

## 504 Plans

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### Issue

Describe the function of 504 plans in public elementary and secondary schools, as well as student eligibility criteria for the plans.

### Summary

A 504 plan is a formal accommodation plan for a public school student who has a mental or physical impairment that substantially limits one or more major life activities. Although not explicitly required by law, schools develop 504 plans to comply with federal anti-discrimination law and regulations.

Specifically, these plans are named after Section 504 of the federal Rehabilitation Act of 1973 ([29 U.S.C. § 794](#)) and its related federal regulations, which protect students with mental or physical disabilities from discrimination in any program or activity receiving federal dollars, such as public schooling. As [explained](#) by the U.S. Department of Education, “Section 504 regulations require a school district to provide a free appropriate public education (FAPE) to each qualified student with a disability who is in the school district’s jurisdiction, regardless of the nature or the severity of the disability” ([34 C.F.R. § 104.33](#)). Districts must designate a Section 504 coordinator to facilitate efforts to comply with these regulations ([34 C.F.R. § 104.7](#)).

Section 504 aims to eliminate barriers to a student’s access to FAPE through reasonable accommodations. Students with 504 plans generally are enrolled in regular, rather than special, education programs with accommodations.

## Student Eligibility

To be eligible for a 504 plan, a student must be determined to have a physical or mental impairment that substantially limits one or more major life activities or have a record of such an impairment. Major life activities include functions such as caring for oneself, walking, writing, learning, breathing, performing manual tasks, seeing, hearing, speaking, working, and even broader issues such as emotional illness. However, the limitation of a major life activity due to disability must be relevant to the educational environment.

Notably, Section 504 prohibits discrimination against students with disabilities in special education, in addition to other mental and physical impairments not identified under federal special education law. Some of these disabilities include Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder, asthma, and diabetes, among several other medical conditions. A student can be covered by a 504 plan whether or not the student is also eligible for special education (i.e., a student may have both an IEP and a 504 but may also have one and not the other).

## Student Evaluation

The school district must establish evaluation and placement procedures for students with disabilities. Although the federal regulations associated with Section 504 do not mention “504 plans” directly, they require that districts incorporate certain procedures for schools to use when forming a 504 plan. These include the following:

1. using validated tests and other materials to measure student abilities rather than inabilities;
2. using information from test results, teacher recommendations, physical conditions, social or cultural background, and adaptive behavior to make student placement decisions;
3. documenting and carefully considering the above information (e.g., in a 504 plan); and
4. evaluating the student periodically (by no particular time period, but annual evaluations required under special education law are deemed compliant) ([34 C.F.R. § 104.35](#)).

If the school determines that a student’s disability substantially limits a major life activity and confounds access to FAPE, then a 504 plan is developed to document necessary accommodations for that student to access FAPE.

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