

504 vs. IDEA

Educational Options for Children with Disabilities

Overview of IDEA: IDEA stands for the Individuals with Disabilities Education Act. It is an education act to provide federal money to State and local education agencies to guarantee special education and related services to eligible children with disabilities. (*The Individuals with Disabilities Education Act of 2005, 20 U.S.C. §1400*)

Overview of 504: 504 is a civil rights law designed to protect people from discrimination on the basis of a disability in programs and activities, both public and private that receive federal money. 504 is not special education. (*Section 504, Rehabilitation Act, 1974, 34 C.F.R. Part 104*)

IDEA provides more protections for a child than 504.

A child covered under IDEA receives both the protections of IDEA and 504.

A child covered under 504 is covered only under 504.

Eligibility Requirements:

IDEA: a child with (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance; orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, and (ii) who by reason thereof, needs special education services

504: Any person who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, reading, writing, performing math calculations, working, caring for oneself, and performing manual tasks.

Identification Procedures:

IDEA: A comprehensive evaluation is required. A multidisciplinary team evaluates the child and parental consent is required before an initial evaluation.

IDEA requires that more than one single procedure or information source be used; that information from all sources be used; that information from all sources be documented and carefully considered; that the eligibility decision be made by a group of persons who know about the student, the evaluation data, and placement options; and that the placement decision serves the student in the least restrictive environment.

Once a plan is set in place, IDEA requires that reevaluations be conducted at least every 3 years.

504: Unlike IDEA, Section 504 requires only that the school notify the parent about an evaluation, parental consent is not required. However, it is recommended that districts do get parental consent.

504 requires that information be obtained from a variety of sources in the area of concern; that all data are documented and considered; and that decisions are made by a group of persons knowledgeable about the student, evaluation data, and placement options.

Once a plan is set in place, 504 requires periodic reevaluations, but does not specify any timelines for the reevaluations.

What is required by the school?

IDEA: Under IDEA, the school is required to provide specially designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability. Related services are also provided if the student requires them in order to benefit from specially designed instruction.

IDEA requires the development of an Individualized Education Program (IEP) document, which has specific requirements about the content, and also who is required to participate in the development of the IEP.

504: Under 504, the school must only provide an education comparable to that provided to students without disabilities.

504 does require the development of a plan, although it is not mandated that it is a written document.

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Sources: Section 504, Rehabilitation Act, 1974, 34 C.F.R. Part 104

The Individuals with Disabilities Education Act of 2004, 20 U.S.C. §1400