

Section 504

If your child has a physical or mental disability, they may be eligible for a 504 Plan. [Section 504 of the Rehabilitation Act of 1973](#) is the civil rights law that prohibits discrimination on the basis of disability; and guarantees individuals with disabilities equal access to an education.

In addition to Section 504 Plans, disability rights violations are covered under Section 504 and are investigated by the Federal Office of Civil rights (see last bullet point for more info on OCR complaints).

What is a 504 Plan?

A plan that lists the accommodations a school will provide (like audiobooks, note-taking aids, or extended time to complete tests) so that a student with a disability has equal access to the general education curriculum.

Does my child qualify for an IEP or 504 Plan?

To qualify for special education services, a student needs to meet the eligibility requirements in one of [13 categories](#) described in the Michigan Administrative Rules for Special Education.

The definition of disability under Section 504 is different. Often, if a child does not qualify for special education services, parents look into a 504 Plan.

- [IEP Evaluation](#)
- [Section 504 Evaluation](#) PACER
- [IEP vs 504 Plan: What's the Difference](#) Understood.org

If you think your child should receive services under Section 504, submit a written request to the school asking for an evaluation to determine if there is a significant impact on your child's learning or behavior. Also, request a copy of your school district's policies and procedures on Section 504.

- See this [Section 504 Sample Letter](#) or view other [Sample Letters](#) to find a template.

What is the timeline for completing a 504 evaluation?

Parents often opt to request a [special education evaluation](#) first, so the evaluations will be completed in that [30 school day timeline](#). There is the right to an [Independent Education](#)

[Evaluation](#) if the parent disagrees with the results of the special education evaluation. If the evaluations show the child doesn't qualify for an IEP, the data and reports have been completed and can be used to discuss a 504 plan.

There is not a specific timeline in the federal law, but districts can set their own timelines for evaluation under Section 504. You can request a copy of your school district's policies and procedures on Section 504.

What is the difference between an IEP and a 504 Plan?

A 504 Plan is not an [Individualized Education Program](#) (IEP). An IEP requires more specialized instruction. Section 504 does not provide funding for special education or related services.

If a child needs extra support or help to learn or help accessing learning, he/she may need adaptations. "Adaptation" refers to both accommodations and modifications.

- [504 Terms to Know](#)
- [Questions to Ask About Adaptations](#)
- [Accommodations and Modifications](#)
- [School Accommodation Ideas for Students who Receive Section 504 or Special Education Services](#) (PACER)
- [School Modification Ideas for Students Who Receive Special Education Services](#) (PACER)

What does a 504 Plan look like?

A 504 Plan is a written document created for students with disabilities who require accommodations to be successful in the classroom. Here are some sample plans to look at:

- [504 Plan Templates and Suggested Accommodations](#)
- [Developing a 504 Plan](#)
- [Sample 504 Plan for Anxiety](#)
- [Sample 504 Plan for ADHD](#)
- [Sample 504 Plan for Diabetes](#)
- [Sample 504 Plan for Epilepsy](#)
- [Sample 504 Plan for Food Allergies](#)
- [Sample 504 Plan for Inflammatory Bowel Disease](#)
- [Sample 504 Plan for Spina Bifida](#)

Should my child have an IEP and a 504 plan?

All children with an IEP have already been identified as having a disability and therefore are covered by the protections against discrimination under Section 504/Vocational Rehabilitation

Act of 1973. Usually, a separate 504 plan is not written for students with IEPs, as the information that would go into a 504 Plan are part of the IEP.

- [Can a Student Have Both an IEP and a 504 Plan?](#)

What if I disagree? What if a plan is not being followed? What rights do I have?

Local school districts are responsible for implementing 504 Plans, a first step is to contact the [Section 504 coordinator at your school](#). Section 504 complaints are handled by the Office of Civil Rights.

- [How to File an OCR Complaint](#) Short video from the U.S. Department of Education's Office for Civil Rights to assist the public in filing federal civil rights complaints.
- [Office of Civil Rights Complaint Process](#)
- [Office of Civil Rights Contact Information](#)
- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#) is available to clarify the rights of students with disabilities and the responsibilities of educational institutions in ensuring that all students have the opportunity to learn.
- [Case Processing Manual](#) provides OCR with the procedures to promptly and effectively investigate and resolve complaints, compliance reviews and directed investigations to ensure compliance with the civil rights laws enforced by OCR.

What protections through OCR are there for kids with an IEP?

The Department of Education's Office for Civil Rights (OCR) protects the rights of persons with disabilities. Section 504 of the Rehabilitation Act of 1973, prohibits discrimination based on disability in programs and activities operated by recipients of federal funds.

It states: "No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."

- Section 504 complaints are handled by the [Office of Civil Rights](#).
- [Office of Civil Rights Complaint Process](#)
- [Office of Civil Rights Contact Information](#)

The Office of Civil Rights does not enforce IDEA. OCR enforces the Section 504 protections of students who receive special education services. Areas enforced by OCR include:

- **Free Appropriate Public Education (FAPE):** Ensuring that students with disabilities attending public elementary and secondary schools receive regular or special

education and related aids and services so that their needs are met as adequately as those of students without disabilities. [FAPE Requirements under Section 504](#)

- **Discipline:** Ensuring that students are not inappropriately punished or disciplined for reasons related to their disability and are not subjected to discriminatorily different treatment in discipline. [Section 504 Discipline Factsheet](#)
- **Accessibility of Technology:** Requiring schools and colleges to use technology that is accessible to individuals with disabilities or to otherwise provide equal access to the educational benefits and opportunities afforded by the technology. [Section 504 Technology Accessibility](#)
- **Physical Accessibility of Programs, Services and Facilities:** Requiring schools to make any programs, services and facilities physically accessible to individuals with disabilities. [Section 504 Programs & Facilities Accessibility](#)
- **Harassment, Including Bullying that Rises to the Level of Harassment:** Requiring schools and colleges to prevent and address harassment on the basis of disability. [Disability: Harassment and Disability under Section 504](#)
- **Right to Equal Treatment:** Requiring that schools provide students with disabilities an equal opportunity to participate in, and receive the benefits of, the institutions' programs. This applies to such areas as admissions and recruitment; college and university housing; access to nonacademic and extracurricular activities, including extracurricular athletics; retaliation; and employment. [Disability Discrimination under Section 504](#)

FAPE During COVID-19

Under Section 504, if a parent or guardian believes that their child has not received or is not receiving FAPE, does not have equal access to other services provided by the school, or did not receive or is not receiving appropriate compensatory services, they may seek a hearing under the school's Section 504 due process procedures or file a complaint with OCR. A school's agreement to provide compensatory services is one way OCR remedies disability compliance issues when appropriate.

- [Providing Students with Disabilities Free Appropriate Public Education During the COVID-19 Pandemic and Addressing the Need for Compensatory Services Under Section 504](#) The U.S. Department of Education's Office for Civil Rights issued this fact sheet to remind elementary and secondary public schools of their obligations under Section 504 of the Rehabilitation Act of 1973 to provide appropriate evaluations and services to students with disabilities during the COVID-19 pandemic, including schools' responsibility to provide compensatory services.