



KEYS TO SPECIAL EDUCATION

IEP vs. 504—WHICH IS RIGHT FOR MY STUDENT?

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

IDEA is a federal law that ensures a free and appropriate public education for students ages 3-21 who fall within 14 disability categories and who require specialized services and supports. IDEA provides for individualized services and supports that ensure that your student can access and benefit from the general curriculum. It also provides for related services such as counseling, speech, transportation, physical therapy and more.

SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

Section 504 is a broader civil rights law with the purpose of protecting people with disabilities from discrimination and to ensure that regardless of age, people with disabilities have equal opportunities and access to facilities, programs and services. In the school setting this means removing barriers that prevent full participation by your student, including providing services and changes to the learning environment that help your student succeed.

IN WHAT WAYS ARE 504 PLANS AND IEPs THE SAME?

- The purpose of both 504 Plans and IEPs is to help your student succeed in school by providing needed services and supports/accommodations. If your student doesn't qualify for an IEP, they may qualify for a 504 Plan.
- Both require that the student have a documented disability, in the case of IDEA, one of the 14 federal disability categories; for 504 any mental

or physical disability that affects a major life function.

- Both laws are designed to ensure that your student is educated in the least restrictive environment and can access the general curriculum.
- Evaluations (tests) are required under 504 and IDEA, and services are provided at no cost to the family under both laws.
- Both laws ensure that your student is not removed from school for discipline reasons that are a manifestation (the direct result) of their disability, although IDEA protections are greater than those under 504.

UNDERSTANDING THE DIFFERENCES BE- TWEEN A 504 PLAN AND IEP

A student with an eligible disability who needs specialized services and supports including related services, accommodations, or instructional changes will likely benefit from an IEP.

A student whose disability affects their learning and who needs classroom or accommodations such as extra time to take tests, but does not need specialized instruction, may benefit from a 504 plan.

504 PLAN OR IEP?

Mary uses a wheelchair due to Muscular Dystrophy. She **needs more time** to get to class **and breaks** to stretch. Mary performs well academically. **Mary can benefit from a 504 plan** to put these accommodations in writing so that all her teachers understand her needs.

Mark has Dyslexia, a learning disability. His **dyslexia significantly affects** his ability to

access the general curriculum, and **Mark needs specialized services and supports**, including reading instruction, changes to the math curriculum and more time to take tests. **Mark likely needs an IEP to be successful.**

Jennifer has Autism. She gets good grades, but has challenges with focus and processing. She needs to **sit up front, have more time** for tests, and needs **help with notetaking**. **She does not need specialized instruction or related services and can benefit from a 504 plan.**

HOW ARE THEY DIFFERENT?

IEPs

Your student must meet very specific disability criteria **and** require special education and related services in order to access the general curriculum?

DETERMINING ELIGIBILITY

There are strict legal requirements that say who must participate in developing the IEP. The IEP is very comprehensive including special education and related services in addition to accommodations. Parents are equal members of an IEP team.

THE PLAN

IDEA states that your student will benefit from their education. Routine progress reporting is required under IDEA.

EDUCATIONAL BENEFIT

IDEA has more parent consent requirements, provides the right to an independent educational evaluation, for parents to be equal participants in their student's education, and more rights under disciplinary procedures. IDEA also provides for standardized methods to resolve disagreements.

PROCEDURAL SAFEGUARDS

504 PLANS

It is easier to qualify for a 504 plan. A student can have any disability that affects their life in a major way and which also affects learning.

A 504 plan is created by a team who knows the student and who understands testing data and service options. There is no standard format for a 504 plan. It does not have to be a written document; although, it should be to protect the student. Parental consent is required to evaluate but parents do not have to be included when developing a 504 plan.

Section 504 provides for access to the general curriculum. Routine progress reporting is not required under 504.

The rights under IDEA are either not available or are much more limited under Section 504.

