COLORADO
Department of Education

# Colorado Parent Training: Section 504

Module 10 of Colorado IEP Parent Training

June 8, 2026

# Module 10 overview

- Section 504 of the Rehabilitation Act of 1973
- FAPE in the K-12 educational environment
- Relationship of IDEA and Section 504
- Section 504 eligibility
- Section 504 evaluation
- Section 504 plan
- Section 504 setting
- Section 504 parent and student rights
- Section 504 enforcement
- Key differences between Section 504 and IDEA

# Acronyms

- **IDEA**: The Individuals with Disabilities Education Act
- **ECEA**: The Exceptional Children's Educational Act
- **CDE**: Colorado Department of Education
- **AU**: Administrative Unit, which includes school districts and Boards of Cooperative Education Services (BOCES), etc.
- **FAPE**: Free Appropriate Public Education
- **IEP**: Individualized Education Program
- **OCR**: US Department of Education, Office for Civil Rights

# Section 504 core principle

- “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 of the Rehabilitation Act of 1973, 29 USC § 794(a).



# Section 504

- Section 504 of the Rehabilitation Act of 1973 (Section 504) is a broad civil rights law.
- Section 504 prohibits discrimination based on disability in programs that receive federal funding. This includes public schools.
- Section 504 applies to many programs beyond education.
- Section 504 is administered and enforced by different federal agencies, depending on the type of program receiving funds. For example, the U.S. Department of Health and Human Services oversees Section 504 for federally funded hospitals, healthcare providers and other human services agencies.
- The U.S. Department of Education oversees Section 504 for federally funded preschool, primary and secondary (K-12) schools, as well as most postsecondary institutions.

# Section 504 protections

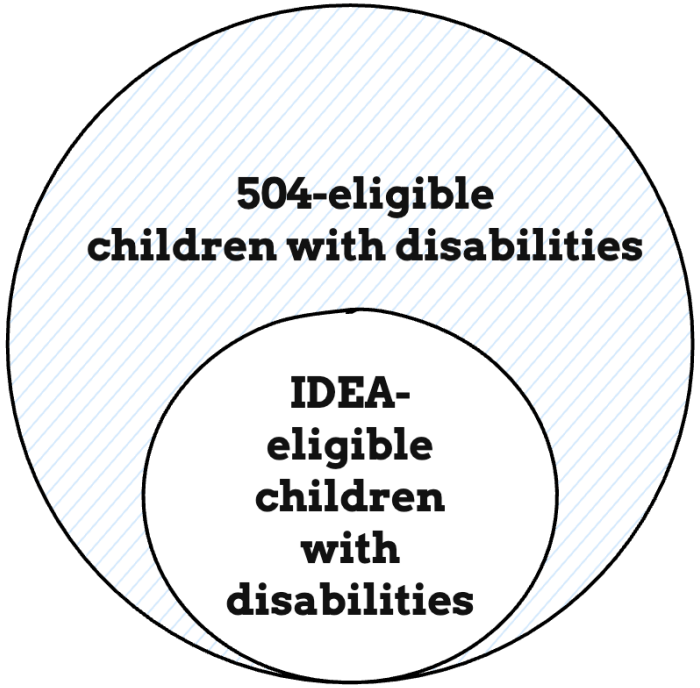
- Section 504 provides a broad range of protections on the basis of disability.
- In federally funded K-12 schools, protections for 504-eligible children include:
  - Regular or special education and related aids and services that are designed to meet their individual educational needs as adequately as the needs of children without disabilities
  - An equal opportunity to participate in athletics and extracurricular activities
  - The right to be free from bullying and harassment based on disability
  - Protection from retaliation

# Section 504 protections - physical accessibility

- Section 504 protects individuals with disabilities from being denied access to programs or activities because of physically inaccessible facilities.
- Accommodations can include physical changes such as the removal or restructuring of physical barriers (e.g., building a ramp), moving an activity to an accessible space, allowing an individual to use a staff elevator, and more.

# Relationship of IDEA and 504

- IDEA-eligible students are protected under Section 504 against discrimination, harassment, bullying, and retaliation.
- A child with a disability who does not qualify for special education under IDEA and ECEA (see **Module 3** on Eligibility) may receive the protections of Section 504.
- A 504 Plan outlines the supports the child will receive at school under Section 504.
- Some IDEA-eligible students with IEPs may also have, but are not required to have, a 504 Plan.



# Free appropriate public education in K-12

- Section 504 regulations require schools to provide a "free appropriate public education" (FAPE) to each qualified child with a disability who is in their jurisdiction, regardless of the nature or severity of the disability.
- FAPE under Section 504 is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of children with disabilities to the same extent as the needs of children without disabilities are met. 34 CFR § 104.33.
- Section 504's definition of FAPE differs from IDEA's definition. Section 504 does not require an individualized education program (IEP).

# Section 504 eligibility

- To be protected under Section 504, a child must:
  - Have a physical or mental impairment which **substantially limits one or more major life activities**;
  - Have a record of such an impairment; or
  - Be regarded as having such an impairment. 34 CFR § 104.3(j).
- Unlike IDEA, Section 504 protects children with a history of disability or who are perceived to be disabled.
- The determination of whether a child has a physical or mental impairment that substantially limits a major life activity requires an individual assessment.

# Eligibility considerations, substantial limitation

- Under Section 504, an impairment does not need to prevent, or significantly or severely restrict, the individual from performing a major life activity to be considered substantially limiting.
- Comparing an individual's performance of a major life activity to that of most people in the general population usually will not require scientific, medical, or statistical evidence.
- The determination of whether an impairment substantially limits a major life activity must be made without regard to the benefits of mitigating measures.

# Other eligibility considerations

- A child can have good grades and still be eligible for protections under Section 504.
- An individual does **not** fall within section 504's protections if the physical or mental impairment is transitory (that is, having an actual or expected duration of six months or less) and minor.
- A medical diagnosis of an illness does not automatically mean a child is eligible under Section 504.

# Section 504 identification

- Section 504 does not use the term “child find” as used in IDEA, but school districts have a similar obligation to identify and locate children who might have a disability. 34 CFR § 104.32
- A school district must, at no cost to parents, evaluate children who are suspected of having a disability, or more than one disability, in all related or all specific areas of educational need.

# Section 504 evaluation

- Evaluation and eligibility determinations are made by the Section 504 team.
- The 504 team consists of a group of people knowledgeable about the child, the meaning of evaluation data, and the placement options. 34 CFR § 104.35(c).
- An evaluation under Section 504 may be less comprehensive than an evaluation under IDEA.
- Schools may, but are not required to, use the same evaluation process under Section 504 as they use under IDEA.
- If schools choose to use a separate process for evaluating the needs of children under Section 504, they must follow the requirements for evaluation specified at 34 CFR § 104.35.

# Section 504 evaluation requirements

- Schools must individually evaluate a child before classifying the child as having a disability or providing the child with special education or related services or a Section 504 plan.
- The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.
- The tests and other evaluation materials must include those tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient.
- Tests must be selected and administered so as best to ensure that the test results accurately reflect the child's aptitude or achievement or other factor being measured rather than reflect the child's disability, except where those are the factors being measured.

[15] 34 CFR § 104.35(b).

# Section 504 evaluation consent and timeline

- The U.S. Department of Education's Office for Civil Rights (OCR) has interpreted Section 504 to require schools to obtain parental permission for initial evaluations. The form of consent is not specified.
- Section 504 regulations do not specify the time within which an evaluation must be conducted. OCR and courts have used a "reasonable amount of time" standard.
- In Colorado, children with disabilities must be reevaluated at least every three years. CRS 22-29.5-111(6). Section 504 also requires a school district to conduct a re-evaluation prior to a significant change of placement. Section 504 does not require parent consent for reevaluations. 34 CFR § 104.35(d).

# Section 504 plan

- For eligible children in K-12 public schools, the 504 team may develop a plan to address the child's needs. This is commonly called a 504 Plan.
- The purpose of the 504 Plan is to remove barriers and provide equal opportunities within the educational environment.
- The 504 Plan outlines the accommodations, reasonable modifications and auxiliary aids and services needed to provide a child with a disability nondiscriminatory access to a school's programs, services, and activities. A Section 504 Plan can include related services.
- Section 504 applies to all of a school's programs, activities, and services, inside and outside of the classroom (e.g., meals, recess, transportation, field trips, assemblies, extracurricular clubs and activities, sports, school dances, etc.).
- The regulations do not require that the plan be written. In practice, the plan will usually be written to avoid misunderstanding and to document the plan.

# Section 504 placement and setting

- Placement decisions must be made by the Section 504 team, not unilaterally by school administration or others.
- Section 504 regulations do not use the term “least restrictive environment,” but they provide a similar requirement.
  - A child with a disability must be educated in the regular educational environment unless the school demonstrates that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. This requirement applies to all academic and non-academic activities.
  - Whenever a child with a disability is placed in a setting other than the regular educational environment, the school must take into account how close the alternate setting is to the child's home.
  - 34 CFR § 104.34(a).

# Section 504 parent and student rights

- The Section 504 regulations require “a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. “
- Compliance with the procedural safeguards of IDEA is one way of meeting this requirement.
- 34 CFR § 104.36.

# Section 504 enforcement

- School districts must designate a Section 504 coordinator and establish grievance procedures. 34 CFR § 104.7.
- To file a complaint related to these concerns, contact the U.S. Department of Education Office for Civil Rights (OCR) at 303-844-5695 or OCR.Denver@ed.gov.
- Parents in Colorado may also contact the Colorado Civil Rights Division regarding discrimination based on protected classes, including disability, or violation of civil rights.

# 2026 Colorado legislation

- Colorado SB26-125 (Disability Rights Protection in Public Schools) was signed into law on May 29, 2026.
- Colorado's SB26-125 gives CDE jurisdiction to investigate and enforce Section 504 concerns, **but** CDE will **not** be obligated to provide the training, technical assistance, enforcement or remedies described in Section 22.29.5-114 & 115 **unless adequate funding is obtained**.
- This means that CDE is **not** currently accepting 504 complaints for investigation. Parties may still file a grievance with the school and with OCR to address concerns.

# Key differences between Section 504 and IDEA - 1

- **Section 504 (Type of law)**
- Civil rights
- **Section 504 (Eligibility)**
- Any person who has a physical or mental impairment which limits one or more major life activities
- No age limit for section 504 protection, but specific rules for K-12 environment no longer apply after high school.

- **IDEA (Type of law)**
- Funding
- **IDEA (Eligibility)**
- A child with (1) a qualifying disability (2) who experiences an adverse educational impact as a result of the disability and (3) needs specially designed instruction to access and benefit from general education.
- Ends at the earlier of graduation or age 21.

# Key differences between Section 504 and IDEA - 2

- **Section 504 (Evaluation / Reevaluation)**
- Evaluation requires parent permission (form of consent is not specified).
- The evaluation must be completed within a reasonable amount of time.
- Reevaluation at least every 3 years (CO law). (Parent or school can request a reevaluation if they believe the child's needs have changed).
- No right to an Independent Educational Evaluation (IEE) at public expense.

- **IDEA (Evaluation / Reevaluation)**
- Evaluation requires parent consent in writing.
- The evaluation must be completed within 60 days after the AU receives the parent's signed written consent.
- Reevaluation at least every 3 years (Parent or AU can request earlier if they believe the child's needs have changed).
- Parents can request an IEE at public expense if they disagree with the school's evaluation.
- See **Module 2.**

# Key differences between Section 504 and IDEA - 3

- **Section 504 (Team)**
- A group of people knowledgeable about the child, the meaning of evaluation data, and the placement options.
- **Section 504 (504 Plan)**
- Under Section 504, an eligible child with a disability may have a 504 Plan.
- Annual review is **not** required (but is recommended).

- **IDEA (Team)**
- A multidisciplinary team that includes the parents with required and optional members. (See **Module 4**.)
- **IDEA (IEP)**
- Under IDEA, an eligible child with a disability will have an IEP.
- Annual review is required.

# Key differences between Section 504 and IDEA - 4

- **Section 504 (Resolving Disagreements)**
- Check school / district policies.
- File a grievance with the school or district.
- Request an impartial hearing conducted by the school or district.
- File a complaint with the U.S. Department of Education Office for Civil Rights (OCR).

- **IDEA (Resolving Disagreements)**
- IDEA provides the dispute resolutions options of Mediation, State Complaint, and Due Process Complaint. (See **Module 9**.)

# Individual support

Families, educators, and other professionals with questions about Special Education or needing assistance can contact CDE's Office of Special Education.

**Phone:** 720-926-1453

**Email:**

Parents_ESSUquestions@cde.state.co.us



# Resources

- US Department of Education (US ED), Section 504 Regulations
- US ED, Section 504
- US ED, Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools (2016)
- US ED, Frequently Asked Questions: Section 504 Free Appropriate Public Education (FAPE)
- Center for Appropriate Dispute Resolution in Special Education, Dispute Resolution Under Various Federal Laws
- CDE, US ED Section 504 Discipline Fact Sheet
- Congress.gov, The Rights of Students with Disabilities under the IDEA, Section 504, and the ADA