

Your Child's Rights at School

504 Plans, IEPs, and What Actually Works

Two Federal Laws Protect Your Child

Two laws cover educational rights for students with ADHD: **Section 504** (a civil rights law) and **IDEA** (a special education law). They are not the same thing. They offer different services and different protections.

- **Section 504 = Accommodations.** Removes barriers so your child can access the same curriculum as peers. Examples: extended time, movement breaks, preferential seating. Think of it as "widening the doorway."
- **IDEA / IEP = Specialized Instruction.** Teaches skills your child hasn't picked up yet. Includes goals, progress monitoring, and stronger legal protections. Think of it as "teaching your child how to walk through the doorway."

Important

A child whose ADHD is well-controlled on medication is **still eligible** for a 504 plan or IEP. Schools cannot deny services because your child is doing well on medication. The law looks at what happens *without* the medication.

What Actually Helps at School

The most commonly used accommodations often have the weakest evidence. These interventions have the strongest research support:

- **Daily Report Card (strongest evidence).** The teacher rates 3 to 5 specific goals throughout the day; your child earns rewards at home for meeting them. This gives your child the kind of immediate feedback that ADHD brains need.
- **Organizational Skills Training.** Teaches binder organization, project planning, and planner use. Medication makes these skills possible but doesn't automatically teach them.
- **Behavioral contracting.** Clear, written expectations with specific consequences and rewards, reviewed regularly.

What has weaker evidence: Preferential seating alone (the seat helps only if the teacher uses proximity for active monitoring), extended time alone (may not help if the core issue is sustained attention rather than slow processing), and fidget tools (one study found spinners actually worsened attention).

Discipline: Where 504 and IEP Protections Differ

If your child is suspended for more than 10 days, the school must decide if the behavior was caused by ADHD. If yes, the removal stops and the behavior plan must be updated. If no, the protections split:

- **Under an IEP:** your child still receives educational services even during suspension or expulsion.
- **Under a 504 plan:** your child can be expelled *without* continued services, the same as any non-disabled student. This is a major gap in 504 protections.

Key Things Every Parent Should Know

- **You can request an evaluation at any time.** Put it in writing. The school cannot require your child to go through Response to Intervention (RTI) before evaluating. They must respond within your state's timeline.
- **Passing grades do not disqualify your child.** "Educational performance" includes social, behavioral, and emotional functioning, not just test scores. A child who passes but can't organize, manage transitions, or keep friendships is still being affected.
- **Grade retention rarely helps ADHD.** Retained students typically fall back to the same path within 2 to 3 years, and retention raises the risk of dropping out 2 to 3 times. ADHD is not a developmental delay that "more time" will fix.
- **You can request an Independent Educational Evaluation (IEE).** If you disagree with the school's evaluation, you can ask for an outside evaluation at the district's expense (IEP only, not 504). Ask the school for a list of approved evaluators, including any who offer video appointments.

If the School Says No: How to Escalate

- **Step 1: Get it in writing.** Ask the school to put the denial in writing with the specific reason. This creates a paper trail and sometimes changes the answer.
- **Step 2: Go up to the building level.** Request a meeting with the principal or 504 coordinator. Bring your child's doctor's letter and any outside testing.
- **Step 3: Go to the district.** Contact the district's special education director. You can also contact your state's Parent Training and Information Center (PTI) for free advocacy support at any point.
- **Step 4: File a formal complaint.** If the district won't act, file with the Office for Civil Rights (OCR) for 504 issues or request a due process hearing for IEP disputes.

Sample Request Letter

Dear [Principal/504 Coordinator], I am writing to formally request that [Child's Name] be evaluated for eligibility under Section 504 and/or IDEA. [He/She] has been diagnosed with ADHD by [Doctor's Name] and continues to struggle with [brief description]. I understand the school has [X] days to respond to this request. Please confirm receipt in writing. Sincerely, [Your Name, Date] Keep a copy and note the date you sent it.

Source: VeriPsych Clinical ADHD Education Platform, Module 8: School, IEPs, 504s. Based on IDEA (2004), Section 504, Endrew F. v. Douglas County (2017), and AAP/NICE/CADDRA Guidelines.