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Memorandum

To: LEA Superintendents, Administrators, Section 504 Coordinators, School Nurses, School Nurse Consultants

AEA Chief Administrators, Directors of Special Education, School Nurses, School Nurse Consultants

Date: August 25, 2026

RE: Intersection of Section 504, ADA and Individual Health Plans

Introduction

The purpose of this memorandum is to remind education leaders about the relationship between Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA) and individualized health plans (IHPs), as well as other similar plans such as “medication plans” or “care plans.” It further serves to provide guidance to schools regarding their responsibilities under the aforementioned federal laws and applicable state education and civil rights laws and to promote a shared understanding of these responsibilities and identify Department resources available to support compliance.

Section 504

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal civil rights law that prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance. Section 504 protects qualified students from disability discrimination regardless of whether they require special education or related services. All public schools, including charter schools, and accredited nonpublic schools that receive federal financial assistance—either directly or indirectly—must comply with the requirements of Section 504.

Section 504 generally requires that public schools:

- Identify and locate all unserved students with disabilities
- Provide a free appropriate public education (FAPE) to students with disabilities, regardless of the nature or severity of the disability
 - This means providing regular or special education and related aids and services designed to meet the individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met
- Ensure that students with disabilities are educated with nondisabled students to the maximum extent appropriate to the student needs
- Establish nondiscriminatory evaluation and placement procedures

Ensuring all students experience a world-class education.

- Establish procedural safeguards to enable parents and guardians to participate meaningfully in decisions regarding the evaluation and placement of their children
- Provide students with disabilities an equal opportunity to participate in nonacademic and extracurricular services and activities

Generally, a student is covered under Section 504 if the student (1) has a physical or mental impairment that (2) substantially limits the student (3) in a major life activity. This includes visible disabilities as well as those that may not be readily apparent to others.

One of the procedural requirements of Section 504 is that educational agencies with 15 or more employees must designate one or more employees who will be responsible for coordinating their civil rights compliance efforts, and specifically Section 504 compliance. The designated Section 504 coordinator must receive regular training in order to fulfill this responsibility. In addition to monitoring compliance, Section 504 coordinators will often distribute Section 504-related forms, documents and information to parents, provide staff with information about Section 504 policies, practices and procedures to help ensure that they fulfill their responsibilities in a timely and appropriate manner, respond to parent complaints and complete other Section 504-related tasks as necessary.

Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) and Americans with Disabilities Act Amendments Act of 2008 (ADAAA) are federal civil rights laws that prohibit discrimination on the basis of disability. Unlike Section 504 of the Rehabilitation Act, the ADA is not limited to educational programs receiving federal financial assistance. Instead, it applies more broadly to public entities, public accommodations, employment, transportation, telecommunications and other public services. In the educational setting, the ADA applies differently depending on the type of school:

- Title II applies to public schools, including public school districts, charter schools and public colleges and universities. Title II prohibits public entities from discriminating on the basis of disability.
- Title III applies to many nonpublic schools¹ and other places of public accommodation. Title III prohibits disability discrimination by covered private entities, including many nonpublic schools and colleges.

Like Section 504, the ADA protects qualified individuals with disabilities from discrimination, regardless of whether they receive special education or disability-related services. Although the ADA and Section 504 are separate laws, they provide many similar protections, and courts generally interpret them consistently.

Iowa Civil Rights Act

All educational institutions in Iowa² are covered by the Iowa Civil Rights Act (ICRA). Under the ICRA, it is an unfair or discriminatory practice for any educational institution to discriminate on the basis of race, creed, color, sex, sexual orientation, national origin, religion, mental disability

¹ Religious organizations, including schools that are owned or controlled by a religious organization, may be exempt from the requirements of Title III of the ADA and should consult legal counsel if they have questions regarding ADA applicability.

² Under the ICRA, religious institutions may impose qualifications based on religion or sexual orientation when such qualifications are related to a bona fide religious purpose or any institution admitting students of only one sex.

or physical disability in any program or activity. Discriminatory practices shall include, but not be limited to, the following:

- Exclusion of a person or persons from participating in, denial of the benefits of, or subjection to discrimination in any academic, extracurricular, research, occupational training or other program or activity except athletic programs
- Denial of comparable opportunity in intramural and interscholastic athletic programs
- Discrimination among persons in employment and the condition of employment
- On the basis of sex, the application of any rule concerning the actual or potential parental, family or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions dependent upon the physician's diagnosis and certification

Individual Health Plans

Under Iowa's education laws, the Individual Health Plan (IHP) is an individualized plan developed by the school nurse using the nursing process with effective communication to manage a student's special health service needs. The state recognizes that a student's continuity of health care from home to school is critical to access their education program, and an IHP is an important tool that is tailored to define the ongoing health and nursing services provided when a student is accessing their education program. The IHP follows the student through the course of their educational program. The IHP is defined as:

"...the documented plan of care utilizing the nursing process as defined in 481—Chapter 620 for evidence-based management of the student's ongoing special health service in the educational program. The school nurse may develop this plan in collaboration with the education team. The plan also includes a provision for emergencies to provide direction in managing an individual's health condition (stable or unstable). Documentation of evaluation and updates to the plan are completed as needed and at least annually." 281 Iowa Administrative Code (IAC) chapter 14.2.

The school nurse, who develops the IHP, works under the auspices of the school and may provide indirect care by delegating nursing tasks and functions to licensed or qualified personnel for students who require health services. This written plan may address delegated health services or how to address emergency needs. The plan must contain the roles and responsibilities of the school, parents and others in the provision, supply, storage and maintenance of necessary equipment for health service delivery. The school nurse is responsible for planning, writing, implementing and evaluating the IHP. The school nurse is responsible for monitoring, supervising and evaluating delegated tasks. IAC 281.14.2; IAC 481.620.

Section 504 and IHPs

School leaders must comply with the requirements for IHPs as well as the requirements imposed by Section 504. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Section 504. In the past, OCR has cited districts around the country for inappropriately using an IHP when a plan under Section 504 was required. School leaders should be aware of this and take appropriate steps to avoid the mistakes made by their colleagues in other states.

First, if a student is eligible under Section 504, the student's health needs should be assessed, and any IHP must be developed under Section 504's regulations for evaluation, placement and procedural safeguards in addition to the requirements for IHP development. An IHP for a 504-eligible student may not be developed outside of Section 504's requirements. As a related matter, it would be inappropriate for a school to have a blanket rule of refusing 504 plans and

insisting on IHPs instead. “We do IHPs instead of 504s” and “We don’t do 504s in this district” are never permissible responses.

Second, if a student has an IHP but has not been evaluated for eligibility under Section 504, school officials must determine whether the student might be eligible under Section 504. Based on the totality of the circumstances, if a student with an IHP might have a physical or mental impairment that might be substantially limiting in a major life activity, then the student must be evaluated in accordance with Section 504 regulations. Failure to do so may result in enforcement action under Section 504.

Third, in determining whether a student is or might be eligible under Section 504, it is inappropriate to limit the major life activities to academics. A substantial limitation in any major life activity caused by a physical or mental impairment results in Section 504 coverage.

Example: A student with an IHP for asthma is referred for a Section 504 evaluation. The school district refuses to evaluate because the student is proficient in reading and math. This violates Section 504’s evaluation regulations.

Fourth, the decision about whether a student with an IHP is or might be 504-eligible must be made without regard to the effects of mitigating measures used by the student (the only exception to this is ordinary glasses or contact lenses). If a student would be substantially limited in a major life activity without the use of a mitigating measure, the student is eligible under Section 504, no matter how well the mitigating measure works.

Example: A student with an IHP who uses a hearing aid is referred for a Section 504 evaluation. The evaluation team considers the student’s limitations without the use of the hearing aid. The evaluation team’s approach is correct.

Fifth, the U.S. Department of Education considers health plans to be mitigating measures. In determining whether a child with an IHP is eligible under Section 504, the evaluation team must determine the student’s limitations without the benefit of the IHP.

Example: A student has an IHP for a severe ground nut allergy. The child has had several exposures to allergens requiring use of the IHP’s strategies during the school year. The evaluation team considers the student’s limitations without regard to the IHP. The evaluation team’s approach is correct.

Sixth, it is important to determine on an individual basis whether a student with an IHP has a physical or mental impairment that substantially limits a student in a major life activity. It is impermissible to conclude that a student is 504-eligible simply based on a diagnosis. No impairment creates automatic 504 eligibility.

Example: A student has a medication administration plan for prescriptions to address ADHD. School officials say, “ADHD? Say no more. Let’s write that plan.” This is a violation because it neglects the individualized inquiry required by Section 504.

In conclusion, to reiterate, schools need to take important steps to ensure their students’ health and wellbeing and to ensure compliance with federal and state laws and regulations. First, for students who have an IHP but no 504 plan, schools must consider whether each of those students might be eligible under Section 504 and evaluate those students according to the requirements of Section 504. Second, schools need to consider whether IHPs for students who are 504-eligible were developed in compliance with Section 504’s regulations, and if not, need to take additional steps to remedy this.

For more information, please visit the following web pages:

[Section 504 Regulations](#)

[U.S. Department of Education's Office for Civil Rights Section 504 FAQs](#)

[Iowa Department of Education Section 504 Webpage](#)

[Americans with Disabilities Act Title II Regulations](#)

[Iowa Civil Rights Act - Unfair or Discriminatory Practices in Education](#)

[Iowa Department of Education Individual Health Plan Development webpage \(including School Nurse Toolkit\)](#)

If you have questions, please contact the Iowa Department of Education. For information about school health and school nurse services, please contact Melissa Walker at melissa.walker@iowa.gov or (515) 281-5327. For more information about Section 504, ADA and other civil rights matters, please contact SueAnn Johnson at sueann.johnson@iowa.gov or (515) 336-3942 or Eric Heitz at eric.heizt@iowa.gov or (515) 326-1018. For more information about the legal principles in this memo, please contact Thomas Mayes at thomas.mayes@iowa.gov or (515) 242-5614.