation details: who is responsible for providing each accommodation, when it will be provided, and in which settings. A plan that states "extended time on tests" without specifying how much (e.g., time and a half, double time) is ambiguous and difficult to monitor.
- Avoid vague language such as "as needed" or "when appropriate." Accommodations must be clearly defined, specific, and measurable. Vague wording leads to inconsistent implementation and makes enforcement difficult.
- Include a monitoring plan. How will the school track whether accommodations are being implemented? What data will be collected? Who is responsible for reviewing this information, and how often?
- Request and retain a written copy of the finalized 504 Plan. You are entitled to this. Do not leave the meeting without a copy or a clear timeline for when it will be provided.

6. Parental Rights Under Section 504

Section 504's procedural requirements for schools are much thinner than IDEA's — which means parents must be more proactive about understanding and asserting their rights. Here is what federal law does and does not guarantee.

FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- Notice: Schools must provide parents with notice of their rights under Section 504. This includes notice before any evaluation, identification, placement, or significant change in placement (34 C.F.R. § 104.36).
- Evaluation and placement: Parents must be notified of any evaluation and must have an opportunity to participate in the eligibility determination (34 C.F.R. § 104.35–104.36).
- Examination of records: Parents have the right to examine relevant records under FERPA (34 C.F.R. § 104.36).
- Impartial hearing: Parents have the right to an impartial hearing with opportunity to participate and be represented by counsel if they disagree with the identification, evaluation, or placement of their child (34 C.F.R. § 104.36).
- OCR complaint: Any person may file a complaint with OCR alleging that a school has discriminated against a student on the basis of disability. OCR investigates and can require corrective action.
- Private right of action: Parents may file a lawsuit under Section 504 in federal court. Unlike IDEA, Section 504 does not require exhaustion of administrative remedies before filing suit in most circumstances.

WATCH OUT

- No stay-put: Unlike IDEA, Section 504 regulations do not include a 'stay-put' provision. If a school proposes to change or eliminate a student's 504 Plan, there is no automatic right to maintain the current placement while you dispute the change.
- No specific due process timeline: Federal 504 regulations require an 'impartial hearing' but do not specify timelines, procedures, or what qualifies as 'impartial.' This is determined by the school district — which is a significant problem when the district is also the respondent.
- No automatic attorneys' fees: Unlike IDEA, Section 504 does not contain a specific attorneys' fees provision for prevailing parents at the administrative level. Fee awards may be available through a civil lawsuit but are not guaranteed.
- Consent: Unlike IDEA, Section 504 regulations do not explicitly require parental consent for evaluation or placement. However, schools must provide notice and ensure parent participation in the decision-making process. OCR strongly recommends obtaining consent, and many states and districts require it. Parents should confirm their state and district requirements and provide or withhold consent in writing.

STATE VARIATIONS — Laws Differ by State

- Several states have enacted stronger procedural protections for 504 Plans than federal law requires:
- California: California Education Code § 56000 et seq. covers IDEA, but California also has strong OCR enforcement activity. Some California districts have adopted robust 504 procedures that include written consent, timelines, and detailed review processes.
- New Jersey: New Jersey's thorough special education regulations (N.J.A.C. 6A:14) govern IEPs. 504 Plans in NJ are separately regulated but districts often apply similar procedural rigor. The NJ Division on Civil Rights enforces state disability protections.
- Massachusetts: Massachusetts has a separate special education framework (Chapter 688, 603 CMR 28.00) that provides strong procedural protections beyond federal 504 requirements in some contexts.
- New York: New York's regulations provide additional protections. The NY State Human Rights Law provides broader disability definitions and stronger remedies than federal 504.
- Texas: Texas Education Code § 29.022 requires each district to have a 504 coordinator and adopt formal 504 procedures. Texas 504 procedures are more formalized than in many states.
- Oregon and Washington: No specific state-level 504 procedural regulations beyond federal requirements. Families must rely on district policies and OCR enforcement.

✓ STRONGER STATE PROTECTIONS — Some States Exceed Federal Minimums

- Texas: State law requires each school district to designate a 504 coordinator and have written local policies governing 504 procedures — one of the more structured state 504 frameworks in the country (Texas Education Code § 29.022).
- New Jersey: The New Jersey Law Against Discrimination (NJLAD) provides disability protections that are broader than federal 504 and includes a private right of action with fee-shifting in state court.
- New York City: The NYC Human Rights Law provides the broadest disability protections of any jurisdiction in the country, applying a 'highest standard' of protection and broad definitions of disability and reasonable accommodation.

7. The 504 Meeting — What to Expect and How to Prepare

A 504 meeting is held to conduct the eligibility determination and, if eligible, to develop the 504 Plan. Unlike an IEP meeting, the team composition, format, and process are determined largely by the school district. The structure and process of 504 meetings can vary by district, but key rights and expectations apply across all settings.

🏛️ FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- Team composition: Federal regulations require that placement decisions be made by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options (34 C.F.R. § 104.35(c)).
- Parental participation: Parents must be provided notice and an opportunity to meaningfully participate in the decision-making process.
- Records access: Parents are entitled to review all records relevant to the evaluation and placement decision.



ADVOCACY TIP

- Bring relevant documentation that helps explain your child’s disability and its impact—such as medical reports, evaluations, or therapy summaries (as you are comfortable sharing).
- Prepare a written list of the specific barriers your child experiences in school. The more specific, the better. For example, “difficulty completing timed tests due to processing speed deficits” is more actionable than “struggles with tests.”
- Request copies of any evaluation data, reports, or information the team will rely on in advance of the meeting so you can review and prepare.
- You may bring an advocate, attorney, or support person to a 504 meeting. Schools cannot prohibit you from having support present.
- You are not required to agree to or sign a 504 Plan during the meeting. You may take the proposed plan home, review it, and provide written feedback or revisions.
- If you disagree with any part of the eligibility decision or plan, clearly state your disagreement and request that it be documented in writing.
- After the meeting, send a follow-up email summarizing what was discussed, agreed upon, and any areas of disagreement. This creates an important written record.
- Decisions should be based on data and individual need—not staffing, scheduling, or administrative convenience. If those factors are referenced, ask for clarification in writing.



STATE VARIATIONS — Laws Differ by State

- Meeting notice timelines: Federal law does not specify how much notice parents must receive before a 504 meeting. District policies vary widely — from same-day notice to 10-day notice. Check your district's 504 policy.
- Recording meetings: Rights to record 504 meetings vary by state. California parents generally have the right to record school meetings with advance notice. In most other states, check district policy or request permission in advance.
- Who attends: In most districts, the 504 team includes the 504 coordinator, a general education teacher, a school counselor or psychologist, and parents. Some districts are more expansive; others are very minimal. You can request specific people attend.

8. Implementation — Making Sure the Plan Actually Happens

A 504 Plan is only as good as its implementation. One of the most common problems families face is a well-written plan that teachers either don't know about, don't understand, or don't follow. Federal law requires implementation — and a failure to implement is a civil rights violation.

FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- **Implementation is required:** Once a 504 Plan is in place, the school must implement it as written. Failure to do so is a violation of Section 504 and may form the basis of an OCR complaint, which can result in corrective action and required remedies to address the impact on the student.
- **Staff responsibility:** The district is responsible for ensuring that all staff responsible for implementation—including teachers, substitutes, aides, and extracurricular staff—are informed of and understand their obligations under the plan.
- **Systemic failures:** Repeated or widespread failure to implement accommodations may constitute a pattern of disability discrimination and can result in district-wide corrective action.

WATCH OUT

- **Lack of communication:** Staff may not be informed of the 504 Plan, particularly substitutes, specials teachers, or extracurricular staff, leading to inconsistent implementation.
- **Inconsistent implementation:** Accommodations may be applied inconsistently or omitted entirely. Common supports—such as extended time—are frequently not provided as written. Document each instance where an accommodation is missed or refused.
- **Informal changes:** Schools may modify or discontinue accommodations without a team discussion or updated plan. Any changes to the 504 Plan should be made through a team process and documented in writing.
- **Transition breakdowns:** 504 Plans are sometimes not carried over during school transitions (e.g., elementary to middle school, middle to high school, or school transfers). Request written confirmation that the receiving school has the plan and has informed all relevant staff.
- **Gradual fade of supports:** Accommodations may be informally reduced or stopped over time without data or team agreement. Monitor implementation to ensure support remains consistent unless formally changed.



ADVOCACY TIP

- Ask the school to explain how they ensure all staff responsible for implementing the 504 Plan—including teachers, substitutes, and extracurricular staff such as coaches and club advisors—are informed of and able to consistently implement accommodations.
- Keep a copy of the 504 Plan and share it with teachers as needed, especially at the start of the school year or after any transition.
- Monitor implementation regularly. Consider maintaining a simple log to track when accommodations are provided and when they are missed.
- Address concerns promptly in writing to the 504 coordinator and school administration. Early documentation helps prevent patterns of noncompliance.
- When an accommodation is not implemented, document both the occurrence and the impact on your child (e.g., incomplete work, increased anxiety, reduced access to instruction).
- If accommodations are being changed, reduced, or inconsistently applied, request a 504 meeting in writing to review and address concerns.
- Request periodic review meetings to ensure accommodations are being implemented consistently and remain appropriate for your child's needs.
- Consistent implementation is not optional. If accommodations are not being provided as written, follow up in writing and escalate concerns as needed.

9. Annual Review and Plan Changes



FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- Periodic review: Section 504 requires periodic review of a student's plan. While federal regulations do not define a specific timeline, OCR recommends regular review, and many districts adopt annual review practices.
- Re-evaluation: A re-evaluation must be conducted before any significant change in placement. This includes reducing or removing accommodations, exiting a student from a 504 Plan, or making changes that impact access to education (34 C.F.R. § 104.35).
- Data-based decisions: Changes to a 504 Plan must be based on current data and information about the student's needs—not assumptions or informal observations alone.
- Parent request: Parents may request a review or re-evaluation at any time if they believe the plan is not being implemented, is no longer appropriate, or needs to be revised.

STATE VARIATIONS — Laws Differ by State

- Annual review requirement: Some states or districts have adopted mandatory annual review requirements in their 504 policies. Texas, for example, requires districts to have review procedures in their local 504 policies.
- Re-evaluation timelines: Like evaluation timelines, re-evaluation timelines are not federally specified for 504. Some states set internal guidelines. Always request a timeline in writing when seeking re-evaluation.
- Transition: When a student moves from elementary to middle school, middle to high school, or transfers to a new district, the receiving school must honor the existing 504 Plan until a new evaluation is completed. Do not allow the new school to disregard a valid 504 Plan.
- Always review your district's 504 policies, as they may establish specific timelines and procedures that are enforceable at the local level.

WATCH OUT

- Improper removal: Schools may attempt to discontinue a 504 Plan by stating the student has “outgrown” the need or is “doing well” without conducting a re-evaluation. A plan cannot be removed without current evaluation data.
- Unilateral changes: Schools may informally reduce, change, or stop accommodations without a team meeting or updated plan. Changes must be made through the 504 team process and documented in writing.
- High school and college transition: A 504 Plan does not automatically transfer to college. However, it serves as important documentation for disability services. Ensure records and evaluations are current prior to graduation.
- Continued need: A student does not need to be failing to continue qualifying for a 504 Plan. Ongoing need for accommodations—not academic failure—is the standard.

10. Discipline and Section 504

Section 504 provides important protections for students with disabilities who face school discipline. These protections are different from — and generally weaker than — the IDEA discipline protections, but they are still meaningful.

FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- **Manifestation determination:** When a disciplinary removal results in a significant change in placement—typically more than 10 consecutive school days, or a pattern of removals totaling more than 10 days—the school should conduct a manifestation determination review to determine whether the behavior was caused by or had a direct and substantial relationship to the student’s disability.
- **Pattern of removals:** Multiple shorter suspensions may still constitute a significant change in placement if they form a pattern based on factors such as length, frequency, and similarity of behavior.
- **Functional Behavioral Assessment (FBA):** If a student with a 504 Plan demonstrates recurring behavioral concerns, the team should consider whether an FBA and behavior support plan are needed to address underlying causes.
- **Short-term removals:** Suspensions of 10 school days or fewer generally do not trigger additional procedural protections. However, repeated removals may still require review if they create a pattern.
- **Zero-tolerance policies and Individualized decision-making:** Schools must consider the student’s disability when making disciplinary decisions. Applying zero-tolerance policies without individualized review may constitute disability discrimination.

IMPORTANT NOTE

- Section 504 discipline protections are less explicitly defined than those under IDEA and rely more heavily on OCR guidance and case law.
- However, schools must still make individualized decisions and consider whether behavior is related to a student’s disability. Failure to do so may constitute disability discrimination.
- If your child has a 504 Plan and is facing serious discipline — particularly suspension exceeding 10 days or expulsion — consider consulting with an experienced special education advocate or attorney promptly. The interplay between 504, IDEA, and school discipline is complex.

STATE VARIATIONS — Laws Differ by State

- Several states have stronger disability-related discipline protections than federal law:
- California: California Education Code §§ 48900 et seq. provide extensive discipline protections, including a manifestation determination requirement for IEP students. California courts have also applied strong protections for 504 students facing significant discipline.
- New Jersey: NJ has strong disability-related discipline procedures under both IDEA and 504 frameworks.
- New York: NY has robust IEP discipline protections; 504 discipline rights rely more heavily on OCR guidance.
- Oregon: Oregon law provides discipline protections for students with IEPs; 504 discipline protections follow federal guidance.

11. Section 504 and Extracurricular Activities

Section 504 covers the full range of school activities — not just academics. Students with disabilities have the right to participate in extracurricular activities, athletics, and nonacademic programs on an equal basis.

FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)

- Nonacademic services: Schools must provide students with disabilities equal opportunity to participate in nonacademic and extracurricular services and activities — including athletics, transportation, health services, recreational activities, and special interest groups (34 C.F.R. § 104.37).
- Athletics: Students with disabilities cannot be excluded from participation solely because of their disability. Schools must provide reasonable accommodations to enable participation unless doing so would fundamentally alter the nature of the activity.
- Equal access: The key question is whether the student has equal access — not whether they receive identical treatment. A student who uses a wheelchair may need modified facilities; a student with ADHD may need a quieter space during team meetings.
- Scope of coverage: This includes field trips, clubs, sports, after-school programs, transportation, and other school-sponsored activities.



ADVOCACY TIP

- If your child is being excluded from a sport, club, field trip, or school activity due to their disability, that may be a Section 504 violation. Ask the school what accommodations or supports have been considered to allow participation.
- Request that necessary supports be documented in the 504 Plan if the disability impacts participation in nonacademic settings.
- Decisions cannot be based on convenience, staffing, or assumptions about ability. They must be based on the student’s individual needs and whether reasonable accommodations can provide access.
- If access is denied, request the reason in writing, including what accommodations were considered and why they were deemed not feasible.
- Exclusion from extracurricular activities without consideration of accommodations may constitute disability discrimination under Section 504.

12. When Things Go Wrong: Dispute Resolution

When you believe a school has violated your child’s rights under Section 504—whether through denial of evaluation, failure to implement a plan, discrimination, or exclusion from programs—you have several options for resolving the issue.

Option	Best Used For
Request 504 Meeting / Review	Disagreements about plan content, accommodations, or implementation — simplest first step
OCR Complaint	The primary federal enforcement mechanism for Section 504 and Title II of the Americans with Disabilities Act (ADA). OCR investigates whether disability discrimination occurred—not whether a plan is “ideal.” This includes issues such as failure to implement 504 accommodations, failure to evaluate when there is reason to suspect a disability, and exclusion from programs or activities. If a violation is found, OCR may require corrective action, including district-wide policy changes, staff training, and remedies for the student. — free, no attorney needed, 180-day filing window
District 504 Impartial Hearing	Required for disputes related to identification, evaluation, or placement (34 C.F.R. § 104.36). Procedures are

	<p>established at the district level and may vary significantly, including how impartiality is defined.</p>
<p>State Civil Rights Agency Complaint</p>	<p>State disability discrimination laws — available in states with their own anti-discrimination laws</p>
<p>Federal Civil Lawsuit</p>	<p>Parents may file a lawsuit under Section 504 or ADA Title II. Courts may award injunctive relief, compensatory education, and, in some cases, damages for intentional discrimination. Civil litigation can be complex, time-intensive, and costly, often requiring legal representation. Parents should consult with an attorney to understand potential costs, timelines, and likelihood of success before proceeding.</p>
<p>Request an IEP Evaluation Under IDEA</p>	<p>If accommodations alone are not sufficient and your child requires specialized instruction, related services, or significant support to make meaningful progress, a 504 Plan may not be appropriate. You may request a comprehensive special education evaluation under IDEA in writing at any time. The school must respond to your request and provide notice of its decision.</p>
<p>Advocate / Attorney Consultation</p>	<p>Consider consulting a special education advocate or attorney for guidance, strategy, or meeting support. This may be especially helpful if concerns are complex, ongoing, involve discipline or denial of services, or are not being resolved at the school level. Advocates can often assist with communication, meeting preparation, and understanding your options, while attorneys may be needed for formal disputes or legal action.</p>

 **FEDERAL LAW — Applies in ALL 50 States (Section 504 | 29 U.S.C. § 794 | 34 C.F.R. Part 104)**

- **OCR Complaint:** The primary federal enforcement mechanism for Section 504 and Title II of the Americans with Disabilities Act (ADA). Complaints must generally be filed within 180 days of the alleged discrimination and may be submitted without an attorney. OCR first reviews complaints to determine whether they meet criteria for opening an investigation. If the complaint is opened, OCR investigates whether disability discrimination occurred—not whether a plan is “ideal.” This includes issues such as failure to implement 504 accommodations, failure to evaluate when there is reason to suspect a disability, and exclusion from programs or activities. If a violation is found, OCR may require corrective action, including district-wide policy changes, staff training, and remedies for the student. OCR may also offer early resolution options before or during the investigation process.
- **Impartial Hearing:** Section 504 requires school districts to provide an impartial hearing for disputes related to identification, evaluation, or placement (34 C.F.R. § 104.36). Parents have the right to participate and may be represented by an attorney. However, procedures are established at the district level and may vary significantly, including how impartiality is defined, who conducts the hearing, and how decisions are made.
- **Equitable remedies:** If a violation of Section 504 or ADA is found, courts may order remedies designed to correct the violation and address its impact on the student. These may include injunctive relief (requiring the school to take or stop specific actions), compensatory education or services to make up for lost access, and, in some cases, monetary damages where intentional discrimination is proven. Remedies are intended to restore access and address harm—not to punish the school. OCR may also require similar corrective actions but does not award monetary damages.
- **No exhaustion required:** Unlike IDEA, Section 504 does not generally require exhaustion of administrative remedies before filing a federal lawsuit.



STATE VARIATIONS — Laws Differ by State

- OCR region: OCR has 12 regional offices. Filing with your regional office typically results in faster processing. Find your region at ed.gov/ocr.
- State civil rights agencies: Some states have civil rights agencies that enforce state disability discrimination laws with the same or greater reach as OCR — and sometimes shorter filing deadlines:
- California: Department of Education and the Civil Rights Department (formerly DFEH) both enforce disability protections.
- New York: New York State Division of Human Rights.
- New Jersey: New Jersey Division on Civil Rights.
- Washington: Washington State Human Rights Commission.
- Colorado: Colorado Civil Rights Division.
- Filing deadlines vary by state agency — some are as short as 180 days, others allow up to 300 days. Check your state's rules immediately if you believe a violation has occurred.



ADVOCACY TIP

- OCR complaints are often underused by families. They are free, do not require an attorney, and can result in corrective action, including district-wide changes that benefit not only your child but others as well.
- While OCR aims to resolve complaints within 180 days, the process is not always quick. The initial review to determine whether a complaint will be opened can take several months, and in some cases a year or more before a complaint is opened or resolved.
- The 180-day filing deadline for OCR complaints is strictly enforced. If you believe a violation has occurred, do not wait. You may file a complaint while still attempting to resolve the issue with the school.
- Document everything: dates of meetings, communications, what was requested, what was provided or denied, and the impact on your child. Strong documentation is critical to demonstrating a violation.
- If you are considering filing a lawsuit, consult a Section 504 attorney. The standard for proving intentional discrimination (required for monetary damages) is high, but OCR findings of a violation may support a civil case.

13. Your Rights — Quick Reference

Your Right as a Parent	Legal Basis
Request a 504 evaluation in writing at any time	34 C.F.R. § 104.35; OCR guidance
Receive notice before evaluation, identification, or placement decisions	34 C.F.R. § 104.36
Participate in the eligibility determination and plan development	34 C.F.R. § 104.35(c), 104.36
Review all records related to your child's evaluation and placement	FERPA; 34 C.F.R. § 104.36
Receive a written copy of the 504 Plan	OCR guidance; best practice
Bring any support person to 504 meetings	OCR guidance; district policy
Request re-evaluation before significant plan changes	34 C.F.R. § 104.35(a)
Request an impartial hearing to dispute identification, evaluation, or placement	34 C.F.R. § 104.36
File an OCR complaint within 180 days of a violation	34 C.F.R. Part 100; OCR enforcement
File a civil lawsuit under Section 504 or ADA Title II	29 U.S.C. § 794a; 42 U.S.C. § 12133
Equal access to extracurricular activities and nonacademic programs	34 C.F.R. § 104.37
Disability-related discipline review before significant placement changes	OCR policy guidance; case law

14. Practical Tips for Every Parent

1. Put everything in writing.

Because Section 504 has fewer procedural safeguards than IDEA, written communication is especially important. After meetings or conversations, follow up with an email summarizing what was discussed, agreed upon, and any areas of disagreement.

2. Understand that 504 eligibility is broad.

After the ADA Amendments Act (ADAAA), the threshold for qualifying is intentionally low. A student does not need to be failing to qualify. If your child has a condition that impacts a major life activity—such as learning, concentrating, reading, or a bodily function—they may qualify. Ask the school to explain, in writing, the data and criteria used if eligibility is denied.

3. Ensure all accommodations are documented.

Accommodations that are not written into the 504 Plan are not enforceable. Each accommodation should be clearly defined, including what will be provided, when, and by whom.

4. Monitor implementation.

Do not assume accommodations are being consistently provided. Check in with your child, communicate with teachers as needed, and document any missed or inconsistent supports.

5. Revisit the plan at transitions.

At each transition—such as a new school year, building change, or district transfer—confirm in writing that the 504 Plan has been shared with all relevant staff and is being implemented.

6. Know when a 504 plan is not enough.

If your child requires specialized instruction, related services, or significant support to make meaningful progress—not just access—a 504 Plan may not be sufficient. In that case, request a comprehensive evaluation under IDEA in writing.

7. Use dispute options when needed.

If your child's rights under Section 504 are not being upheld, you have options. OCR complaints are free, accessible, and can address both individual concerns and broader patterns of noncompliance. Be mindful of the 180-day filing deadline and document concerns as they arise.

8. Use state-level protections when available.

Some states provide stronger disability protections than federal law. Review your state's laws and your district's policies, as they may offer additional rights, timelines, or procedures.



ADVOCACY TIP

- US Dept of Ed OCR's Parent and Educator Guide to Section 504 - <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>
- OCR Online Complaint Portal: complaints.ed.gov — file a 504 or ADA Title II complaint online. Free, no attorney required.
- Your State's Parent Training & Information (PTI) Center: Free assistance navigating disability rights in education. Find yours at www.parentcenterhub.org.
- Wrightslaw (www.wrightslaw.com): Plain-language resources on Section 504, IDEA, and disability rights.
- Your State's Department of Education Website: Look for your state's 504 coordinator contact and district 504 policies.
- Understood.org: Practical resources specifically for parents of students with learning and attention issues, including ADHD, dyslexia, and anxiety.

About This Guide

Produced by The Advocacy Ridge

Need help navigating the 504 process? The Advocacy Ridge is supported by experienced non-attorney special education advocates who work with families across multiple states. We are here to help.

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This guide provides general educational information and does not constitute legal advice. Section 504 implementation varies significantly by state and school district. For specific concerns about your child's rights, consult a qualified special education advocate or attorney licensed in your state.

Federal law cited: Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); ADA Title II (42 U.S.C. § 12132); ADA Amendments Act of 2008 (Pub. L. 110-325); implementing regulations at 34 C.F.R. Part 104. State laws cited: California Education Code § 56000 et seq. and Civil Rights Department; New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.); New York Human Rights Law (N.Y. Exec. Law § 290 et seq.); Texas Education Code § 29.022; Washington Law Against Discrimination (RCW 49.60); Colorado Anti-Discrimination Act (C.R.S. § 24-34-401). All laws subject to change — verify current versions with your state's education agency or civil rights office.

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