



The Power of Section 504

Strategies for Advocates

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Please note: Responses should be case specific; responses are not applicable for each and every case so choose when, how, and who to respond to with careful deliberation. The method you chosen for the response, the timing of the response, and to whom you address the response to are critical for the educational benefit of the child.

If the school says	An advocate may respond	Relevant resources
ESY (extended school year) is not available to Section 504 students	The 504 team determines, based on the individual needs of the student, whether the district must provide ESY services if necessary to provide FAPE	34 CFR § 104.33
A 504 plan is only about modifications and accommodations	A 504 plan is a written document designed to meet the individual educational needs of the child through the provision of regular or special education and related aids and services	34 CFR § 104.33(b)(1) 34 CFR § 104.34(a)
A 504 team cannot consider residential placement for a 504 eligible student	A residential placement will be considered if it is necessary to provide FAPE	34 CFR § 104.33(c)(3)
Section 504 is only for students with ADHD	A student is found eligible for Section 504 if s/he has a physical or mental impairment that substantially limits a major life activity	34 CFR § 104.3(j)(1)(i)

If the school says	An advocate may respond	Relevant resources
We only have to provide reasonable accommodations	There is a reasonable accommodation component contained in Subpart B of Section 504 that applies to employment; such limitations are not contained in Subpart D covering elementary and secondary education	34 CFR § 104.33(a) 34 CFR § 104.33(b)(1)
Section 504 does not have procedural safeguards	Districts must extend procedural safeguards to parents of students with disabilities in relation to the provision of FAPE	34 CFR § 104.36
There are no parent's rights notices under Section 504	The procedural safeguards that districts must provide in connection with FAPE must include notice, an opportunity for parents to examine relevant records, an impartial hearing with opportunity for participation by parents and representation by counsel, and a review procedure	34 CFR § 104.7 34 CFR § 104.8 34 CFR § 104.35 34 CFR § 104.36

The Advocate Academy is a project of The Advocacy Institute

A not-for-profit organization dedicated to services and projects that work to improve the lives of children, youth and adults with disabilities.

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