

# Your Child's Rights at School

Understanding 504s, IEPs, and How to Advocate

You've got a kid with ADHD, and at some point someone (maybe you, maybe a teacher) starts saying things like "we should get them evaluated" or "they might need an IEP." The lingo is confusing. The timelines are slow. And honestly, the whole system feels designed to make parents feel like they don't belong in the room.

Here's the thing: **you absolutely belong in that room.** And your child has legal rights. This guide walks you through what they are, what they actually mean, and what to do when the school isn't delivering.

## The Two Laws: 504 vs. IEP (This Is the Core)

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Two completely different laws cover kids with ADHD in school. They sound like they might do the same thing. They don't.

**Section 504** is a civil rights law. Think of it like this: the school has to remove barriers in your child's path. If a kid in a wheelchair can't get into the gym, the school builds a ramp. If your child with ADHD can't sit still through a 90-minute lecture, the school gives them breaks or lets them move around. A 504 plan says, "Here are the things that get in your child's way, and here's how we're changing the environment so they can learn."

**An IEP (Individualized Education Program)** is different. It's about specialized instruction. It says, "Your child has a disability that affects learning so much that they need a different curriculum, or different teaching, or skill-building that goes beyond what a regular classroom offers." An IEP teaches the kid how to drive. A 504 removes barriers in the road.

Here's the practical difference: about 80 to 90 percent of kids with ADHD who need school support qualify for a 504. Far fewer qualify for an IEP (the exact number depends on your state, but it's smaller). That's because ADHD makes focusing hard, and most of the time, the fix is to change how the environment works, not to teach a completely different curriculum.

But there's a catch: when it comes to discipline (like if your child gets suspended), a 504 gives you less protection than an IEP. We'll get to that.

### Quick Reference: Which One Will My Child Get?

You don't get to pick from a menu. The school team decides which plan your child qualifies for based on the evaluation. But you can advocate for what you think fits, and it helps to know the difference.

- **Most kids with ADHD** end up with a 504. It's broader, faster to set up, and covers the majority of students whose main need is removing barriers.
- **If your child needs skills taught, not just barriers removed**, you can request an IEP evaluation. The school may agree or may say a 504 is enough. If you disagree, you have options (see "What If the School Says No?" below).

- **If behavior is a big issue**, an IEP offers stronger protections if your child faces suspension. See "Why IEPs Protect More When Behavior Is an Issue" below.

## Who Actually Qualifies?

For a **504**: Does ADHD create a substantial limit in a "major life activity"? Major life activities include learning, concentrating, focusing, thinking, sleeping, and eating. Here's the critical part: A school can't say your child doesn't qualify just because they're doing fine on medication. If medication is the only thing holding it together, they still qualify. That rule came from a 2008 law change (the ADA).

"Adverse educational impact" isn't just about grades. It includes how your child acts in class, their behavior, their emotional functioning, whether they're isolated socially. If ADHD is getting in the way of any of that, it counts.

For an **IEP**: The bar is narrower. Your child has to fit into one of the federal disability categories. "Other Health Impairment" is the one most kids with ADHD fall under, but the school has to show that your child's disability means they need teaching that regular classroom instruction doesn't provide.

## Why IEPs Protect More When Behavior Is an Issue

If your child gets in serious trouble (suspension for more than 10 days), both laws trigger something called a **Manifestation Determination**. The school has to ask: "Is this behavior because of the disability, or did the kid just make a bad choice?"

If the answer is yes, the behavior IS a manifestation of ADHD (like, your child blurted something out because they can't stop themselves), both plans protect your child the same way. Your child returns to school, and the team works with you on addressing it.

The difference shows up when the school decides the behavior was NOT a manifestation. With an IEP, your child still gets education, even if it's in an alternative setting. The school can't just cut them off. With a 504, your child can be disciplined the same as any other student, including expulsion with no continued services. The 504 doesn't make things worse than having no plan at all. But the IEP adds a safety net that a 504 doesn't have.

If your child has impulse control or behavior problems, this is worth thinking about when the school is deciding which plan fits.

## How Evaluation Works, and How to Ask for One

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You can ask the school to evaluate your child for an IEP or a 504. Here's the part that actually matters:

**Make the request in writing.** This is not optional. Verbal requests don't trigger the legal timeline. An email counts. A letter counts. A note handed to the principal counts as long as you get a date stamp or a confirmation that they got it.

Once you make a written request, the school has 15 calendar days to tell you yes or no. If they say yes, they have 60 calendar days to complete the evaluation. (These timelines vary slightly by state, but this is standard.)

**Some schools will try to put your child in an RTI (Response to Intervention) or MTSS (Multi-Tiered System of Supports) program first.** This is basically "let's try some classroom changes and see if it

helps." That's not a bad thing. These programs can work. But they can't delay your right to request an evaluation. If you ask in writing, they have to evaluate.

### Template: What Your Written Request Should Say

You don't need anything fancy. Here's a simple version:

Dear [Principal name / Special Education Director name]:  
I am requesting that my child, [child's name, grade], be evaluated for special education services under the Individuals with Disabilities Education Act (IDEA) [and/or: and for a Section 504 Plan].  
[Optional: I am concerned about [specific things: difficulty focusing, behavior in class, trouble organizing work, etc.].]  
Please confirm receipt of this request and provide a timeline for the evaluation.  
Thank you,  
[Your name]

Send it via email (screenshot the confirmation) or hand-deliver it and ask for a dated receipt. Keep a copy. If you email, you have a timestamp. That's your proof.

### What the Evaluation Should Look Like

The evaluation should include:

- Behavioral rating scales you fill out about home behavior
- Rating scales the teacher fills out about school behavior
- Cognitive testing (IQ-type stuff)
- Academic achievement testing
- Observation of your child in different settings
- A review of medical and developmental history

This takes time. A thorough evaluation is 4 to 8 weeks. If a school does it in 2 weeks, they're probably rushing.

### If the School Says No

Get the refusal in writing (they're supposed to offer this without you asking, but push if they don't). Then see "What If the School Says No?" below.

## You Got a Plan. But Is It Actually Strong Enough?

This is where most parents get confused. The school hands you a 504 or IEP, everyone signs it, and your kid goes back to class. But a lot of these plans aren't strong enough to actually help.

### Here's what weak plans look like:

They have a lot of accommodations but no real interventions. An **accommodation** is something you change about the environment: "Student can take breaks," "Preferential seating," "Extra time on tests." These can help, but they don't teach skills.

An **intervention** teaches your child a skill or builds structure: "Student will use a daily report card (DRC) system to track and improve on-task behavior" or "Student will meet weekly with an organizational skills coach to learn how to plan, organize materials, and break down assignments." Interventions are based on research. They actually change how your kid operates.

## What Should You Look For?

### Measurable goals?

*Bad:* "Student will improve focus."

*Good:* "Student will complete independent math work with 80 percent accuracy on four out of five assignments per week."

Can you measure it? Can you tell if it's working? If not, the goal is too vague.

### At least one evidence-based intervention?

The two with the strongest research are:

- **Daily Report Card (DRC):** The teacher tracks a few clear goals throughout the day and you see the results every evening. It's simple, and in studies, kids using DRCs showed meaningful, consistent improvement in staying on task and finishing work.
- **Organizational Skills Training:** Structured lessons on planning, organizing materials, and breaking down tasks. This requires trained staff, but kids who go through it show real gains in managing schoolwork independently.

If your plan doesn't include DRC, organizational skills training, or something similar, ask why. "We're starting with accommodations and will add an intervention if the student isn't responding in 4 to 6 weeks" is reasonable. "We don't do that" is a red flag.

### Be skeptical of weak accommodations alone.

This is uncomfortable to say, but it's true:

- **Preferential seating:** Alone, it doesn't help much. It can be part of a plan, but it's not a plan by itself.
- **Extended time on tests:** Has weak or mixed evidence for kids with ADHD. Sometimes it helps; sometimes it backfires (more time means more time to get fatigued or distracted). It's not a magic fix.
- **Fidget tools, weighted blankets:** These can be calming, but don't expect them to solve the problem.

The real help comes from teaching skills and building structure.

## Grades and Tutoring Aren't Enough

Some plans say "Student will receive tutoring" or "Grades will be modified." Tutoring might help short-term, but it doesn't teach your kid how to manage ADHD. A plan that's mostly about grades is probably not strong enough.

Also: **grade retention (holding a kid back a year)** looks good in theory but doesn't work in practice. Research is clear on this. Kids who are held back don't outperform kids who are promoted with help. Retention actually increases dropout risk by 2.5 to 3 times. ADHD is a brain difference, not a developmental delay that time will fix. The move that works is promotion with intervention, not repetition.

## How to Evaluate the Plan: Your Checklist

Before you sign, ask yourself:

- Are the goals specific and measurable?
- Does it include real interventions (DRC, organizational skills, executive function coaching)?
- Is there data showing what my kid is actually struggling with?
- If it's a 504, does it address all areas where ADHD is a problem (academic, behavioral, social)?
- If it's an IEP, does it teach skills or just modify how existing lessons are delivered?
- Can I tell if it's working, or is it vague?

If you're unsure about any of this, bring the plan to your child's provider. See "Getting Your Child's Providers Involved" below.

## Getting Your Child's Providers Involved

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This doesn't have to be the doctor. Your child's therapist, social worker, or case manager can all play a role here, and in many families, the therapist is actually more likely to engage with the school than the prescriber.

**The letter.** A letter from any provider who knows your child can carry real weight with the school. Some doctors will write one if you ask. Others consider school support outside their lane and leave it to the school team. Therapists often have a closer view of how ADHD plays out day to day and can describe specific patterns they've seen across sessions. If your child has a case manager through a community mental health agency, they may be willing to help too. The point is: ask whoever knows your child best and is willing to put it in writing.

A strong letter says something like: "Based on my work with this student, the current plan of accommodations alone is unlikely to address the executive function problems that are causing academic and behavioral difficulties. I would recommend the school team consider a structured behavioral feedback system and organizational skills support."

**Getting them to talk to the school.** You'll need to sign a consent form so the provider and school can share information (FERPA and HIPAA rules apply). Ask your provider's office for the form, or ask the school for theirs.

**Can a provider join the IEP meeting?** Telehealth has made this more realistic than it used to be. Some providers will call or video in for part of the meeting. But honestly, many won't. It takes time, the billing is complicated, and it's not part of most providers' routine workflow. It's worth asking, but don't count on it. What's more realistic: get the letter written before the meeting, talk to the provider about what to push for, and bring their recommendations with you in writing.

## What If the School Says No?

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Schools deny evaluation requests or refuse to provide a 504/IEP all the time. Sometimes there are legitimate reasons. Sometimes they just don't understand ADHD or think the parent is being difficult.

Here's the escalation path. Most families resolve things in the first few steps. But knowing all of them takes some of the fear out.

### **Step 1: Get the Refusal in Writing**

If the school says no to an evaluation, a 504, or an IEP, ask them to put the reason in writing. They're legally required to provide this (called "Prior Written Notice" under IDEA), but many schools don't do it unless you push. You need this document because it starts the paper trail and forces the school to state a specific reason you can respond to.

If they refuse verbally and won't put it in writing, send an email summarizing the conversation: "Per our meeting on [date], you stated that [child's name] does not qualify for [evaluation/504/IEP] because [reason given]. Please confirm this is accurate."

### **Step 2: Start a Paper Trail**

From this point forward, keep a file. Every email, every letter, every phone call logged with date, time, and who you spoke with. A folder on your computer or phone is fine. This isn't about being adversarial. It's about having facts if you need them later.

Save copies of report cards, teacher comments, behavioral incident reports, and any medical or psychological evaluations. If a teacher has told you informally that your child is struggling, ask them to put it in writing (even a short email counts).

### **Step 3: Request a Meeting with the Building Team**

Before going over anyone's head, ask for a formal meeting with the school team (principal, school psychologist, relevant teachers). Come with your documentation. Calmly explain what you're seeing at home and what the providers are seeing. Sometimes a denial happens because the person making the decision didn't have the full picture.

Bring a letter from your child's doctor or therapist if you have one. A provider letter that says "this child's ADHD is substantially limiting their ability to learn, focus, or regulate behavior in school" carries real weight.

### **Step 4: Escalate to the District Level**

If the building team says no and you disagree, request a meeting with the district-level special education director or 504 coordinator. Put this request in writing. The district office sometimes overturns building-level decisions, especially when the parent has documentation and a provider letter.

### **Step 5: Contact a Parent Advocacy Organization**

Every state has a Parent Training and Information Center (PTI) funded by the federal government. These are free. They help parents understand their rights, review school documents, and sometimes attend meetings with you. You can find yours at [parentcenterhub.org](http://parentcenterhub.org). Many communities also have local disability rights organizations that offer free advocacy support.

Having an advocate in the room changes the dynamic. Schools respond differently when they know the parent has someone who understands the law.

### **Step 6: Request Free Mediation**

Every state offers free mediation through the state Department of Education. A neutral third party sits down with you and the school and works toward an agreement. It's not a hearing. It's structured

problem-solving. No lawyer needed. Many disputes get resolved here, and it's much faster and less stressful than formal complaints.

Contact your state Department of Education and ask for their mediation program. You can usually find this on their website under "dispute resolution" or "special education."

### **Step 7: Request an Independent Educational Evaluation (IEE) at Public Expense**

This is a right many parents don't know about. If the school completed an evaluation and you disagree with the results, you can request an Independent Educational Evaluation paid for by the school district. The school has to either pay for the outside evaluation or file for a due process hearing to prove their evaluation was adequate. Most districts would rather pay for the IEE than go to a hearing.

An IEE is done by a private psychologist or neuropsychologist of your choice (within reason; the district can set cost limits). The school must consider the results.

If the school never evaluated your child at all, this specific provision doesn't apply, but you can still get a private evaluation on your own. These typically cost \$1,500 to \$3,500, some insurance covers part of it, and the school is required to consider the results even though they didn't pay for it.

### **Step 8: File a Formal Complaint**

You have two options:

- **State complaint:** File with your state Department of Education. Free. The state investigates and typically responds within 60 days. This works well when the school has clearly violated a procedure (like ignoring your written evaluation request or not following an existing IEP).
- **Federal civil rights complaint (OCR):** File with the U.S. Department of Education's Office for Civil Rights. Also free. This applies to 504 violations and discrimination issues. OCR complaints can result in the school being required to change its practices.

You don't need a lawyer for either of these. The complaint process is designed to be parent-accessible.

### **Step 9: Request a Due Process Hearing**

This is the most formal step. A hearing officer listens to both sides and makes a legally binding decision. It's essentially a trial.

The reality: most families hire a special education attorney, which can cost \$5,000 to \$20,000. The process takes 6 to 12 months. It's stressful. But if you're confident the school violated the law, it can work, and if you win, the school may be required to pay your legal fees.

Before going here, know this: most schools settle before a hearing actually happens. The act of filing often moves the school to negotiate seriously. Many special education attorneys offer a free initial consultation to help you decide whether your case is strong enough.

### **The "Stay Put" Rule**

During any formal dispute (complaint or due process hearing), your child has the right to stay in their current educational placement. The school cannot change your child's services, move them to a different classroom, or remove supports while the dispute is being resolved. This is called "stay put" and it's automatic. You don't have to request it.

## Special Situations

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### When Your Child Turns 18

IDEA protections don't just end automatically, but they shift. At 18, your child is legally an adult. If you want to be involved in the IEP meeting, they have to agree. If they don't want you there, you can't force it.

This is also when kids need to start self-advocating. Teachers can't email you about missed work anymore. The student has to reach out.

**College is a different system.** Colleges don't have to provide the same accommodations as K-12. They'll give accessible materials, extra time on tests, etc., but they usually won't do a daily report card (DRC) or provide coaching. And the student has to self-disclose. The college doesn't know about the ADHD unless the student tells them. This is worth starting to talk about in high school: teaching your kid how to talk about their disability with college disability services.

### Private Schools and Public District Obligations

If your child goes to a private school that doesn't accept federal funds, the school itself doesn't have to provide an IEP or 504. They can just say no.

**But here's what matters:** Your local public school district still has a "child find" obligation. They have to identify kids with disabilities who need help, even if those kids are in private school. Your child can still be evaluated by the public district, even if they attend private school. And some states have funding programs that pay for services for private school kids.

This matters because even if the private school won't help, you might have other options. It's worth asking your district about.

### Twice-Exceptional Kids (Smart + ADHD)

Gifted kids with ADHD are their own category. Intelligence often masks ADHD. The kid is smart enough to keep up academically, so no one notices the struggle. Or they're smart enough to compensate until the work gets hard. Then things can start to unravel, usually in middle school or high school.

Here's what matters: if your child is gifted, they often do better in more academically challenging settings, not less challenging ones. Boring classes can actually make ADHD worse (boredom-driven off-task behavior is real). Academic acceleration (moving a kid up to a harder class or skipping a grade) often improves achievement and doesn't hurt socially. It's worth discussing.

### If Your Family's Background or Language Is Different

Black and Hispanic children are diagnosed with ADHD at lower rates than white children, even when they have the same symptoms. Part of this is bias in schools. Teachers might attribute behavior to "bad parenting" or "not following rules" instead of recognizing it as ADHD.

If this applies to your family: keep really good records. Document what you see at home and at school. If the school is dragging its feet, get a private evaluation. Schools often listen to outside experts when they won't listen to parents.

If English isn't the primary language at home, you can request an interpreter at IEP meetings. You can also ask for documents to be provided in your language. These aren't favors. They're legal requirements. You don't need to ask politely; you can demand them.

## What You Should Do Right Now

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### Step 1: Decide if You're Going to Request an Evaluation

- Your child's doctor suspects ADHD and the school hasn't offered help? Request an evaluation.
- The school has offered a plan but it feels weak? Get it reviewed by your child's provider. If they agree it's weak, request a fuller evaluation.
- The school says your child doesn't qualify? Go to "What If the School Says No?" above.

### Step 2: Make a Written Request (If You Haven't Already)

Use the template under "How Evaluation Works" above. Send it via email or hand-deliver it with a dated receipt. Keep a copy.

### Step 3: Review Any Existing Plan Against the Checklist

If your child already has a 504 or IEP:

- Are goals specific and measurable?
- Does it include a real intervention (DRC, organizational skills, executive function coaching)?
- Does it address all the areas where ADHD is a problem?

If something feels off, note it and ask questions in writing.

### Step 4: Bring the Plan to Your Child's Provider

Email the plan to your child's doctor, therapist, or whoever knows them best. Ask: "Is this what you'd recommend? What's missing?" Get their thoughts. If they think it's weak, ask for a letter.

### Step 5: Know What Comes Next If the School Doesn't Respond

Mediation is free. A state complaint is free. You have options.

## What This Means for You

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You're not asking for a favor. Your child has a right to this. The law is on your side, even when it doesn't feel like it in the school hallway.

Schools are slow and sometimes they're resistant. But that doesn't mean you're wrong. If your child has ADHD and it's getting in the way of learning, behavior, or relationships, they deserve help. That help can look like a 504, an IEP, or a combination. The exact shape matters less than whether it's actually based on evidence and whether it's actually being used.

Know your kid. Bring your kid's providers into the conversation. Keep things in writing. Don't settle for a plan that's just accommodations with no skills training. And know that if the school says no, you have legal recourse and you don't have to be rich or a lawyer to use it.

The system is designed to make parents feel small. You're not small. You have rights.

*This guide is based on Module 8: School, IEPs, 504s & Educational Advocacy, part of the VeriPsych Clinical Education Course. For the full evidence base with citations, see the clinical module.*

*Related parent guides: [What ADHD Actually Is](#) | [How ADHD Gets Diagnosed](#) | [Starting ADHD Medication: What to Expect](#) | [What Works Besides Medication](#) | [When It's Not Just ADHD](#) | [Keeping ADHD Treatment on Track](#)*