



Section 504 Webinar Series: Section 504 & Commonly Asked Questions

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Who ODE Serves

“My vision is to make sure every child in Oregon is successful and has a safe place to receive a high-quality public education. I’ve seen firsthand how a positive student-teacher relationship can set a child on a successful path for the rest of their life. When we collaborate and build partnerships with students, educators and families we can advance equity and lead all students toward success.”

- *Dr. Charlene Williams*

552,380 Students*

More than 340 languages spoken

86,915 Educators

Staff of Color

- 13.0% of Teachers
- 13.8% of Administrators
- 18.8% of Counselors
- 23.9% of Educational Assistants

197 Districts

1,270 Schools

131 Charter Schools

19 Education Service Districts

*Numbers represent 2022-23

Section 504 Webinar Schedule SY 2025-26

YOU ARE HERE

SEPTEMBER: Section 504 for New Case Managers

OCTOBER: Writing Effective 504 Plans

NOVEMBER: Avoiding Common Section 504 Violations

DECEMBER: Section 504 & Multilingual Students

JANUARY: Section 504 & Mental Health Disorders

FEBRUARY: Section 504 & Extracurricular Athletics

MARCH: Section 504 & School Attendance Issues

APRIL: Section 504 & Nontraditional School Settings

MAY: Section 504 & Commonly Asked Questions

Topics Covered

Participants will go through:

- Answers to the most commonly asked questions regarding Section 504

Participants are invited to ask questions throughout the learning session

Webinar Expectations

- Use the **Q & A** function to ask questions.
- Questions will be **answered** at the end of each section.
- General questions will be addressed at the end during the **open Q & A**
- Familiarize yourself with the **accessibility features** of Teams Webinar.
 - **Closed captioning**
 - **Contrast**
 - **Zoom in/out**
- **Message** the webinar moderator if you are having technical difficulties.
- This webinar will not be recorded; however, you will receive a **follow up email** with a PDF of the slide deck.

This training is not intended as legal advice and should not be taken as such; we advise you to consult with your legal counsel before making policy or process changes.

This training was provided in May 2026. Subsequent changes to law and policy may impact the accuracy of information in this slide deck.

ODE is available to support with individual technical assistance following this training.

Terms & Acronyms

Section 504 - Section 504 of the Rehabilitation Act of 1973

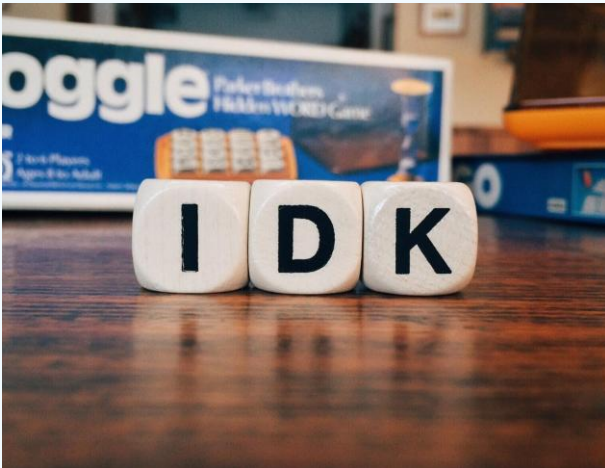
FAPE - Free Appropriate Public Education

Child Find - Identifying and locating students with disabilities

Placement - The 504 Plan that provides a FAPE in a general education setting

OCR - US Department of Education Office for Civil Rights

CRU – Civil Rights Unit (ODE)





Section 504 Overview

Discrimination Prohibited 34 CFR 104.4

Section 504 of the Rehabilitation Act of 1973

No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.

Aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for disabled and nondisabled persons, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs ([34 CFR 104.4\(b\)\(2\)](#))



District Obligations Under Section 504

- Designation of responsible employee and adoption of grievance procedures [34 CFR 104.7](#)
- Provide a notice of nondiscrimination [34 CFR 104.8](#)
- Locate all students with a disability not receiving a FAPE [34 CFR 104.32](#)
- Establish and implement evaluation, reevaluation and placement procedures [34 CFR 104.35](#)
- Provide a free appropriate public education to qualified students [34 CFR 104.33](#)
- Provide an education in the regular educational environment [34 CFR 104.34](#)
- Provide access to nonacademic services [34 CFR 104.37](#)
- Establish and implement procedural safeguards [34 CFR 104.36](#)



Common Questions

Questions That Will Be Covered

1. Which students are protected under Section 504?
2. Which education programs must comply with Section 504?
3. Who should be the 504 Coordinator?
4. What does an affirmative obligation to locate and identify students with disabilities mean?
5. What is a 504 evaluation, exactly?
6. Does a student need a medical or mental health diagnosis to be 504 eligible?
7. Who determines if a student is eligible or the components of the 504 Plan?
8. How does the 504 Team determine if a student is eligible?
9. What is the difference between a 504 reevaluation and a review?
10. What is required on a 504 Plan?
11. What are the parental participation requirements?
12. Does Oregon have its own laws as it relates to Section 504?
13. How do parents file a complaint if they don't agree with the eligibility or placement of their child?

Q: Which students are protected under Section 504?



Photo by [Towfiq barbhuiya](#) on [Unsplash](#)

- A:** Section 504 covers qualified students with disabilities who attend schools receiving federal financial assistance. Section 504 defines a qualified student with a disability as:
1. Having a physical or mental impairment that substantially limits one or more major life activities; or
 2. Having a record of such impairment; or
 3. Being regarded as having such impairment

Students on IEPs are also protected under Section 504.

In Practice: The “Technically Eligible” Student

A student may be technically eligible if:

- They are eligible under the “record of” prong
- They are eligible under the “regarded as” prong
- Mitigating measures effectively ameliorate the impact of their disability

This eligibility informs the district of what not to do (discriminate)

It does not provide the student with anything “extra” (a FAPE) because the playing field is already even.

Note: Not only students with 504 Plans are protected by Section 504.

Q: Which education programs must comply with Section 504?

A: Section 504 applies to public preschool, elementary, secondary, and adult education programs or activities that receive Federal financial assistance and to recipients that operate, or that receive Federal financial assistance for the operation of, such programs or activities. Section 504 equally applies to public charter schools, magnet schools, CTE programs, etc.

Programs & activities may include, but are not limited to:

- **Cocurricular Activities:** school-related activities that complement the academic curriculum, such as field trips, and science fairs. These are designed to enhance classroom learning and directly relate to academic subjects.
- **Extracurricular Activities:** non-academic pursuits like sports teams, community service, or music groups. These focus more on personal interests, social skills, and character development outside the academic framework.

Significant Assistance

Programs run by outside organizations may in some cases be a part of a school's programs and activities if the school offers **significant assistance** to the outside organization. Consider what kind of support the school provides:

- financial support,
- provision of tangible resources (e.g., staff, equipment, and facilities),
- intangible benefits (e.g., recognition and approval),
- the terms under which the school district provides similar privileges and resources to other organizations, and
- whether the relationship is occasional and temporary or permanent and long-term

[Dear Colleague Letter on Voluntary Youth Service Organizations \(OCR, 2015\)](#)

Q: Who should be the 504 Coordinator?

A: [34 CFR 104.7](#) “**Designation of responsible employee.** A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.”

The Section 504 Coordinator must have the independence, authority and training to:

- Monitor and implement the district’s compliance with state and federal laws prohibiting disability discrimination,
- Prevent discrimination against students, employees, and others on the basis of disability,
- Ensure compliance with all procedures and procedural safeguards required under Section 504,
- Oversee the district’s Section 504 complaint process/grievance policy and ensuring prompt and impartial investigations occur, and
- Assess and address systemic barriers that disproportionately affect individuals with disabilities.

[ODE Section 504 Coordinator Position Description](#)

In Practice: 504 Designees

District Section 504 Coordinators often do not facilitate 504 processes for individual students

Most districts have designees or 504 case managers

The case manager role is not defined in regulation

The case manager:

- Acts as a facilitator of 504 processes
- Relies on the 504 team to avoid unilateral decision making
- Uses processes and procedures under the direction of the 504 Coordinator
- Consults with the Section 504 Coordinator, as appropriate
- Reports disability-based discrimination, harassment, and FAPE violations to the Section 504 Coordinator for investigation

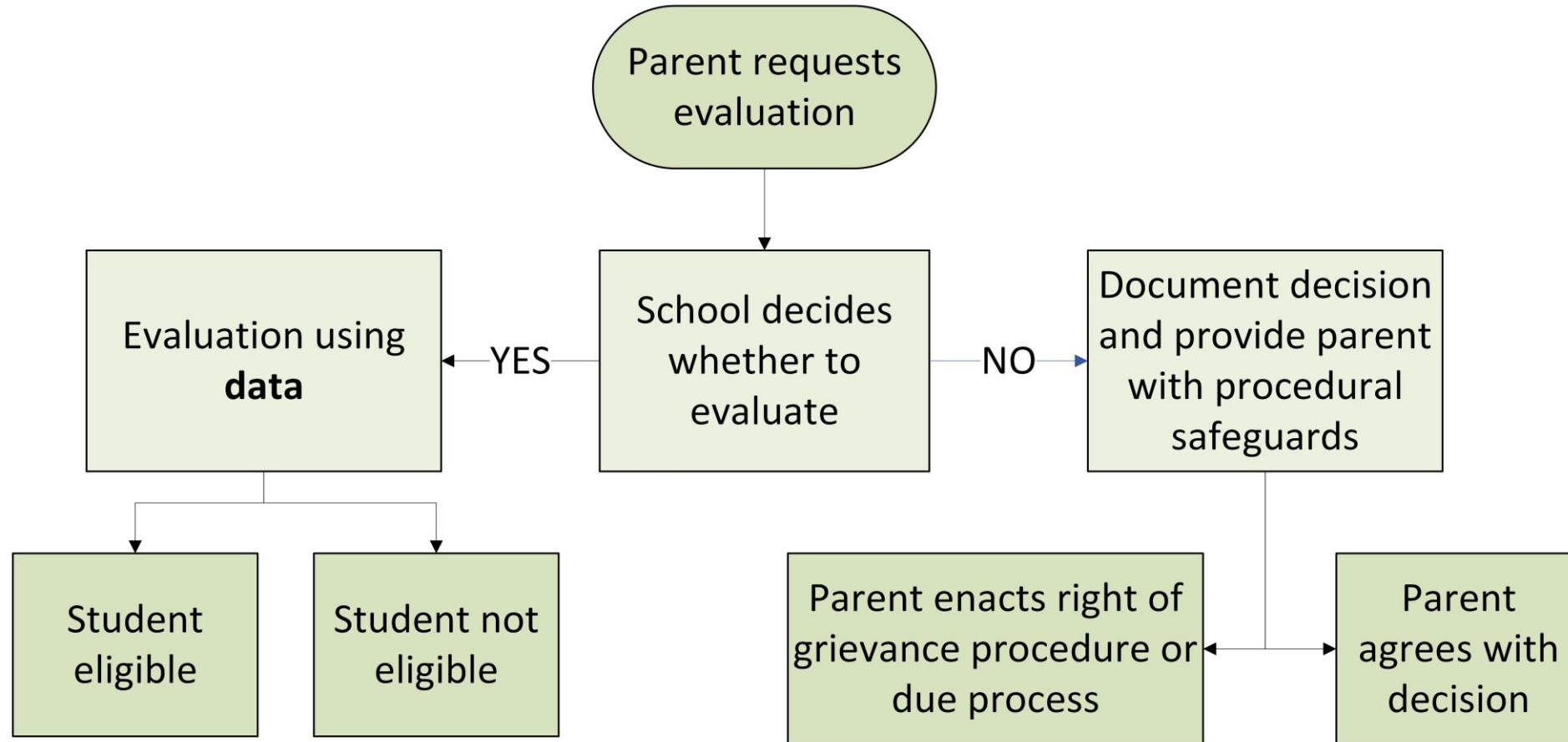
Q: What does an affirmative obligation to locate and identify students with disabilities mean?

A: [34 CFR 104.32](#) Location and Notification often known as Child Find

- A. Identify and locate every qualified person with a disability residing in the recipient's jurisdiction who is not receiving a public education; and
- B. Take appropriate steps to notify persons with disabilities and their parents or guardians of the district's duty

A district may not rely solely on parent requests.

In Practice: Child Find and Parent Requests



Q: What is a 504 evaluation, exactly?

A: A 504 evaluation typically begins with a review of existing information such as

- information provided by the parent;
- any assessments conducted by the school;
- information from the student's treatment providers, if any;
- academic records;
- attendance records;
- state assessment results, etc.

An evaluation may be broad, including achievement data, behavior checklists and other measures, or narrow such as medical data. The evaluation must be sufficient to determine whether the student has a disability under Section 504, and if so, whether the student needs a 504 Plan to have access to and participate in the benefits of public education.

Evaluation and Placement 34 CFR 104.35

Preplacement Evaluation: Before taking any action with respect to the initial placement and any subsequent significant change in placement, an evaluation must be completed.

Evaluation: The district must establish standards and procedures for the evaluation and placement of students with a disability.

Placement procedures: In interpreting evaluation data and in making placement decisions:

- (1) draw upon information from a variety of sources
- (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered,
- (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options

Q: Does a student need a medical or mental health diagnosis to be 504 eligible?

A: No. Under Section 504, a district must evaluate a student if the district knows or suspects that the student may have a disability.

The district may request that the parent provide medical information or may request the parent's consent to obtain medical information directly from the provider, if that information already exists.

If the district suspects a disability and the parent is unable to provide this information, and the district concludes that this information is necessary to determine whether the student has a disability and the specific education and related services needed, the district must assist the parent in obtaining this information, even if it incurs a cost to the district.

In Practice: Section 504 and Diagnosis



Photo by [Nick Youngson](#) CC BY-SA 3.0 Alpha Stock Images

Direct Citations from the Office for Civil Rights (OCR)

- “There is **nothing in Section 504 that requires a medical assessment as a precondition to the school district’s determination that the student has a disability and requires special education or related aids and services due to his or her disability**” ([OCR 2016](#) p. 23).
- “If, however, a district believes a medical assessment is necessary and the parent volunteers to pay for a private assessment, the **district must make it clear that the parent has a choice and can choose to accept a school-furnished assessment**. Compliance problems could arise when school districts and parents do not communicate clearly on this requirement” (OCR 2016, p. 23)
- “**A medical diagnosis does not suffice as an evaluation** for the purpose of providing FAPE. The Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions” ([OCR 504 FAQ](#))

Q: Who determines if a student is eligible or the components of the 504 Plan?

A: The only allowable decision-making body is the 504 Team which is comprised of a group of knowledgeable persons:

- someone knowledgeable of the student
- someone knowledgeable of the evaluation data
- someone knowledgeable of the placement options

Unilateral decision-making is prohibited under Section 504. That would include decisions made by any single person - physician, parent, 504 Coordinator, school administrator, etc.

In Practice: Group of Knowledgeable Persons

The 504 Team or Committee

- Someone knowledgeable of the student
- Someone knowledgeable of the evaluation data
- Someone knowledgeable of the placement

Purpose:

- Assures no unilateral decision making
- Is required by regulation to determine:
 - Eligibility
 - Placement

May Include:

- School nurse
- Athletic director/coach
- Nutrition services
- Interventionist or specialist (reading or ELD teacher)
- School counselor, social worker, behavior specialist



Q: How does the 504 Team determine if a student is eligible?

A: Section 504 does not provide a formula or scale for measuring a substantial limitation.

However, the ADA has long defined “substantially limits” as meaning that a person is unable to or is **significantly restricted as to the condition, manner or duration** under which they can perform the major life activity **as compared to an average person**.

“Average person” means average for the student’s age or grade level across a large population, like the state or the country. The comparison is not to the student’s potential, to the student’s siblings, or to other students in the class or school.

Broad Coverage 28 CFR 35.101(b)

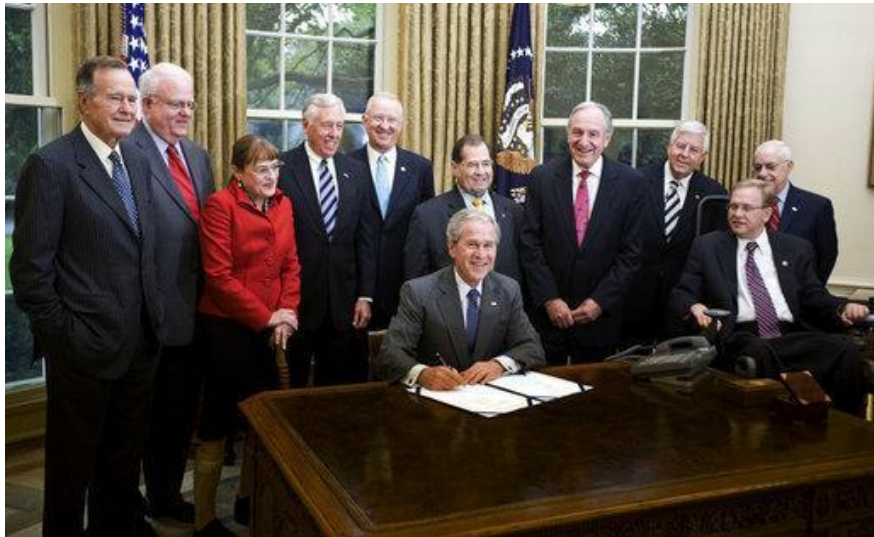


Photo by Joyce N. Boghosian

The primary purpose of the ADA Amendments Act (2008) was to make it easier for people with disabilities to obtain protection under the ADA...the definition of “disability” shall be construed broadly in favor of expansive coverage ...The question of whether an individual meets the definition of “disability” should not demand extensive analysis.

- “Substantially limits” is **not meant to be a demanding standard.**
- An impairment that is **episodic or in remission** is a disability if it would substantially limit a major life activity when active.
- The determination of whether an impairment substantially limits a major life activity shall be made **without regard to the ameliorative effects of mitigating measures** (except regular eye glasses)
- The effects of an impairment **lasting or expected to last less than six months can be substantially limiting**

Q: What is the difference between a 504 reevaluation and a review?

A: Section 504 regulations require that reevaluations be conducted periodically, which can be interpreted as every three years or as needed.

Districts must also conduct a reevaluation prior to a significant change of placement.

A Section 504 review is not conceptualized in the regulations. It may be best practice for a district to adopt procedures for annually notifying parents of their rights and procedural safeguards and offering a 504 reevaluation if the disability-related needs of the student have changed.

Significant Change of Placement [34 CFR 104.35\(a\)](#)

A public elementary or secondary education program or activity shall conduct an evaluation ...before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

EXAMPLES:

- Transfer of a student from one type of program to another
- Terminating or significantly reducing/changing a service
- Change in the condition/impairment
- Removal from an education program for 10 days in a school year (MDR)

Q: What is required on a 504 Plan?

A: The education and related services provided to a student with a disability, and the location in which the student receives those services. It may include:

- Accommodations
- Modifications of policy, practice or procedure
- Related services
- Linked documents such as:
 - Individualized Healthcare Plan (IHP)
 - Individual Plan of Care (IPOC)
 - Personal Emergency Accommodation Plan (PEAP)
 - Behavior Intervention Plan (BIP)

The 504 Plan should document how the student is being afforded an equal access to educational opportunity.

PERSONAL EMERGENCY ACCOMMODATION PLAN

Evacuation plan for:		Learner Photo
School:		
School year and term:		
Principal:		

Is this student able to independently navigate the physical facilities? Yes No

Is this student able to follow procedures? (Are they able to comprehend emergency alerts? Are they able to self-evacuate at this school site?) Yes No

Is this student able to communicate effectively in an emergency (Are they able to speak and understand English? Do they use an alternative or augmentative communication method?) Yes No

If you answered "no" to any of the three questions above, please complete the appropriate sections of this plan form.

Contact and Responsible Persons

School personnel responsible for coordination and implementation:	
Back-up school personnel responsible for coordination and implementation:	
Number of adults needed for assistance during emergency evacuation:	
Preferred method of communication with family for emergency notifications and updates (text, email, phone, braille, etc.). Please list preferred number/email:	

Pre-Activities:

<input type="checkbox"/> Plan developed date:	
<input type="checkbox"/> Plan added to IEP or 504 date:	
<input type="checkbox"/> Plan shared with stakeholders (see distribution list below) date:	
<input type="checkbox"/> Go bag assembled date:	

Contents of Go Bag:	Emergency contact/medical information;

In Practice: Modification vs Accommodation

Academic Modification: changes *WHAT* is taught and expected to be learned and can lead to a modified diploma in Oregon

Academic Accommodation: changes *HOW* something is taught and how a student demonstrates proficiency in the grade-level curriculum

Think: Is speech-to-text a modification or accommodation?



“ ”

Q: What are the parental participation requirements?

A: Depending on a district's adopted procedures, the parent is likely an invited member of the 504 Team and may be involved in team-based decision-making.

A parent must provide consent for a 504 evaluation and may refuse the initial placement of their child, which is the implementation of the initial 504 Plan. A parent may also later revoke consent to implement the plan.



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Procedural Safeguards 34 CFR 104.36

School districts are required to develop and implement a system of procedural safeguards to address FAPE concerns specifically, such as the *identification*, *evaluation*, and *educational placement* of students with disabilities.

Procedural safeguards include:

- notice;
- an opportunity for records review by parents or guardians;
- an impartial due process hearing, with an opportunity for participation by the student's parents or guardian and representation by counsel;
- and a review procedure

Q: Does Oregon have its own laws as it relates to Section 504?

A: Yes. Most notably are the:

- Abbreviated School Day Program statute ([ORS 343.321 to 343.333](#));
- Functional Behavioral Assessments and Behavior Intervention Plans statute ([ORS 343.154](#));
- Exemptions rule ([OAR 581-021-0009](#)); and
- Discrimination Prohibited statute and rule ([ORS 659.850](#); [OAR 581-021-0045](#))



Q: How do parents file a complaint if they don't agree with the eligibility or placement of their child?

A: Discrimination complaints can be filed at the district level and [appealed to ODE](#). Discrimination complaints can also be filed with the US Department of Education Office for Civil Rights (OCR) upon first instance.

Parents/guardians may also request a [due process hearing](#) regarding the identification, evaluation, or placement of their student with a disability under Section 504.

Violations of the Abbreviated School Day Program may be filed with ODE via [email](#). Finally, Section 504 and Title II of the ADA allow for civil lawsuits.

In Practice: How a Discrimination Complaint can be Filed

Local Complaint

District/school process and appeals as outlined in board policy



ODE Appeal

ODE can accept appeals of discrimination that have exhausted the local complaint process.

and/or

US Dept of Ed OCR

Can be filed at any time; must be within 180 days of last discriminatory instance.



OPEN Q & A

Resources

ODE Listserv

- [Section 504 Listserv](#)

Webpages

[ODE Civil Rights Landing Page](#)

- [ODE Section 504 Webpage](#)
- [ODE Resources for Section 504 Coordinators Webpage](#)

Contact Information:

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ODE Resource Documents

- [ODE's Section 504 Handbook \(Updated 2025\)](#)
- [ODE's Section 504 FAQ for Schools](#)
- [Comparison of the IDEA, ADA, and Section 504](#)

