



You Asked!

Q17: The school says Section 504 plans do not provide for services only accommodations for my dyslexic student. Is this correct?

A: No. A student under a Section 504 plan is entitled to a “Free Appropriate Public Education” (FAPE). Appropriate education includes the provision of regular or special education services and related aids and services that are designed to meet the individual education needs of the student as adequately as the needs of students without disabilities are met.¹ Thus, “appropriate education” may include “education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day.”² Under Section 504, special education may include “specially designed instruction in classrooms, at home, or in private and public institutions, and may be accompanied by related services, such as speech therapy, occupational and physical therapy [etc. that are] ... necessary to the child’s education.”³ Section 504 also requires that “appropriate education” must be free and provided at no cost to parents.⁴

Thus, “[i]f a student with a disability ... is eligible for FAPE under Section 504 but is not receiving FAPE services under the IDEA, that student is entitled to the provision of any services the placement team decides are appropriate to meet their individual educational needs, regardless of cost or administrative burden”, especially if those services had been provided to IDEA-eligible students previously.⁵ “These services can be as varied and as comprehensive as necessary to meet a student’s need.”⁶

(Source: Disability Rights Education & Defense Fund - www.dredf.org)

¹ [34 C.F.R. § 104.33\(b\)](#).

² See Footnote 4.

³ See Footnote 4.

⁴ [34 C.F.R. § 104.33\(b\)](#).

⁵ UNITED STATES DEP’T OF EDUC., OFFICE FOR CIVIL RIGHTS, Dear Colleague Letter (July 26, 2016), p. 27, available at: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf>.

⁶ See Footnote 5.

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