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Section 504 and IDEA Comparison Chart

School can be a stressful environment for the child and a time of vulnerability. Appropriate accommodations and modifications can reduce stress and can assist in achieving and maintaining educational success.

As a parent, you are your child's greatest advocate, supporter, and cheerleader. By becoming knowledgeable regarding educational laws as well as services and programs available within your community, you can ensure that your child receives a Free and Appropriate Public Education (FAPE). There are two primary laws that cover your child's rights to a public education:

- Individuals with Disability Education Improvement Act (IDEA)
- Section 504 of the Rehabilitation Act of 1973

Understanding how Section 504 and IDEA work with each other and complement each other allows you as the parent to better assist your child's educational team in ensuring your child's right to a Free and Appropriate Education (FAPE) is provided allowing for maximum educational success.

504 and IDEA Comparison Chart

Component of the Legislation	IDEA	Section 504
Purpose	Is a federal statute whose purpose is to ensure a free and appropriate education services for children with disabilities who fall within one of the specific disability categories as defined by the law	Is a broad civil rights law which protects the rights of individuals with disabilities in any agency, school or institution receiving federal funds to provide persons with disabilities to the greatest extent possible, an opportunity to fully participate with their peers.
Who is Protected	Covers eligible students ages 3-21 whose disability adversely affects the child's	Covers all persons with a disability from discrimination in educational settings based solely on their

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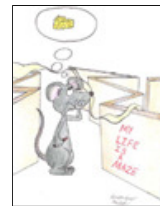
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educational performance and/ or ability to benefit from general education.

disability.

Section 504 defines a person with a disability as:

- Having a physical or mental impairment which limits one or more major life activity;
- Have a record of such an impairment; or
- Are regarded as having an impairment.

Services

Provides individual supplemental educational services and supports in addition to what is provided to students in the general curriculum to ensure that the child has access to and benefits from the general curriculum. This is provided free of charge to the parent.

Requires schools to eliminate barriers that would prevent the student from participating fully in the programs and services offered in the general curriculum.

Requirements for delivering Services

Requires a written Individual Education Plan (IEP) documentation with specific content addressing the disability directly and specifying educational services to be delivered, mandating transition planning for students 16 and over, as well as a Behavior Intervention Plan (BIP) for any child with a disability that has a behavioral issue.

Does not require a written IEP but does require a documented plan. "Appropriate Education" means comparable to the one provided to general education students.

"Appropriate Education" is defined as a program reasonably calculated to provide "educational benefit" to the student. Related services are provided as required for the student to benefit from the educational process and are aligned with specially designed instruction (e.g. counseling, speech, transportation, occupational and physical therapy, etc.)

Section 504 requires that reasonable accommodations be made for the child with a disability. Requires the school to provide reasonable accommodations, supports and auxiliary aides to allow the child to participate in the general curriculum.

Funding	Provides additional funding to states for eligible students	Does not provide additional funds. Additionally, IDEA funds may not be used to serve children found eligible under section 504 only.
Evaluation Procedures	<p>A full Multi-factored evaluation (MFE) is required, using a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent that may assist the team in determining whether the child has a disability and how it affects the child's educational program.</p> <p>Multiple assessment tools must be used to assess the child in all areas of the suspected disability.</p> <p>Written consent is necessary by parent or guardian before an initial evaluation is conducted</p> <p>Requires a reevaluation every three years by IEP team to determine if services are still needed to address student disability unless the parent and other members of the IEP team agree it is not necessary.</p> <p>Reevaluation is not required before a change of placement.</p>	<p>Evaluation draws on information from a variety of sources in the area of concern. A group decision is made with persons knowledgeable about the student, evaluation data, and available educational placement options. Written consent is not necessary before completing an evaluation; however, notice must be provided to parent or guardian.</p> <p>Requires yearly reevaluations or periodic review.</p>
Independent Evaluation	Allows parents to request an Independent Educational Evaluation (IEE) at the school district's expense if parent /guardian disagrees with the evaluation obtained by the school district. The Independent Evaluator must meet the same criteria as the district requires for their employees and must be approved by all parties.	Does not allow independent evaluations at the district's expense or the ability to request an independent educational evaluation.

Procedural Safeguards	<p>Requires written notice to parent/ guardian prior to identification, evaluation and/or placement of child.</p> <p>Changes of services or placement must have written notice before any change can take place. Requires due process rights to be followed at all times and manifestation determination hearing for discipline procedures.</p> <p>For any child with behavioral concerns a Functional Behavior Assessment (FBA) must be completed and a Behavior Intervention Plan (BIP) written to assist student in learning appropriate behaviors and providing supports to enable student to be successful in their learning community.</p>	<p>Does not require written notice,</p> <p>Requires notice before a "significant change" in placement - requires due process rights if referred for formal evaluation under IDEA, and the team determines not to evaluate.</p>
Placement Decisions	<p>Requires district and schools to use information from a variety of sources. Consider all documented information and use a team approach to make eligibility decisions. Team members are identified under IDEA and must be knowledgeable about the child, evaluation data, and the continuum of placements and services available.</p> <p>Requires that student receives a free and appropriate education with his/her non-disabled peers in the least restricted environment.</p> <p>IEP meeting is required before any change in placement or services is made. Students are eligible for a full continuum of placement options including regular education with related services as needed.</p>	<p>Requires district and schools to use information from a variety of sources. Consider all documented information. Use a team approach to make eligibility decisions, with team members being knowledgeable about the child, evaluation data, and the continuum of placements and services available.</p> <p>The student must receive a free and appropriate education with his/her non-disabled peers.</p> <p>Meeting is not required for a change of placement. Students are served in general education with or without modification. Possible accommodations under a 504 plan could be:</p> <ul style="list-style-type: none"> ● Structured learning environment ● Repeated or simplified instructions ● Behavior management or intervention strategies

- Modified testing procedures- small group; oral testing; extended time; test read to student.
- Tape recorders, spell checkers, calculators, computers, word processor, etc.
- Modified or adjusted homework, workbooks, second set of textbooks.
- Textbooks on tape
- etc. (*many accommodations and modifications used on an IEP can be included in a 504 accommodation plan*)

Due Process

Requires district to provide resolution sessions and due process hearings for parents/guardians who disagree with identification, evaluation, implementation of IEP or students Least Restricted Environment (LRE) placement.

For more detailed information about IDEA, please read [NCLD's IDEA Guide](#).

Requires districts to provide a grievance procedure for parents, and students who disagree with identification, evaluation, implementation of IEP or students Least Restricted Environment (LRE) placement. A grievance procedure must be provided to parents and employees to follow and a 504 coordinator identified in the district to assist individuals as needed.

Due process hearing not required before Office of Civil Rights (OCR) involvement or court action unless student is also covered by IDEA.

Compensatory damages possible.

NCLD's Parent Center is made possible by NCLD's Board of Directors and other committed parents and supporters.