

**Notice of Significant Guidance.** The U.S. Department of Education (Department) has determined that this letter and the accompanying Resource Guide are significant guidance under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). [www.whitehouse.gov/sites/default/files/omb/memoranda/fy2007/m07-07.pdf](http://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2007/m07-07.pdf). Significant guidance is non-binding and does not create or impose new legal requirements.

The Department is issuing this letter and guide to provide State and local educational agencies, including charter schools, with information to assist them in meeting their obligations under Federal civil rights laws, including Section 504 of the Rehabilitation Act of 1973, and implementing regulations that it enforces. 29 U.S.C. § 794; 34 C.F.R. Part 104. This letter also provides members of the public with information about their rights under the law and regulations.

If you are interested in commenting on this letter or guide, or have questions, please send them to OCR by email at [OCR@ed.gov](mailto:OCR@ed.gov), by phone at 800-421-3481 (TDD 800-877-8339), or by mail to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. For further information about the Department's guidance processes, please visit [www.ed.gov/policy/gen/guid/significant-guidance.html](http://www.ed.gov/policy/gen/guid/significant-guidance.html).



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

July 26, 2016

Dear Colleague:

I write this letter to clarify and provide guidance on the Federal obligations of school districts that receive Federal financial assistance from the U.S. Department of Education (the Department) to students with attention-deficit/hyperactivity disorder (ADHD)<sup>1</sup> under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Department's implementing regulations.<sup>2</sup> This Federal law prohibits discrimination on the basis of disability and requires school districts to provide an equal educational opportunity to students with disabilities.

Because the Americans with Disabilities Act Amendments Act (Amendments Act) clarified the broad scope and definition of the term "disability," more students with ADHD are now clearly

<sup>1</sup> ADHD is used throughout this letter to refer to students having either attention deficit disorder (ADD) or ADHD.

<sup>2</sup> 29 U.S.C. § 794; 34 C.F.R. Part 104. While this letter touches on the Individuals with Disabilities Education Act (IDEA), the Federal law through which the majority of children with ADHD receive special education and related services, the focus is on the requirements of Section 504, as set out in the Department's Section 504 implementing regulations at 34 C.F.R. Part 104. OCR does not administer the IDEA. The Office of Special Education Programs (OSEP) in the Department's Office of Special Education and Rehabilitative Services (OSERS) administers the IDEA. All students with disabilities who are eligible for special education and related services under the IDEA, however, are also protected by Section 504. Consequently, OCR enforces the Section 504 rights of students who are also covered by the IDEA. For general information about the IDEA, please see <http://idea.ed.gov>. This letter does not address the rights of students with disabilities under the Workforce Innovation and Opportunity Act (WIOA), Pub. L. No. 113-128, 128 Stat. 1425 (2014). For general information about the rights of students with disabilities under WIOA, please see <https://rsa.ed.gov/wioa.cfm> and <http://www.doleta.gov/WIOA>.