

IDEA and 504 Comparison Chart

Component	IDEA	Section 504
Purpose	A federal statute whose purpose is to ensure a free and appropriate education (FAPE) for children with disabilities who fall within one of the specific disability categories as defined by the law.	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 their educational performance and/or ability to benefit from general education.	Covers all persons with a disability from discrimination in educational settings based solely on their disability.
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. 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	<p>Requires a written Individualized Education Program (IEP) 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.</p> <p>Defines “Appropriate Education” as a program reasonably calculated to provide “educational benefit” to the student. Related services (e.g., counseling, speech, transportation, occupational and physical therapy, etc.) are provided as required for the student to benefit from the educational process and are aligned with specially designed instruction.</p>	<p>Does not require a written IEP but does require a documented plan. 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.</p> <p>Defines “Appropriate Education” as comparable to the one provided to general education students.</p>
Funding	Provides additional funding to states and local school districts to help cover the excess cost of providing special education to eligible students.	<p>Does not provide any additional funding to states or local school districts.</p> <p>Additionally, IDEA funds may not be used to serve children found eligible only under Section 504.</p>
Evaluation Procedures	<p>A full evaluation is required, using a variety of assessment tools and strategies to gather relevant functional and developmental 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. Written consent is necessary by parent or guardian before an initial evaluation is conducted.</p> <p>Requires a reevaluation every three years by the IEP team to determine if services are still needed to address the student’s disability, unless the parent and other members of the IEP team agree it is not necessary.</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 the parent or guardian.</p> <p>Requires yearly reevaluations or periodic review.</p>

IDEA and 504 Comparison Chart (continued)

Component	IDEA	Section 504
Independent Evaluation	Allows parents to request an Independent Educational Evaluation (IEE) at the school district's expense if the parent or guardian disagrees with the evaluation obtained by the school district. The independent evaluator must meet the same criteria 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 the parent or guardian prior to identification, evaluation and/or placement of the 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 a 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 the student in learning appropriate behaviors and providing supports to enable the student to be successful in their learning community.</p>	<p>Does not require written notice to the parent and/or placement or guardian.</p> <p>Requires notice before a "significant change" in placement. Requires due process rights if the child is referred for formal evaluation under IDEA, and the team determines not to evaluate.</p>
Placement Decisions	<p>Requires the 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, the continuum of placements and services available.</p> <p>Requires that the student receive a free and appropriate education with his or her non-disabled peers in the least restricted environment (LRE).</p> <p>Requires an IEP meeting 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 the district and schools to use information from a variety of sources and to consider all documented information. Uses 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 or her non-disabled peers.</p> <p>A meeting is not required for a change of placement. Students are served in general education with or without modification.</p>
Due Process	Requires districts to provide resolution sessions and due process hearings for parents or guardians who disagree with the identification, evaluation, implementation of IEP, or the student's LRE placement.	<p>Requires districts to provide a grievance procedure for parents and students who disagree with the identification, evaluation, implementation of plan, or LRE placement. A grievance procedure to follow must be provided to parents and employees and a 504 coordinator identified in the district to assist individuals as needed.</p> <p>Does not require a due process hearing before Office for Civil Rights (OCR) involvement or court action, unless the student is also covered by IDEA.</p> <p>Compensatory damages are possible.</p>