



OFFICE OF THE
**STUDENT
ADVOCATE**

Be Informed. Be Connected. Be Empowered.

Understanding the Differences : **IEP vs. 504 Plan**



student.advocate@dc.gov



202.741.4692



sboe.dc.gov/studentadvocate



@DC_Advocate

Purpose of this Document

The purpose of this presentation is to provide quick and accessible information on some of the major differences between a 504 Plan and an IEP in an easy to understand format.

This document is only a supplemental reference, it does not cover every aspect of relevant law or policy, nor should it serve as a replacement for reviewing the applicable laws or speaking with an expert.

If you have specific questions, please contact us at 202.741.4692 or student.advocate@dc.gov, we would be happy to assist you and direct you to relevant resources.

What is Special Education?

“Special education is instruction that is specially designed to meet the unique needs of children who have disabilities. Special education and related services are provided in public schools at no cost to the parents and can include special instruction in the classroom, at home, in hospitals or institutions, or in other settings.”

Overview of Special Education Laws

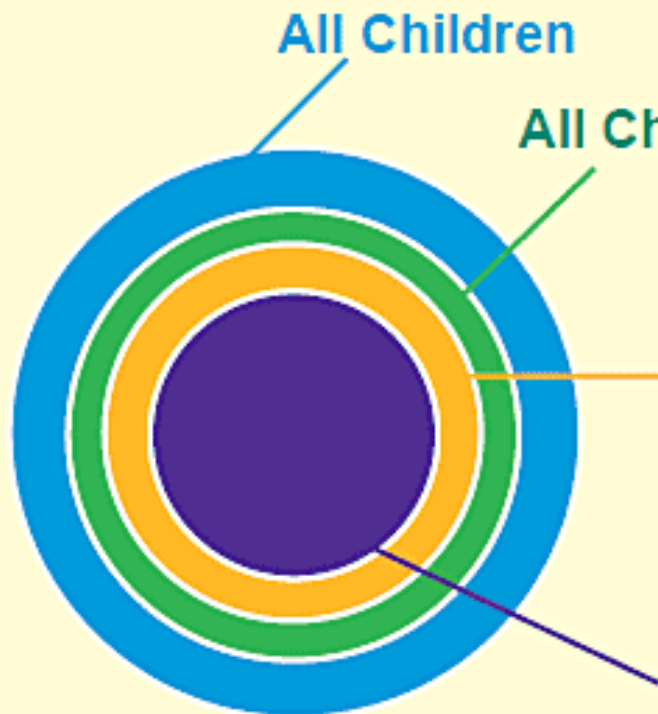
Three federal laws guarantee the rights of students with disabilities:

1. Americans with Disabilities Act (ADA)
2. Section 504 of the Rehabilitation Act ("Section 504") → **504 plan**.
3. Individuals with Disabilities Education Act ("IDEA") → **IEP**.

* DC also has local laws and regulations that provide students with additional rights.

Section 504 & IDEA at a Glance

Eligibility for Section 504 and the IDEA



Section 504 – Children with physical or mental impairments that substantially limit a major life function but who do not meet the requirements to qualify for an IEP. They receive a 504 plan.

IDEA – Children with disabilities that meet at least one of the 14 qualifying disability categories recognized by IDEA, AND who need special education and related services. These children receive an IEP.

Section 504 and IDEA?

Section 504

focuses on ensuring that the school provides children with disabilities or impairments the services and accommodations necessary in order to access everything that other children can access at school, including curriculum.

IDEA

focuses on ensuring that the school meets the needs of children with specific kinds of disabilities so that they make adequate academic progress based on what they know and can learn.

What's the difference: 504 Plan vs. IEP?

	IEP (Individualized Education Program)	504 Plan
What is it?	<p>Plan for how a child with a qualifying disability will be provided a Free Appropriate Public Education including:</p> <ul style="list-style-type: none"> • special education • related services <p>to ensure child can make meaningful educational progress.</p>	<p>Plan for how a child with a disability or impairment will be provided a Free Appropriate Public Education including:</p> <ul style="list-style-type: none"> • regular or special education • related aids and services <p>to ensure child has the same access to the learning environment as non-impaired peers.</p>
Applicable law	<p>Individuals with Disabilities Education Act (IDEA), a federal funding law to ensure states meet the needs of qualifying students.</p>	<p>Section 504 of the Rehabilitation Act of 1973, a federal civil rights law to ensure students with disabilities aren't discriminated against.</p>
Who is eligible?	<ol style="list-style-type: none"> 1. Child has one or more of 14 specific disabilities. 2. Disability must affect child's educational performance and/or ability to learn and benefit from general education curriculum. 	<ol style="list-style-type: none"> 1. Child has a disability or impairment. 2. Disability substantially impairs a major life activity, which can include disabilities that directly impact learning but doesn't have to.

What's the difference: 504 Plan vs. IEP?

	IEP (Individualized Education Program)	504 Plan
Evaluation process	<ul style="list-style-type: none"> • The parent must consent to evaluation before the school can evaluate the child. • The evaluation must consider multiple forms of information. • Schools must complete the evaluation and determine eligibility within 120 days of when the parent requests it.* 	<ul style="list-style-type: none"> • The parent must consent to evaluations, but the school can provide accommodations without a formal evaluation process. • The evaluation must consider multiple forms of information.
Independent evaluations	<ul style="list-style-type: none"> • Parents may request that LEA fund an independent evaluation, but LEA not required to. • LEAs who choose not to grant an IEE request must file a due process complaint against the parent. 	<ul style="list-style-type: none"> • No provision for funding of an independent evaluation. LEAs can consider independent evaluations in placement decisions.

*This timeline will change to 60 days from parental consent in the 2017-2018 school year.

Scenario 1: 504 Plan

- Cynthia has ADHD. She performs on grade level and doesn't typically have difficulty with her assignments. However, when she is stressed out, it is hard for her to focus, and she doesn't perform as well on her work. She needs many breaks and a very structured classroom in order to perform well and focus on her assignments.
- Her mom brings in a doctor's note that diagnoses her with ADHD and documents her accommodation needs. The school finds her eligible for a 504 plan because she has a disability that substantially impairs her ability to concentrate.
- Cynthia's needs are met by a 504 plan because the 504 plan guarantees that she receive the accommodations that ensure her ADHD doesn't interfere with her ability to access her curriculum. When she receives accommodations, she is able to fully access her curriculum and thrive.

Scenario 2: IEP

- Janice also has ADHD, and her mom brought in a doctor's note to the school with her diagnosis. Despite numerous informal accommodations the school put in place, Janice still struggles to make progress in reading and math.
- With Janice's mom's permission, the school evaluates Janice, and finds that she has difficulties understanding academic concepts as a result of her ADHD symptoms.
- ADHD is a disability that can qualify a student for an IEP under the "Other Health Impairment" disability category. Janice's IEP team, which includes her mom, meets and determines that she qualifies for an IEP because her ADHD is having an adverse impact on her education. She needs specialized instruction and related services in order to make meaningful progress at school.
- Her needs are met by an IEP because even when she receives accommodations, she needs changes made to her curriculum so that she is able to grasp the material. To ensure that she's receiving the right supports, her academic progress will now be monitored against the academic goals set in the IEP.

The difference is: 504 Plan or IEP?

- If your child has been diagnosed with one or more of the 14 specific categories named in the IDEA, AND that disability is shown to impact your child's ability to make meaningful academic progress, then an IEP would make the most sense.
- If your child does not meet the criteria to have an IEP, but your child does have a disability that substantially impairs any major life activity (including but not limited to his or her ability to care for himself, walk, see, hear, speak, breathe, learn, work, eat, sleep, stand, lift, bend, read, concentrate, think, or communicate) then your child should qualify for a 504 plan. The criteria for obtaining a 504 plan are more flexible than the criteria for obtaining an IEP.

What's the difference: 504 Plan vs. IEP?

	IEP (Individualized Education Program)	504 Plan
Who creates the program/plan	Requires: child's parent, general education teacher(s), one special education teacher(s), school psychologist or other specialist to interpret results, district representative with decision making power, and anyone the parent invites.	May include: child's parent, general and special education teachers, or the school principal.
Reviews and revisions	<ul style="list-style-type: none"> • IEP team must review IEP at least once a year. • Student must be reevaluated once every three years. 	<ul style="list-style-type: none"> • Requires periodic reevaluations.

What's the difference: 504 Plan vs. IEP?

	IEP (Individualized Education Program)	504 Plan
<p>What's in the program /plan</p>	<p>Must include:</p> <ul style="list-style-type: none"> • Child's present levels of academic and functional performance • Annual education goals and how they'll be tracked • Services child will receive • Timing of services (when, how often, how long) • Accommodations (changes to child's learning environment) • Modifications (changes to what child is expected to learn or know) • How child will participate in standardized tests • How much time child will spend in general education classrooms vs. special education classrooms and how child will be included in general education environment. 	<p>Generally includes:</p> <ul style="list-style-type: none"> • Specific accommodations, supports, or services • Names of who will provide each service • Name of person responsible for ensuring plan is implemented. • A 504 plan is flexible, so it can include many things an IEP includes; • however, this flexibility also means that the school has discretion (with parent input) to decide what is included in the plan.

What's the difference: 504 Plan vs. IEP?

	IEP (Individualized Education Program)	504 Plan
Parent notice	<ul style="list-style-type: none"> • School must inform parent in writing of any changes before changes are implemented (prior written notice). • Written notice required for any IEP meetings and evaluations. • “Stay put” rights- keep services in place while there’s a dispute. 	<ul style="list-style-type: none"> • School must notify parents about evaluation or a “significant change” in placement. • Notice doesn’t have to be in writing, but schools can choose to do so.
Parent consent and evaluations	<ul style="list-style-type: none"> • Parental consent is required to evaluate the child. • Parents must also consent before child can be provided services in an IEP. An evaluation must be done to determine eligibility. 	<ul style="list-style-type: none"> • Parental consent required to evaluate child, but accommodations can be put in place without an evaluation through a doctor’s recommendation or discussion with parent and qualified professionals.

What's the difference: 504 Plan vs. IEP?

	IEP (Individualized Education Program)	504 Plan
How to resolve disputes	<p>IDEA requires that parents have access to the following options for dispute resolution:</p> <ul style="list-style-type: none"> • Due process complaint • State complaint • Mediation <p>IDEA outlines the required procedures for these options in detail.</p> <p>In addition, parents can make complaints to:</p> <ul style="list-style-type: none"> • DC Office of Human Rights • Department of Education Office of Civil Rights 	<p>Section 504 requires that schools offer an impartial hearing to parents who have complaints, but leaves it to school districts to design and implement the hearing process. This means the process is less standardized than under IDEA.</p> <p>Parents can also make complaints to:</p> <ul style="list-style-type: none"> • DC Office of Human Rights • Department of Education Office of Civil Rights <p>Section 504 does not require that states implement a due process, state complaint, or mediation procedure.</p>

What's the difference: 504 Plan vs. IEP?

IEP (Individualized Education Program)	504 Plan
<p data-bbox="40 458 233 501">Discipline</p> <p data-bbox="266 458 966 551">Ensures that students are not put out of school because of their disability.</p> <p data-bbox="266 619 954 868">IDEA requires that students continue to receive a Free Appropriate Public Education (FAPE) while temporarily placed out of school for behavior infractions.</p> <p data-bbox="266 939 987 1358">If a student with an IEP is suspended for more than 10 days in a school year, the school must hold a manifestation determination meeting to determine whether the behavior that led to the suspension is a manifestation of the child's disability. If so, the child cannot be placed out of school.</p>	<p data-bbox="1035 458 1783 551">Ensures that students are not put out of school because of their disability.</p> <p data-bbox="1035 619 1860 818">Section 504 does NOT require that students are provided access to their education while temporarily placed out of school for behavior infractions.</p> <p data-bbox="1035 886 1860 1300">If a student with a 504 plan is suspended for more than 10 days in a school year, the school must hold a manifestation determination meeting to determine whether the behavior that led to the suspension is a manifestation of the child's disability. If so, the child cannot be placed out of school.</p>