

# ACCOMMODATIONS MODIFICATIONS RIGHTS ADVOCATE



## WHAT'S THE DIFFERENCE BETWEEN IEPs AND SECTION 504 PLANS?

Both Individualized Education Plans (IEP) that are part of the Individuals with Disabilities Education Act (IDEA) plan, and Section 504 plans can offer help for K-12 students who are struggling in school. They're similar in some ways, but very different in others. The chart below compares the main points of each plan side by side, to help you understand the differences.

COMMON NAME	IDEA/IEP	SECTION 504 PLAN
FULL NAME	<b>Individuals with Disabilities Education Act/Individualized Education Program</b>	<b>Section 504 of the Rehabilitation Act of 1973</b>
BASIC DESCRIPTION	A structured and individualized blueprint (or plan) for a child's education at school that includes learning support outside the regular classroom.	A less comprehensive blueprint (or plan) for how the school will provide support and remove barriers for a student with a disability in the child's regular classroom.
GOAL OF THE PLAN	Provides individualized special education and related services to meet the child's unique needs.  These services are provided at no cost to families.	Provides services and changes to the learning environment to enable students to learn alongside their peers.  As with an IEP, a Section 504 plan is provided at no cost to families.
QUALIFYING FOR SUPPORT	<b>To get an IEP, there are 2 requirements:</b> 1. A child must have one or more of the 13 disabilities listed in IDEA. The law lists specific challenges, like learning disabilities, ADHD, autism, and others.  2. The disability must affect the child's educational performance and/or ability to learn and benefit from the general education curriculum. The child must need specialized instruction to make progress in school.	<b>To get a Section 504 plan, there are 2 requirements:</b> 1. A child must have <i>any</i> disability. Section 504 covers a wide range of different struggles at school.  2. The disability must interfere with the child's ability to learn in a general education classroom.  Section 504 has a broader definition of a disability than IDEA. (It specifies that a disability must substantially limit 1 or more basic life activities. These can include learning, reading, communicating, and thinking.) That's why a child who doesn't qualify for an IEP might still be able to get a Section 504 plan.
INDEPENDENT EDUCATIONAL EVALUATION (IEE)	Families can ask the school district to pay for an IEE by an outside expert. The district doesn't have to agree.  Families can always pay for an outside evaluation themselves, but the district may not give it much weight.	Doesn't allow families to ask for an IEE. As with an IEP evaluation, families can always pay for an evaluation themselves.
HOW EACH PLAN IS CREATED	There are strict legal requirements about who participates. An IEP is created by an IEP team that must include: <ul style="list-style-type: none"><li>• The child's parent or caregiver</li><li>• At least one of the child's general education teachers</li><li>• At least 1 special education teacher</li></ul>	The rules about who's on the 504 team are less specific than they are for an IEP.  A 504 plan is created by a team of people who are familiar with the child and who understand the evaluation data and special services options. This might include: <ul style="list-style-type: none"><li>• The child's parent or caregiver</li><li>• General and special education teachers</li></ul>

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COMMON NAME	IDEA/IEP	SECTION 504 PLAN
HOW EACH PLAN IS CREATED	<ul style="list-style-type: none"> <li>School psychologist or other specialist who can interpret evaluation results</li> <li>A district representative with authority over special education services</li> </ul> <p><b>With a few exceptions, the entire team must be present for IEP meetings.</b></p> <p><b>AN IEP is a formal written document describing the exact services the school will provide.</b></p>	A Section 504 plan can be oral or written—it is less formal and generally describes accommodations or supports in the classroom.
IMPORTANT TO KNOW	<p>When the school wants to change a child's services or placement, it has to tell families in writing <i>before</i> the change. This is called prior written notice. Notice is also required before any IEP meetings and evaluations.</p> <p>Families also have "stay put" rights to keep services in place if there's a disagreement about the IEP.</p>	The school must notify families about an evaluation or a "significant change" in placement. Notice doesn't have to be provided in writing, but most schools do so anyway.
HOW ARE PLANS REVIEWED OR REVISED?	<p>The IEP team must review the IEP at least once a year.</p> <p>The child must be reevaluated every 3 years to determine whether services are still needed.</p>	The rules vary by state. Generally, a Section 504 plan is reviewed every year and a reevaluation is done every 3 years or when needed.
FUNDING/COSTS	<p>Students receive these services at no charge.</p> <p>States receive additional funding for students with IEPs.</p>	<p>Students receive these services at no charge.</p> <p>States do not receive extra funding for students with Section 504 plans. But the federal government can take away funding for programs (including schools) that don't meet their legal duties to serve kids with disabilities.</p> <p>IDEA funds can't be used to serve students with Section 504 plans.</p>

Knowing which laws do what is a big part of understanding the difference between an IEP and a Section 504 plan. Each plan has specific ways to resolve disputes if you feel your child is not receiving the support or accommodations he/she is entitled to under the law. The information contained here is introductory and high level. Additional resources to use for more information include:

[www.chadd.org](http://www.chadd.org)  
[www.help4ADHD.org](http://www.help4ADHD.org)  
<https://www2.ed.gov>