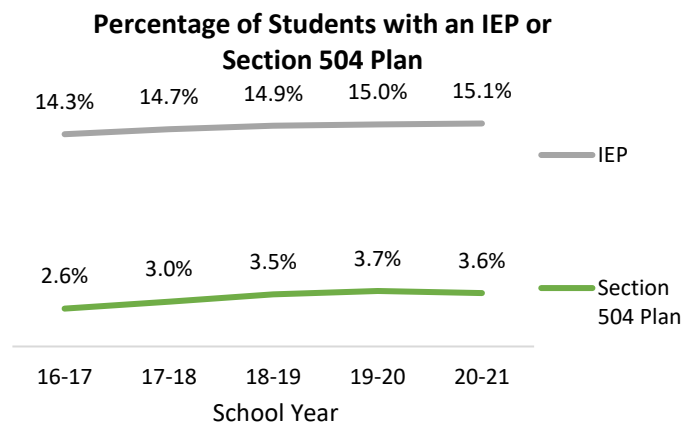


Students on Section 504 Plans: Overview of a Potential Focal Population

Both High School Success (HSS) and the Student Investment Account (SIA) grants require recipients to identify and address the needs of groups historically underserved by educational systems, known as focal student groups, including students with disabilities.¹ Recipients are also empowered to identify additional focal populations or intersections in need of support within their student body, and are encouraged to identify targeted strategies to support these groups.²

In general, “students with disabilities” means students being served with an individualized education program, or IEP, which provides for accommodations and specialized instruction as needed under the Individuals with Disabilities Education Act (IDEA). In addition to this group, however, public schools serve another group of students with disabilities: those who receive accommodations under Section 504 of the Rehabilitation Act of 1973, a law that predates IDEA and provides discrimination protections for students with disabilities. Both laws require districts and schools to provide students with a free appropriate public education (FAPE). The number of students with Section 504 plans is smaller than the number of students with IEPs, and the groups differ in several important ways. This brief provides an analysis of the demographics, experiences, performance, and challenges facing students served through Section 504 plans, in an effort to assist districts and schools in identifying and addressing the needs of this additional, smaller, group of students with disabilities.³



Key Takeaways

- Section 504 plans are disproportionately used for [white](#) students, [non-binary](#) students, and students who are not [emerging bilinguals](#).
- Better support may be needed to provide [continuity of service](#) for students on Section 504 plans across inter-district transfers.
- Students on Section 504 plans experience disproportionately high rates of [exclusionary discipline](#) and [chronic absenteeism](#), and are less likely to earn enough 9th grade credits to be [on-track to graduate](#), but have similar overall graduation rates to students without these plans.
- Students served through Section 504 plans have higher [TAG and accelerated coursework](#) participation than students with disabilities served through IEPs.

¹ ORS 327.180(2)(b)(C) and OAR 581-013-0005(14)

² For more information, see *Aligning for Student Success: Integrated Guidance for Six ODE Initiatives*, [Targeted Universalism](#).

³ A few HSS recipients have already selected students on Section 504 plans to include as an additional focal student group.

Population

The number of students reported to be served through Section 504 plans has increased since the Oregon Department of Education (ODE) began requiring the reporting of this indicator in 2016-17, but it remains substantially smaller than the number of students on IEPs. Between 20,000 and 22,000 students are served through Section 504 plans each school year. During the 2020-21 school year, students served through Section 504 plans represented 19.6% of students with disability accommodation plans. Unlike students served through IEPs, schools and districts do not receive additional state or federal enrollment-based funding to serve students through Section 504 plans.

Concurrent Section 504 Plans and IEPs

Each school year, a small number of students (5-7% of all students on Section 504 Plans) also had an IEP in the same school year. While students should not have concurrent plans for the same disability (as an IEP can include the same accommodations as a Section 504 Plan), this apparent concurrency can occur when students either a) have multiple disabilities, with different plans for each, or b) change plans midyear in an effort to better meet their needs.

Students with IEPs were most likely to have a Section 504 plan in the same school year when their primary IEP disability was Traumatic Brain Injury, Developmental Delay, or Other Health Impairments. Up to 3.5% of students with an IEP for these disabilities also had a Section 504 plan. In contrast, students whose primary IEP disability was Deaf-Blindness, Speech/Language Impairment, or Intellectual Disability were very unlikely to have a Section 504 plan – less than 0.5% of these students had one.

Section 504 Plans Cover a Wide Range of Disabilities

Section 504 plans cover a wider range of disabilities in comparison to IEPs, which primarily serve students in 12 specific disability categories.⁴ Section 504 defines students with disabilities as students who have “a physical or mental impairment that substantially limits a major life activity,” or have a record of/are regarded as having such an impairment. While learning is considered a major life activity, other activities such as seeing, walking, reading, processing food substances such as peanut products or sugar, etc. may also necessitate a Section 504 plan in the school environment if they need related aids and services in order to have an equal opportunity to participate in the school’s programs.⁵ While ODE does not currently collect data on which disability/ies a student’s Section 504 plan covers, they may include a wide range of impairments, such as asthma, allergies, diabetes, epilepsy, PTSD, cancer, ADHD, or mental illness.⁶ Examples of accommodations provided under Section 504 might include:

- improving air ventilation
- limiting outdoor or highly physical activities
- accommodating absences due to medical care
- monitoring and distributing medications
- ensuring that facilities are accessible
- providing various assistive devices and personnel
- providing private spaces for rest or medical needs
- training staff to identify, document, and/or respond to symptoms
- providing alternate formats for assignments

⁴ Intellectual disability, deaf or hard of hearing, visual impairment, deaf-blindness, speech/language impairment, emotional behavior disability, orthopedic impairment, traumatic brain injury, autism spectrum disorder, specific learning disability, developmental delays, or other health impairments. Oregon does not use the “multiple disabilities” category.

⁵ U.S. Department of Education, Office for Civil Rights, *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools* (December 2016). Available at <https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>.

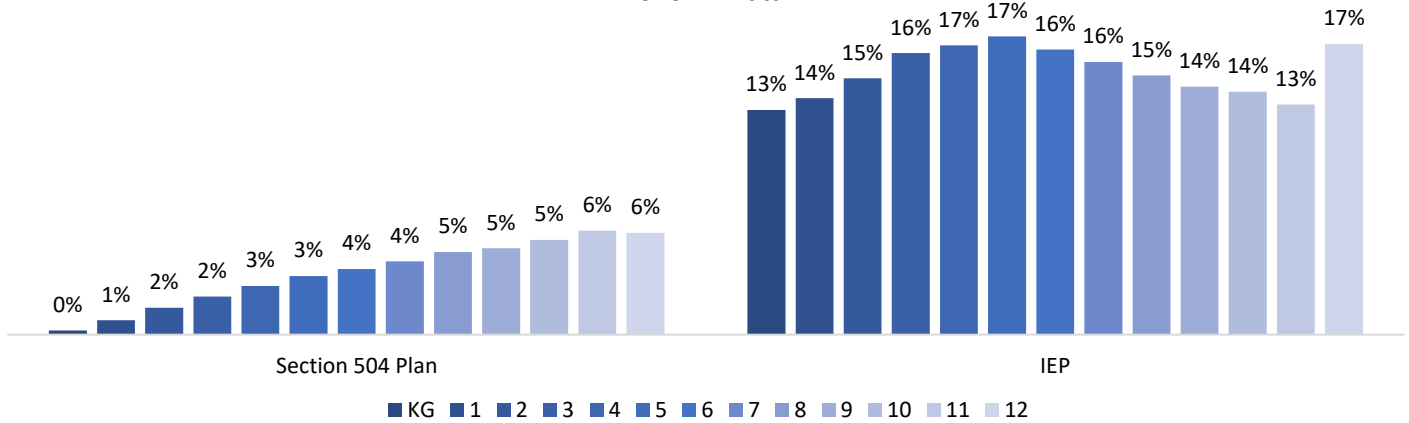
⁶ These are provided only as examples and do not constitute an exhaustive list of disabilities that may be covered under Section 504, or of accommodations that may be needed. Examples drawn from *Section 504 Sample Accommodations and Modifications*, prepared by the Oregon Department of Education.

Grade Level Distribution

Section 504 plans increase in prevalence⁷, from under 1% of students in kindergarten to 6% of students in 11th and 12th grades. Unlike IEPs, Section 504 plans can go with students to postsecondary education, which may explain their persistence into later grades, while IEPs show a declining trend after 5th grade.⁸ The changing nature of instruction between elementary and middle school, and the increasing complexity of coursework and logistics at higher grade levels, may also necessitate accommodation plans for students whose disabilities were previously accommodated without a formal plan in place.

Section 504 plans become increasingly common in higher grade levels, while IEPs peak and then decline in prevalence

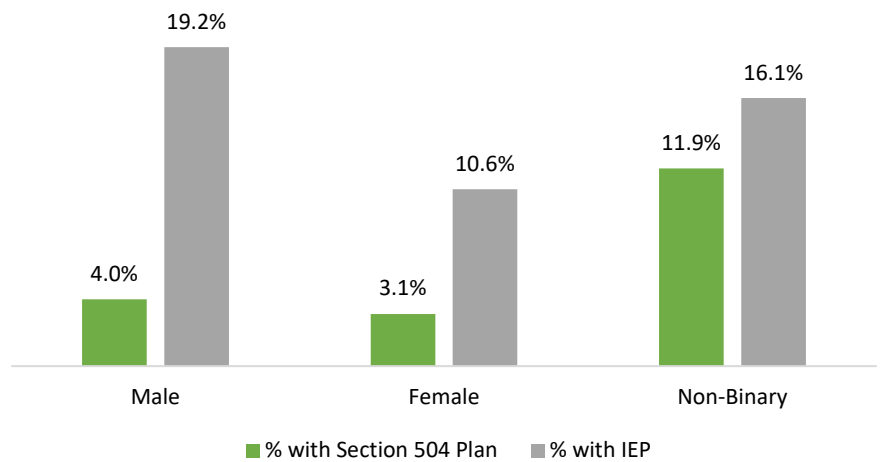
2020-21 Data



Demographics by Student Gender

Male students are more likely than female students to be identified for both Section 504 plans and IEPs, though the disparity is substantially greater for IEPs. Male students are around 30% more likely to have a Section 504 plan and around 80% more likely to have an IEP, relative to female students. Strikingly, the non-binary population, while relatively small, experiences a much higher rate of Section 504 plans than either male or female students – more than 11% of these students were served through a Section 504 plan in 2020-21, the latest year for which data is available, reflecting a 3-fold increased likelihood relative to students of other genders. These disparities were consistent across racial and ethnic groups, economic disadvantage, and all grade levels above 4th, though it is possible that the correlation is explained by another, unmeasured demographic

Gender Disparities in Disability Plans
2020-21



⁷ All data in this demographics section reflects students enrolled on the first school day in May, who were being served on the identified plan at some point during the school year.

⁸ Note that the apparent spike in IEPs in 12th grade may be driven by the number of students with disabilities who remain 12th graders during a 5th or 6th year of high school in order to earn a diploma on an extended timeline.

factor.⁹ This may reflect district struggles to find a way to appropriately serve students with gender-expansive presentations or identities. Alternatively, while being gender-expansive is not a disability, districts may use Section 504 plans to provide and document supports for students with a related diagnosis, such as gender dysphoria.¹⁰

In this and the following sections, these disparities in plans and services for students experiencing disabilities may also reflect underlying disparities in population-level rates of disability (the rates at which different groups experience disabilities), which ODE is not able to measure directly. The [Oregon Student Health Survey](#) found [substantially higher](#) reported rates of disability among gender diverse students, which is consistent with higher Section 504 plans in this group, but it also found higher reported rates of disability among female students than among male students, which is not consistent with ODE’s IEP and Section 504 plan data.

Rates of Disability for Non-Binary Individuals

Data on the experiences of non-binary and gender-diverse students is limited, and research often combines them with other [LGBTQ2SIA+](#) groups. A study using the Behavioral Risk Factor Surveillance System found elevated reported rates of disabilities among individuals in a combined transgender/non-binary group, relative to the population average, and notes as a possible explanation for the association that “these disparities are, at least in part, due to the excess stigma that [transgender/non-binary] people experience at the structural/social, interpersonal, and individual levels.”¹¹ GLSEN’s (formerly the Gay, Lesbian, & Straight Education Network) climate survey found that, in Oregon, LGBTQ2SIA+ students experienced high rates of bullying, with 39% reporting that they had also been bullied based on disability.¹² The Oregon Safe Schools & Communities Coalition found that gender-diverse students experienced disparate mental health impacts, which may result from these same stigmas.¹³ Non-binary students with disabilities are in need of greater supports due to the compounded impacts of intersectional marginalized identities.¹⁴

Demographics by Student Race/Ethnicity

Students with Section 504 plans are disproportionately likely to be white or multiracial, groups associated with higher socioeconomic status and academic performance. This is in contrast to students served through IEPs, who are disproportionately likely to be Black or American Indian/Alaska Native. Asian students are substantially less likely to be identified for either type of disability accommodation plan in Oregon, as are, to a lesser extent, Native Hawaiian/Pacific Islander students.¹⁵

⁹ Non-binary students may feel varying levels of comfort identifying as non-binary in their education records, related to access their parents/guardians and teachers may have to those records. It is likely that there are additional non-binary students not reflected in ODE’s data.

¹⁰ “While IEPs and 504 plans should not be used for LGBTQ students who have not been identified as having a disability, students may have health conditions (i.e., gender dysphoria, depression, anxiety) related to their identity and/or orientation. In these cases, those conditions may warrant consideration as an educational disability or impairment.” Human Rights Campaign Foundation, *Advocating for LGBTQ Students with Disabilities*, 2020.

¹¹ Pharr, Jennifer R., and Kavita Batra. 2021. “Physical and Mental Disabilities among the Gender-Diverse Population Using the Behavioral Risk Factor Surveillance System, BRFSS (2017–2019): A Propensity-Matched Analysis” *Healthcare* 9, no. 10: 1285. <https://doi.org/10.3390/healthcare9101285>

¹² GLSEN. 2021. *School Climate for LGBTQ Students in Oregon (State Snapshot)*. New York: GLSEN.

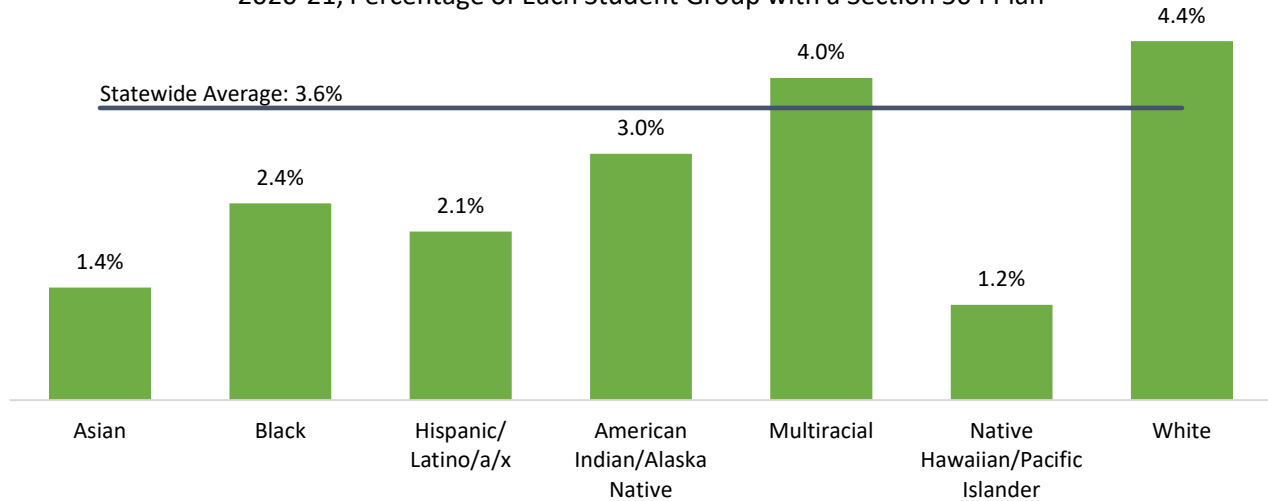
¹³ Oregon Safe Schools & Communities Coalition. 2020. [State of Safe Schools Report](#).

¹⁴ Oregon’s [LGBTQ2SIA+ Success Plan](#).

¹⁵ [Nationally](#), Native Hawaiian/Pacific Islander students are overrepresented among students served on IEPs, but in Oregon they are underrepresented.

White and Multiracial Students are Overrepresented Among Students with Section 504 Plans

2020-21, Percentage of Each Student Group with a Section 504 Plan



This may reflect differing cultural attitudes towards disability and seeking healthcare or accommodations¹⁶, or underlying disparities in the prevalence of disability among these groups. It could also reflect differing levels of comfort with the nuances of disability accommodation plans among parents of different racial and ethnic groups, with some parents having greater access to information or feeling more empowered to ask for different accommodations for their children. These trends for white and Hispanic/Latino/a/x students are reflective of national trends, both in Section 504 accommodations and in ADHD diagnosis.¹⁷

Demographics by English Learner/Emerging Bilingual Status

Emerging Bilinguals/Multilinguals (students who are continuing to develop their home language/language of origin while also developing proficiency in English as an additional language) are overrepresented among students with IEPs. [Resources](#) are available to assist schools and districts with issues around identifying and exiting Emerging Bilinguals with disabilities.

Conversely, students who are Emerging Bilinguals are substantially less likely to have a Section 504 plan. Students who are not currently Emerging Bilinguals are more than four times as likely to have a Section 504 plan, compared to those who are. In 2020-21, only 0.9% of Emerging Bilinguals had a Section 504 plan, compared to 3.9% of other students. These results were consistent across prior years, and while the magnitude of the effect varied by grade level, the overall disparity was present in every grade level.

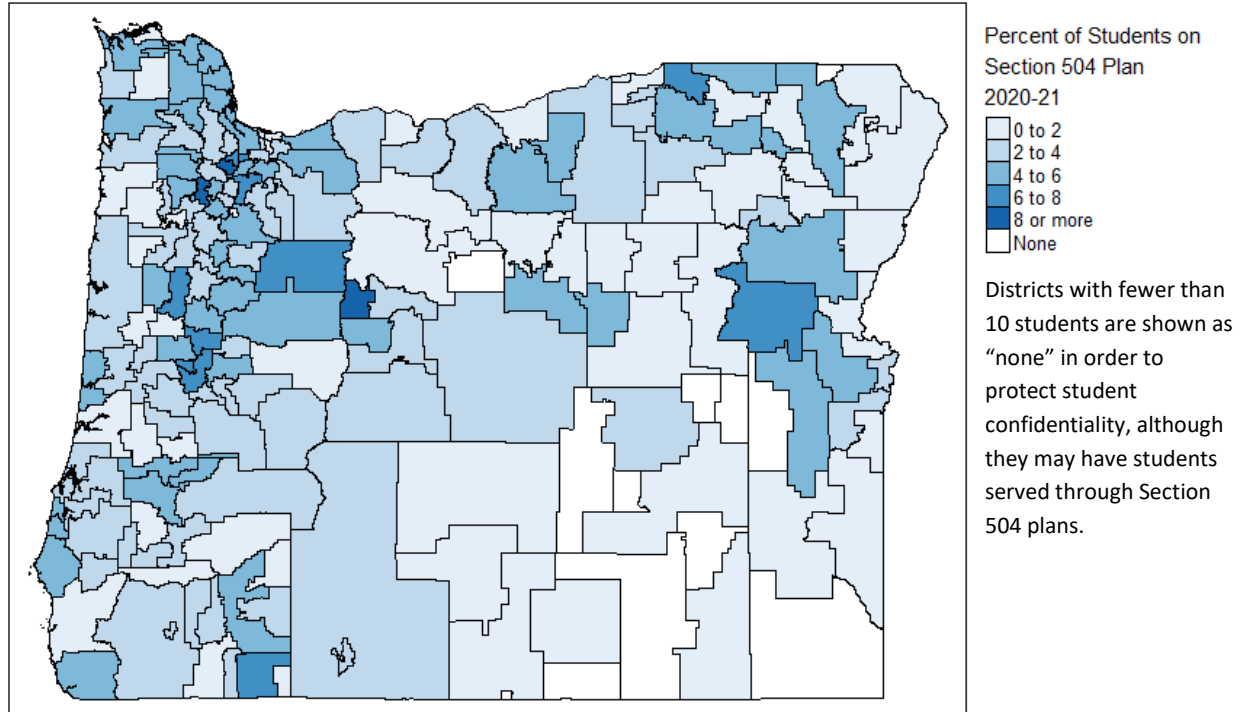
As with race/ethnicity disparities, the relatively small number of Emerging Bilinguals with Section 504 plans may reflect the difficulties non-English-speaking parents have in accessing information about and advocating for Section 504 plans when those plans are more appropriate for their children. It may also reflect challenges in assessing disability across language barriers, which could be addressed with more linguistically diverse school staff and consistent access to medical translators.

¹⁶ See testimony by the Coalition of Communities of Color, Northwest Portland Area Indian Health Board, and Oregon Pacific Islander Coalition to the Public Health Advisory Board, available at <https://www.youtube.com/watch?v=LEQN7kCy7rk>.

¹⁷ The Advocacy Institute, *Analysis Finds Students with Disabilities Served under Section 504 Overwhelmingly White, Disproportionately Male*. <https://www.advocacyinstitute.org/resources/504analysisCRDC2012.shtml>

Geography

Students with Section 504 plans are not evenly distributed across the state. One medium-sized district reported more than 10% of their population has a Section 504 plan, while 28 medium- to small-sized districts did not report any students on Section 504 plans. 21 of those districts did not report any students on Section 504 plans in the past three years. More study may be needed to evaluate district identification and accommodation practices to determine why these differences occur.



Charter Schools

Charter schools, which are less likely than non-charters to serve student with IEPs¹⁸, particularly in elementary grades, were roughly equally likely to serve students with Section 504 plans as non-charters. In 2020-21, 3.4% of students in charter schools and 3.6% of students in non-charter schools had a Section 504 plan. This relative parity was consistent year-to-year and across grade levels.

Enrollment Patterns

Although Section 504 plans can follow students from K-12 enrollment through to postsecondary, there is nevertheless a moderate amount of year-to-year churn in the population served by these plans. An average of 89% of students served through Section 504 plans in a given year continued on that plan in the following school year.¹⁹ For students served through IEPs, that rate was around 93%. Both rates remained very consistent over the four available years of data.

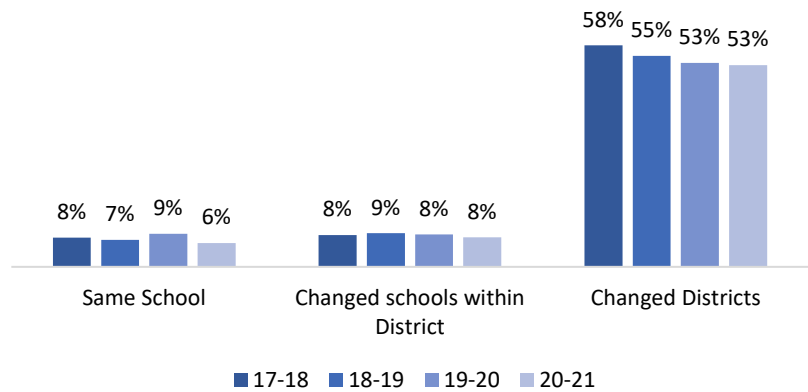
While exiting a Section 504 plan can indicate that the student’s needs are being met without needing special education or related aids and services (for example, if their disability is related to a disease currently in remission), it can also indicate that plans are not being communicated well through transition points in a student’s education. This possibility is supported by data on students whose loss of Section 504 plan identification coincides with a

¹⁸ Oregon Statewide Annual Report Card 2020-21, [page 57](#).

¹⁹ Excluding students who did not return due to pushout, transfer, graduation, or other circumstances.

change of district: as shown in the chart to the right, a staggering 58% of students served through Section 504 plans in 2016-17 who changed districts were determined not to be eligible for a Section 504 plan in 2017-18. A small number of these students received an IEP in their new district, but 46% of transferring students were left with no disability plan in place. A similar effect was not seen among students who changed schools within their district, suggesting that the transition alone is not responsible for this effect.

Percentage of Students Exiting Section 504 Plan



Among students who were no longer eligible for a Section 504 plan after changing districts (or whose parents revoked consent to implement the plan in the student’s new district), around 1 in 3 resumed being served through a Section 504 plan the following school year, which suggests that the temporary loss of the plan was not the result of the student no longer needing accommodations.

When a student with a disability transfers to a new school district, the receiving district has a responsibility to ensure it meets the student’s disability-based needs. In determining how to meet those needs, the receiving district must draw upon information from a variety of sources, which would include past evaluations and past Section 504 plans and IEPs.²⁰

Transfers between school districts are often the result of the relocation of the student’s family, which is likely necessary, frequently outside of the control of the district, and may, in the broader context of the student’s life, be beneficial. Schools and districts should focus on ensuring that those transfers happen as seamlessly as possible for the student. Encouragingly, the rate of students exiting Section 504 plans upon transferring districts is declining from year to year, which may indicate improved transfer and record management policies between districts.

Disproportionate Discipline

While there is not a significant change in Section 504 plan demographics or coverage after the beginning of the COVID-19 pandemic, there was a substantial drop in reported discipline incidents in 2019-20, and a larger drop in 2020-21, likely as a result of the increased number of students participating in distance learning as a response to the pandemic. For that reason, this section will examine 2018-19 trends in discipline incidents.

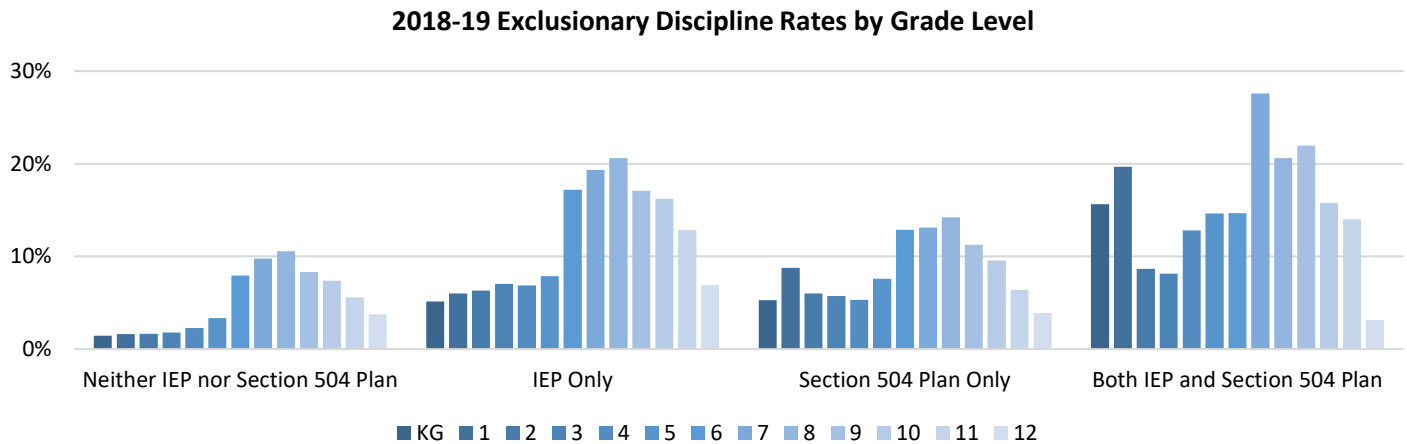
Rates of exclusionary discipline (in-school suspension, out-of-school suspension, or expulsion) were consistently higher for students with disability accommodation plans, even after these overall declines. Rates were highest for students who were served through both an IEP and a Section 504 plan in the same year (the risk ratio was 3.09²¹, which indicates that these students were more than 3 times as likely to experience exclusionary discipline compared to students with neither plan). This may reflect the difficulty for these students of finding an

²⁰ U.S. Department of Education, Office for Civil Rights, *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools* (December 2016), citing 34 CFR §§ 104.33-104.36.

²¹ 95% Confidence Interval: 2.75 – 3.47

accommodation that meets their needs. Rates were higher for students served through IEPs (risk ratio 2.28²²) than for students served through Section 504 plans (risk ratio 1.78²³), though both groups experienced significantly more exclusionary discipline than students without disability accommodations.

Discipline rates are known to vary substantially by grade level²⁴, but these trends of higher discipline rates for students served through IEPs or Section 504 plans are consistent across grades K-11, with the rates drawing closer together in grade 12, as shown in the graph below.



As outlined by the Office for Civil Rights (OCR), districts have an obligation to determine or reevaluate whether a student has a disability that requires special education or related services, and whether the student has appropriate accommodations, if the student experiences a change in placement (including any suspension or expulsion lasting longer than 10 days) or has a high number of discipline incidents that may reflect behavioral challenges that are a manifestation of a student’s disability. “Some students, due to an unaddressed disability, may engage in behaviors that do not conform to school codes of conduct because the students are not receiving needed special education or related aids and services, including needed services to address behavior.”²⁵ High rates of discipline could therefore be correlated with IEPs and Section 504 plans because they serve as triggers for student identification or reevaluation.

Plan Changes following Discipline Incidents

It is generally the case that students who experience exclusionary discipline are more likely to be placed on a Section 504 plan in the following year. Students who did not have a Section 504 plan in 2017-18 and experienced exclusionary discipline in that year were 59% more likely to have a Section 504 plan in 2018-19; 112% more likely if the exclusion lasted more than 10 days.

Graduation, On-Track to Graduate, and Chronic Absenteeism

While students served through Section 504 plans do not generally have similar rates of attendance, graduation, or on-track status as those served through IEPs, they do exhibit some disparities compared to students without disability accommodations, particularly in 9th grade on-track rates and in all grade levels of regular attender rates

²² 95% Confidence Interval: 2.23 – 2.33

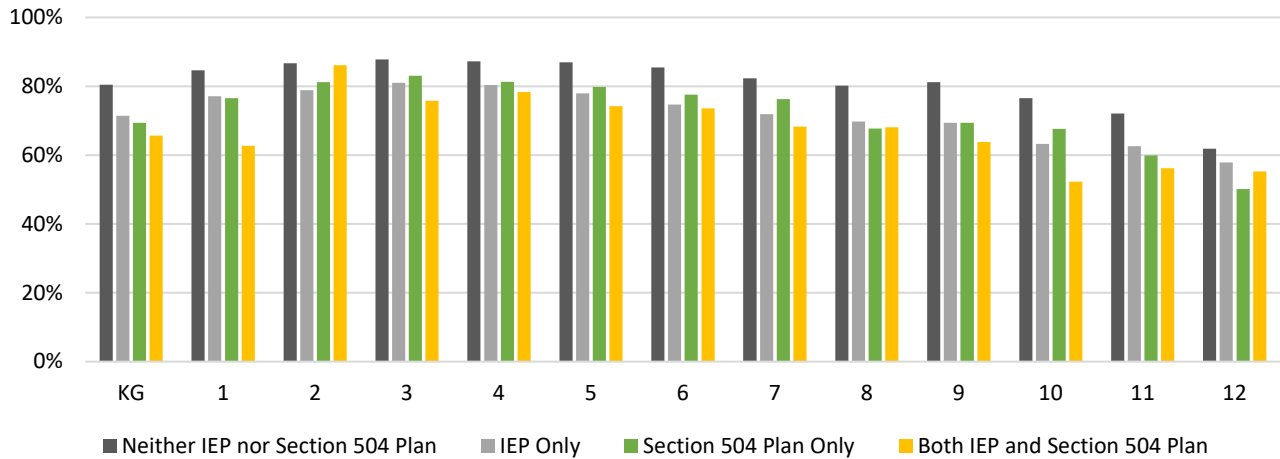
²³ 95% Confidence Interval: 1.70 – 1.87

²⁴ Oregon Statewide Annual Report Card 2020-21, [page 24](#).

²⁵ U.S. Department of Education, Office for Civil Rights, *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools* (December 2016), page 12.

(the opposite of chronic absenteeism). Students who had both plans simultaneously often tended to have lower rates as well, which may reflect their struggles to find appropriate accommodations to meet their needs, or the increased impact of navigating multiple disabilities and plans.

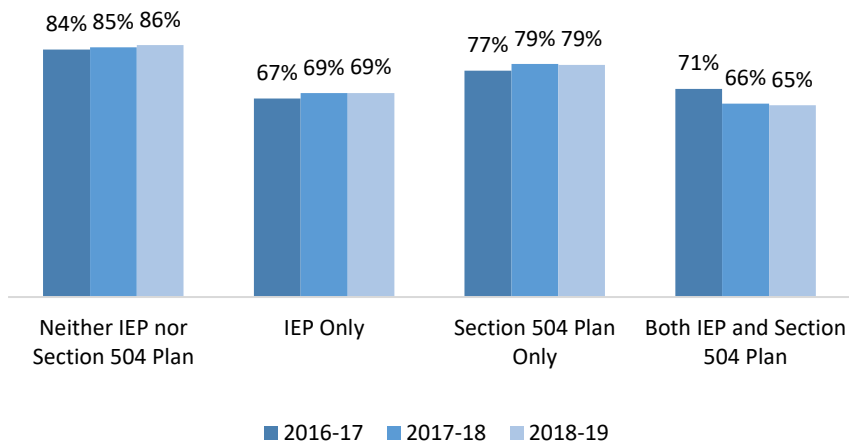
**Regular Attendance Rates by Grade Level
2018-19**



As shown above, students served through Section 504 plans have consistently lower regular attendance rates²⁶ than those without disability accommodation plans. The magnitude of the gap is smallest in grades 2-7 (ranging between 5 to 8 percentage points lower), and larger in K-1, grade 8, and high school grades (ranging between 10 and 12 percentage points lower). Overall, students served through Section 504 plans (including those on both types of plan) have lower regular attendance rates than students served through IEPs (69.9%, compared to 72.5%), though the differences in grade level patterns for these plans influences that disparity – IEPs are more common in middle grades, which also tend to have higher attendance rates.

The percentage of 9th graders on-track to graduate²⁷ (shown in the chart to the right) was higher among students served through Section 504 plans than among those served through IEPs, but still substantially lower than rates among students without disability accommodation plans: a gap of around 7 percentage points in each year. Rates were, again, generally lower among students with both types of plans.

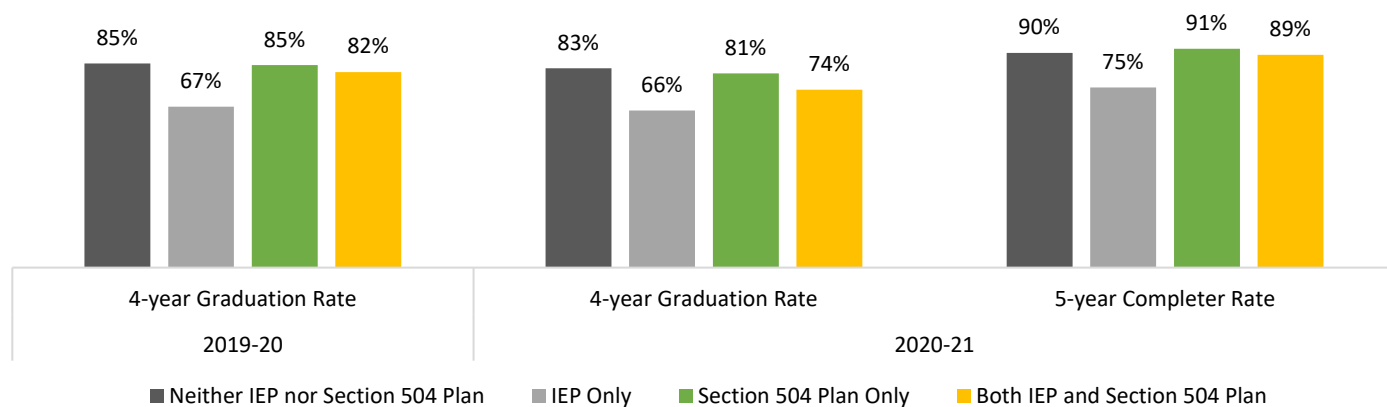
9th Grade On-Track to Graduate



²⁶ Regular attendance is defined as being enrolled in a regular school program for at least 75 school days, and being present for more than 90% of enrolled days. Students who do not meet this 90% threshold are considered chronically absent.

²⁷ 9th Grade On-Track to Graduate is defined as the percentage of first-time 9th graders who were enrolled for at least half of the school year, including May 1, and had earned at least 25% of the credits needed to graduate by the end of the summer following their 9th grade year.

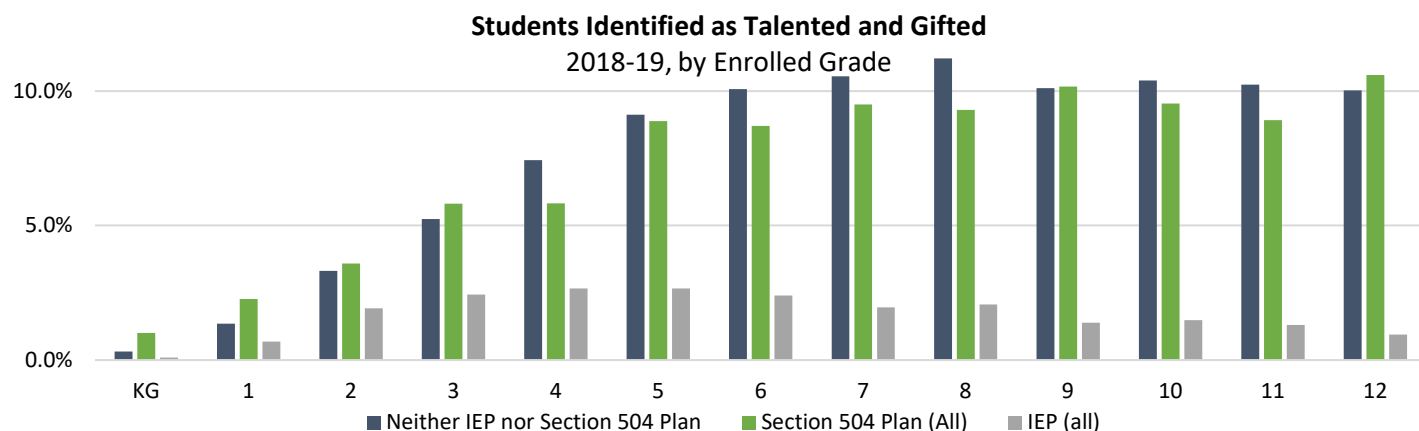
Graduation and Completer Rates by Disability Accommodation Plan



Students served through Section 504 plans at any point in high school had comparable graduation rates²⁸ to students without disability accommodation plans, and substantially higher graduation and completer²⁹ rates than students with IEPs.

TAG and Accelerated Coursework

Students served through Section 504 plans initially appear to be slightly overrepresented among Talented and Gifted (TAG) programs. Between 8 and 9 percent of these students are identified as TAG, relative to about 7.5 percent of students without disability accommodations, and only 1-2 percent of students served through IEPs. However, this appears to be directly related to the skewed grade level distribution of this group, rather than to actual overrepresentation. When disaggregated by grade level, as shown below, students on Section 504 plans are comparably or slightly less likely to be identified as TAG in most grade levels, relative to students without disability accommodations. They are still far more likely to be identified than students with IEPs.

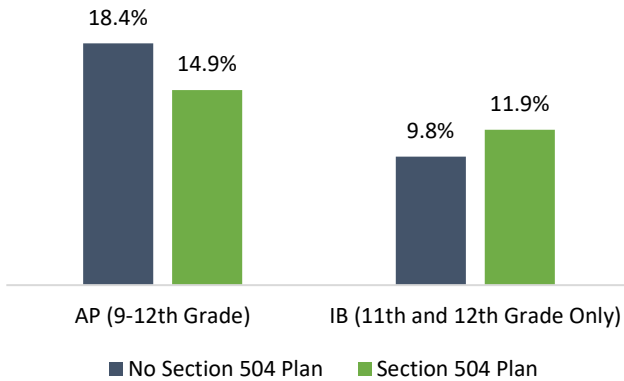


Despite only a small disparity in TAG rates, students served through Section 504 plans were substantially less likely than their peers who were not on these plans to access advanced placement (AP) coursework. They were more likely to access international baccalaureate (IB) coursework, however. As AP and IB coursework opportunities [are](#)

²⁸ Graduation rates include students who earned a regular or modified high school diploma within four years of beginning high school.

²⁹ Completer rates include graduates, as well as students who earned adult high school diplomas, extended diplomas, or GEDs, within five years of beginning high school.

Accelerated Coursework Enrollment Rates 2018-19



not distributed evenly across the state, this may reflect differences in district policies, or differences in the accommodations available to support students in enrolling in these courses and in taking the associated exams to earn college credit. Schools and districts should remember accommodations or services the student receives through an existing Section 504 plan in a regular education class or program are also available to students in an accelerated program. Schools might also consider meeting prior to the accelerated program to confirm the appropriateness of existing accommodations and/or create new ones to address any concerns. Districts are obligated to provide

students with disabilities an equal opportunity to meet any eligibility criteria for admission to accelerated coursework, and provide the related aids and services the student needs to participate in and benefit from the coursework.

Conclusion

While students with disabilities who are being served through Section 504 plans do not generally experience disparities of the same magnitude as those experienced by students served through IEPs, there are nevertheless areas in which they may need additional support. The most glaring of these areas is in ensuring that Section 504 plans follow students when they transfer between districts, in order to provide them with an uninterrupted system of supports and appropriate accommodations.

Additionally, these students have lower regular attendance rates. Limitations of this dataset include an inability to identify a student's reason(s) for missing school; this is an area in which further study may be needed in order to fully describe the reasons for this pattern. High absenteeism rates may reflect that the students are not receiving the supports they need in order to attend regularly, but they may also be an unavoidable reflection of the increased healthcare needs of this population, in which case the goal may be to accommodate and support students through those absences, such as by providing tutoring and extending deadlines, rather than to reduce the number of absences. Schools may work with facility education coordinators or tutors whose role is to support the students' academic goals while students are hospitalized for inpatient treatment. When a student's healthcare needs result in regular absences, schools should also consider whether that student's individual circumstances warrant evaluation to consider eligibility for special education under the IDEA. Schools may also work with students who have returned to regular attendance patterns and placements by expanding extended time options to include credit for proficiency, course incompletes, and fifth-year graduation options.

Disparate 9th grade on-track rates for students served through Section 504 plans (comparable to the rates for other focal groups specifically identified under SIA and HSS, including migrant students and Hispanic/Latino/a/x students) may also indicate a need for additional supports for this population. Grant recipients may wish to consider these students as a possible additional focal student group and conduct needs assessment to identify and remediate barriers faced by these groups.

Thanks to our colleagues in Civil Rights, Safe and Inclusive Schools, Equity Programs, and Enhancing Student Opportunities for their contributions to this brief