

Section 504 and ADHD

One of the biggest changes in my practice is the proliferations of 504 plans that have been required and written for children with attention deficit hyperactivity disorder. There's a lot of misinformation about 504 plans that I've seen first-hand spread in team meetings, in parent requests, in clinician reports. It's really important to understand what 504 plans are all about and how they can help a child with attention or self-control difficulties.

First, it's important to understand that section 504 of the Rehabilitation Act was developed to prohibit discrimination against people with disabilities in federally funded institutions or programs such as public schools.

It protects children who have physical or mental impairments that substantially impact a major life activity which now includes learning, concentration, thinking, communication, reading and other important aspects of how children with ADHD might struggle.

The Office of Civil Rights (OCR) oversees the implementation of section 504. Their website provides very comprehensive information for parents and teachers. If you are thinking about a 504 plan for your child you must read about 504 plans on the OCR site. They have an exquisite, I think it's twenty-page article about what 504 plans are all about and how they work.

Remember also that section 504 does not fund 504 plans. When a school is developing their 504 plan they are not getting additional revenues to enact the accommodations, modifications and provide the services our children might need. This presents a significant challenge for most schools that I've been working with.

Remember that 504 applies to all school that receive federal funding, and I believe it includes private schools and charter schools as well.

The rules governing 504 plans and IEP's are different than ones that are funding special education programs under the Individuals with Disabilities Education Act. There are different rules. With 504 plans, we're talking about conditions that affect these major life learning activities. With special education, what we're talking about are specific government defined eligibility categories, not conditions diagnosed by a clinician or agreed upon from the school. The child has to be eligible under specific eligibility categories.

The whole goal of a 504 plan, I believe, is to prevent discrimination and level the playing field.

You can't just get a letter from a clinician saying your son or daughter has a condition. There is some expectation that the school is going to work with you to make sure that that condition has impact in these major life activities. I see a lot of families requesting a diagnosis from me, or from my team of let's say ADHD, and they expect that if they provide the school with that diagnosis, it's done, we're going to have a 504 plan. It's not that simple.

For many, many reasons, schools should be considering these diagnoses and making sure that the plan they develop fits the condition that the child has. A clinical assessment for 504 plan eligibility is often part of the school process. It can be different than the assessment for special education, but almost always the school team is going to want to proceed in some kind of data gathering or deeper review of the clinical condition.