

Understanding the Differences Between A 504 Plan and an I.E.P.

504 Plans and IEP's are based on constitutional principles and laws that have been written by legislatures and interpreted by the courts. Although there are individual differences between states, the overall guiding principles come from the federal government. The result is a complex body of information that may be difficult to decipher. It is important for teachers to understand the basics behind IEP's and 504 plans because school districts are responsible for ensuring that they are implemented in classrooms.

If you would like more information the following websites are recommended:

www.ed.sc.edu/spedlaw/lawpage.htm , www.cec.sped.org/home , or www.ed.gov/spedlaw .

504 Plan

IEP

	504 Plan	IEP
Type	A Civil Rights Law	An Education Act
Title	The Rehabilitation Act of 1973	The Individual with Disabilities Education Improvement Act (IDEIA – 2004)
Purpose	Is a civil rights law that protects the rights of individual with disabilities in programs and activities that receive federal financial assistance.	Is a federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure a free appropriate public education (see below) for students with disabilities.
Responsibility	General Education	Special Education.
Funding	State and local responsibility (no federal funding).	State, local, and federal funding. IDEIA funds cannot be used to serve students eligible only under 504 Plan.
Administrator	504 Coordinator (May be a building principal, assistant principal or guidance director).	Special Education Director
Service Tool	504 Plan	Individualized Education Program (IEP)
Population	Identifies student as disabled so long as she/he meets the definition of qualified persons with disabilities, ie. has or has had a physical or mental impairment that substantially limits a major life activity such as learning.	Student must have at least one of the following 13 qualifying conditions: autism, deafness, deaf-blindness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment.
Eligibility	A student is eligible so long as she/he meets the definition of a qualified person with disabilities, ie. currently has a physical or mental impairment that limits learning. The student is not required to need special education services to be protected.	A student is only eligible to receive special education and/or related services if the multidisciplinary team determines that the student has a disability under one of the thirteen qualifying conditions, if those disabilities have an adverse impact on their education, and requires special education services.
Implementation	Requires a written 504 plan.	Requires a written IEP.

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IEP

<p>Accessibility</p>	<p>Federal regulations regarding building and program accessibility, requires that reasonable accommodations be made such as classroom modifications, academic adjustments, modification of tests, and auxiliary aids and devices.</p>	<p>Requires that modifications must be made if necessary to provide access to a free appropriate public education (see below). The same type of modifications and accommodations found in a 504 Plan may be found in an IEP, however an IEP is much more comprehensive and specific requirements such as a transition plan must be included.</p>
<p>Undue Hardship</p>	<p>Consideration is given for the size of the program, extent of accommodation, and cost relative to the total school budget.</p>	<p>Budget and administrative convenience is never an excuse.</p>
<p>Drug and Alcohol Use</p>	<p>Current drug use is not considered a disability. An individual who has stopped using drugs and/or alcohol and is undergoing rehabilitation could be protected.</p>	<p>Drug and alcohol use is not covered under special education.</p>
<p>Procedural Safeguards</p>	<p>Requires notice to the parent or guardian with respect to identification, evaluation, and placement, however does not require parental consent (although it is a good practice to have parental consent).</p>	<p>Requires notice to the parent/guardian with respect to identification, evaluation, and placement and does require parental consent (however provisions have been made for special circumstances where a parent cannot or will not give consent).</p>
<p>Requirements</p>	<p>Requires periodic updates, however no set time is specified. Is not required to be updated every year, however it is considered good practice to do so.</p>	<p>Requires reevaluations to be conducted at least every 3 years and for the IEP to be updated every year.</p>
<p>Duration</p>	<p>May be temporary or permanent depending upon the disability. If a student graduates from high school and goes on to college they would no longer be protected under IDEIA, but might be protected under 504.</p>	<p>Once identification has been made a student may be discharged only if the Team decides that student no longer needs services or the parent/guardian refuses services. If a special education student graduates with a diploma, successfully completes an appropriate individualized education program (IEP) leading to graduation, or voluntarily drops out of school, the school's obligation to the student ends.</p>
<p>Examples</p>	<p>If a student is in a car accident and breaks both wrists, then a temporary 504 Plan might be put in place with accommodations for writing.</p> <p>If a student is diagnosed with ADHD, but evaluations show that he/she is at or above grade level in academic achievement, then accommodations such as preferential seating to reduce distractions would be put in place.</p>	<p>A student who has difficulty processing information like that found in language-based activities, but has average or above-average intelligence might qualify for special education services under Specific Learning Disability.</p> <p>If a student is diagnosed with ADHD and also has low achievement scores along with depression and anxiety, then they might qualify for special education services under Other Health Impaired (OHI).</p>

The foundation behind section 504 and IDEIA legislation is the concept of a **Free Appropriate Public Education**. Appropriate education means an education comparable to the education provided to students without disabilities and a program that is designed to provide educational benefit. Another term that is important to understand is **Least Restrictive Environment**. The IDEIA mandates that students with disabilities are educated with their peers without disabilities to the maximum extent possible. Students in special education can only be removed to separate classes or schools when the nature or severity of their disabilities is such that they cannot receive an appropriate education in a general education classroom with supplementary aids and services. When students are placed in segregated settings, schools must provide them with opportunities to interact with their peers without disabilities where appropriate.

Sources: Yell, Mitchell. (1998). The Law and Special Education. Prentice Hall. Upper Saddle River, New Jersey.
Murray, Jeffrey (2003). Special Education Law. PSU.