



Pursuing a Temporary 504 Plan

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Every parent of two or more children will tell you that each child is different. Each may live in the same home with the same guardian(s) or parent(s), but they have vastly different needs. For example, one child may have been diagnosed with a disability at birth or at a young age, while the other may not. Yet, at some point in your non-diagnosed child's life, they may experience the need for a temporary 504 Plan to help them better succeed at school.

Defining 504

Parents of school-age children with special needs quickly learn the term “504 Plan.” Yet if you have a school-age child who was not diagnosed with a disability, you may be unfamiliar with this term. A “504 Plan” refers to [Section 504 of the Rehabilitation Act of 1973](#). The act is “a national law that protects qualified individuals from discrimination based on their disability.” Under Section 504 of the act, the [“regulations require a school district to provide a ‘free appropriate public education’ \(FAPE\) to each qualified student with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the disability students with disabilities have the right to reasonable accommodations.”](#)

Historically, these protections are extended to children diagnosed with lifelong physical and psychological impairments or differences like ADHD, dyslexia, or autism. Yet, Section 504 can also be instituted for more “temporary” or episodic diagnoses. Regardless of the duration of the disability, the key provision for allowing a 504 comes from the Americans with Disabilities Act Amendments Act (ADAAA) which states that “an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active [or for an extended period of time].” Therefore, when considering the pursuit of a 504 for your child, the key part of that statement to consider is if your child’s disability is substantially limiting a major life activity for an extended period of time.

For example, if your child stubs her toe and limps for a few days, she may take a little longer getting to class or be inconvenienced by juggling books and holding on to the handrail while climbing the stairs. While that kind of impairment is an obvious physical one, it would most likely not meet the legal requirement of instituting a 504 Plan.

What is a substantially limiting major life activity, and how long does it have to last?

The reality is that there are no simple answers to those questions.

The U.S. Department of Education states, “In the Amendments Act, ... an individual is not ‘regarded as’ an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.” They also state that whether or not the temporary impairment is considered “substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.” Because the nature of the impairment itself is considered on a “case-by-case basis,” specifically identifying all impairments and their applicable durations that qualify for a 504 is next to impossible.

That said, parents have successfully received temporary or episodic 504 Plans for impairments such as:

- *Seasonal allergies, asthma, migraines, or cystic fibrosis (i.e., these impairments may be triggered by weather, stress, or other factors not constantly present)*
- *Severe anxiety*
- *Physical impairments (i.e., recovery from car accidents or using crutches for broken bones)*
- *Sensory processing disorders*

Tips for Pursuing a Temporary or Episodic 504 Plan

If you feel your child is suffering from a physical, psychological, or emotional impairment that impedes their ability to attend and/or participate in school fully, you should consider whether a 504 Plan may help. Consider conducting the following before contacting the school to schedule a meeting:

- *Talk to your child about what is happening and how they are feeling.*
- *Document*
 - *The specific impairments/issues your child is experiencing*
 - *How those impairments are impeding with your child’s schooling*
 - *Dates surrounding the impairments’ beginning and/or possible duration*

- *If your child is under the care of a clinician (i.e., pediatrician, psychologist, social worker, occupational therapist, etc.), ask your child’s clinician for a note describing the impairments and/or requesting a 504 and any recommendations for accommodations.*

If you need extra support navigating this process from a professional, please contact the [Special Needs Alliance](#) (SNA) for help finding an attorney to guide you.

Additional Resources:

[U.S. Department of Education, Office for Civil Rights, Protecting Students With Disabilities FAQs](#)

National Center for Learning Disabilities, [Learn the Law ADA](#)

[Section 504 – Special Cases: Impairments that are Temporary, Episodic, or in Remission](#)
[Surprising IEP and 504 Plan Accommodations](#)

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