

**IDEA for Parents:
Safeguarding Your Child’s Rights Under IDEA, ADA, and Section 504—Even If the Department
of Education is Shuttered**

Public schools and many private schools—from preschool through post-secondary education—must provide students with disabilities equal educational opportunities and learning supports tailored to their individual needs. Three primary federal laws—the [Individuals with Disabilities Education Act](#) (IDEA), [Section 504 of the Rehabilitation Act of 1973](#) (Section 504), and the [Americans with Disabilities Act](#) (ADA)—work together to achieve this goal. These statutes overlap but differ in scope and focus.

This primer briefly explains each law, the responsibilities of schools, the rights of parents, and enforcement mechanisms to ensure that federal funding recipients maintain their obligations under federal law.

1. The Individuals with Disabilities Education Act (IDEA)

The [IDEA](#) (20 U.S.C. § 1400) applies to children ages three through twenty-one who have qualifying disabilities and attend public schools (or certain private schools with public funding). It also covers infants and toddlers from birth to age three through early intervention services. The IDEA authorizes federal grants to states to support the education of children with disabilities. As a condition of receiving IDEA funds, the act requires states to implement a range of services and procedural protections for students with disabilities. Of the three civil rights statutes that protect students with disabilities, only the IDEA focuses squarely on education and directly funds services for children with disabilities.

Congress enacted the law in 1975 as the [Education for All Handicapped Children Act](#) (Pub. L. No. 94-142, 89 Stat. 773 (codified as amended at 20 U.S.C. §§ 1400-1482)) to address the widespread exclusion of children with disabilities from public education. It was renamed the IDEA in 1990, reauthorized with significant amendments in 1997 and 2004, and further updated by the [Every Student Succeeds Act](#) (ESSA) in 2015.

A “child with a disability” under the IDEA falls within one of thirteen specific categories. These categories are legal classifications for educational purposes and may differ slightly by state, but IDEA provides minimum federal guidelines:

- Specific Learning Disability (SLD) – Difficulties in reading, writing, math, listening, speaking, or reasoning, such as dyslexia and dyscalculia.
- Speech or Language Impairment – Speech disorders, such as stuttering or articulation difficulty, and language disorders affecting comprehension or expression.
- Other Health Impairment (OHI) – Conditions limiting strength, energy, or alertness, such as ADHD, diabetes, or epilepsy.

- Autism – A developmental disability affecting communication, behavior, social interaction, and particular sensory responses.
- Emotional Disturbance – Mental health conditions impacting educational performance, like anxiety, depression, bipolar disorder, or schizophrenia.
- Deafness – Severe hearing impairment that affects the processing of linguistic information, even with amplification.
- Hearing Impairment – Less severe hearing loss impacting educational performance.
- Visual Impairment (including blindness) – Partial or total vision loss that affects learning.
- Deaf-Blindness – A combination of hearing and visual impairments causing severe communication and developmental challenges.
- Orthopedic Impairment – Physical disabilities affecting movement, such as cerebral palsy or limb deficiencies.
- Intellectual Disability – Significantly below-average intellectual functioning with limitations in adaptive behavior.
- Traumatic Brain Injury (TBI) – Acquired injury to the brain that affects educational performance.
- Multiple Disabilities – Simultaneous impairments (e.g., intellectual disability and orthopedic impairment) that require specialized educational programs.

Schools must identify, evaluate, and provide a free appropriate public education (FAPE) in the least restrictive environment (LRE). This includes developing an individualized education program (IEP) with measurable goals, providing related services (for example, speech therapy), and ensuring progress reports to parents. Schools must also conduct child-find activities to locate eligible students.

Parents have the right to participate in IEP meetings, review records, receive prior written notice of proposed actions, and consent to (or withhold consent from) evaluations and services. They may request mediation, file for due process hearings, or pursue appeals if they disagree with school decisions. Procedural safeguards notices must be provided at least annually.

The U.S. Department of Education’s [Office of Special Education Programs](#) (OSEP) and state education agencies oversee compliance with IDEA. If parents believe their child’s rights under IDEA are being violated, they may take steps to challenge those violations, but the steps can vary by state. They may involve first filing a written complaint with the school district or the state’s educational agency. The school district or agency must investigate and resolve the issue within 60 calendar days. If the violation is not corrected, parents can file a due process complaint, which requires a due process hearing. If a parent disagrees with a state education authority’s decision, the parent may appeal to another state-level agency. Federal and state courts can review administrative findings, but only after parties have exhausted all their administrative remedies. Remedies can include declaratory relief, compensatory education, reimbursement for private placements when the public school failed to provide FAPE, and attorneys’ fees for prevailing parents. Monetary damages are generally unavailable under the IDEA alone.

2. Section 504 of the Rehabilitation Act of 1973

[Section 504](#) (29 U.S.C. § 794) applies to any student with a disability in programs or activities that receive federal financial assistance, including K-12 schools, colleges, and universities that receive

federal funds. It also applies to any student regardless of age. In elementary and secondary school, school districts are responsible for identifying, evaluating, and providing individualized special education and related services to meet student needs. At the postsecondary level, however, the student is responsible for making his or her handicapping condition known and requesting any necessary academic adjustments.

Enacted in 1973 as part of the Rehabilitation Act (Pub. L. No. 93-112, § 504, 87 Stat. 355, 394 (codified as amended at 29 U.S.C. § 794)), Section 504 prohibits discrimination in any federally funded program. Its implementing regulations were issued in 1977 and have been influenced by later developments, including the ADA Amendments Act of 2008.

Under Section 504, disability is defined broadly as a physical or mental impairment that substantially limits one or more major life activities (such as learning, reading, or concentrating), a record of such an impairment, or being regarded as having such an impairment. Eligibility requires only that the student be “qualified” and need accommodations to access the program; no special education is required.

Schools must avoid disability discrimination, provide FAPE comparable to that offered to nondisabled students, and make reasonable accommodations or modifications for a student with a disability. A Section 504 Plan often outlines student accommodations such as extended time on tests or assistive technology.

Parents are entitled to:

- notice of their rights,
- an opportunity to participate in meetings regarding identification, evaluation, and placement,
- access to their child’s records,
- impartial hearings to resolve disputes, and
- available grievance procedures.

Multiple federal agencies enforce Section 504 through administrative complaints and investigations (including the Department of Health and Human Services’ Office for Civil Rights and the Equal Employment Opportunity Commission). But within the context of education, primary enforcement is carried out by the U.S. Department of Education’s [Office for Civil Rights](#). Parents may also file private lawsuits in federal court without first exhausting available administrative remedies under state or federal law, *unless* they seek relief that is also available under IDEA, which requires exhaustion of IDEA administrative relief (see 20 U.S.C. § 1415(1)). Available remedies include injunctive relief (such as ordering specific accommodations), compensatory damages for intentional discrimination, and attorneys’ fees for prevailing parties.

3. The Americans with Disabilities Act (ADA)

[The ADA](#) (42 U.S.C. § 12101 et seq. (2018)) is a federal civil rights statute that protects individuals of any age with disabilities from discrimination in a range of settings—both public and private—including education, employment, state and local government services, transportation, telecommunications, and public accommodations. Like Section 504, the ADA applies in the educational context to all public and many private schools, from preschool through postsecondary education, and has generally been

interpreted by courts to provide the same general protections as Section 504. The ADA outlines the types of modifications that all covered entities must make for people with disabilities, including removing certain barriers to access, allowing service animals, and making examinations accessible and course materials available.

Congress passed the ADA in 1990 to provide comprehensive civil rights protections for individuals with disabilities. The ADA Amendments Act of 2008 significantly broadened the definition of disability and clarified coverage.

The definition of disability in the ADA mirrors that of Section 504, namely: a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. The 2008 amendments to the ADA emphasize that the definition should be construed broadly.

Under the ADA, schools must not discriminate on the basis of disability, and must provide reasonable modifications to policies, practices, or procedures; ensure effective communication (for example, through auxiliary aids); and make new construction and alterations accessible. Services must be offered in the most appropriate integrated setting.

Parents have the right to:

- notice,
- participation in decision-making processes, and
- the ability to file grievances or complaints when they believe discrimination has occurred.

Procedural protections are similar to those under Section 504. Enforcement authority rests with the [U.S. Department of Justice](#) (DOJ) and the U.S. Department of Education's Office for Civil Rights. As with Section 504, parents may file administrative complaints or bring private lawsuits in federal court without first exhausting available administrative remedies under state or federal law, *unless* they seek relief also available under IDEA, which requires exhaustion of IDEA administrative remedies (see 20 U.S.C. § 1415(1)). Remedies under the ADA largely parallel those under Section 504 and include injunctive relief, compensatory damages where discrimination is shown to be intentional or with deliberate indifference, and attorneys' fees.

What if the Department of Education Closes?

Parents of children with disabilities can be assured that the potential closure of the Department of Education would not eliminate or weaken the fundamental legal protections established for their children. That is predominantly for three reasons.

First, the process of "returning education to the states" began in earnest in 2015 with the Every Student Succeeds Act ([ESSA](#))—the most recent version (a reauthorization) of the Elementary and Secondary Education Act (ESEA), and the nation's major federal law related to public education in grades pre-kindergarten through high school. The ESSA replaced the No Child Left Behind Act (NCLB) and shifted the balance of educational accountability from federal mandates to state-led systems, encouraging state and local innovation, evidence-based interventions, and holistic educational

assessments, while maintaining federal protections for disadvantaged and disabled students, and emphasizing high academic standards.

Second, the IDEA, Section 504, and the ADA are longstanding federal statutes enacted by Congress that guarantee specific rights to a free appropriate public education, reasonable accommodations, and protection from discrimination. These protections would continue to apply nationwide and cannot be modified or eliminated without an act of Congress, independent of any administrative restructuring at the federal level. That restructuring might include changes to oversight, funding distribution, technical assistance, and complaint-resolution mechanisms—such as shifting enforcement to other federal agencies or placing greater reliance on state resources or courts.

Lastly, state-level laws play a significant role in implementing and, in many cases, enhancing federal protections for children with disabilities under IDEA, Section 504, and the ADA. While these core federal statutes establish nationwide minimum standards for a free appropriate public education (FAPE), nondiscrimination, and accommodations, states administer and enforce them through their own education codes, regulations, and agencies. Each state maintains its own special education framework and relevant sets of laws.

States must comply with federal requirements as a condition of receiving IDEA funding and cannot provide fewer protections than the law mandates. However, many states enact additional or stronger measures, such as shorter evaluation timelines, extended eligibility ages, or enhanced procedural safeguards. For example, Washington state requires evaluations within 35 days (versus the federal 60-day limit under the IDEA), and Michigan extends special education eligibility to age 26 in certain cases (versus the federal 21-year-old limit under the IDEA).

Section 504 and ADA protections are even broader civil rights provisions and enforced at the state and local levels through public school districts. These apply regardless of federal departmental structure, and states often integrate them into their general education policies.

Parents are encouraged to consult their state's department of education website or special education resources for specific regulations to advocate for their children as effectively as possible.