

Section 504 and the Individuals with Disability Education Improvement Act (IDEA) Similarities and Differences

Individuals with Disability Education Improvement Act (IDEA)

Purpose

This law **provides remedial and appropriate special education and related services** to students with disabilities who are eligible under the thirteen (13) specific disability categories defined in the law.

Eligibility

Students **ages 3-21** with disabilities are eligible if they **qualify under one or more of the 13 specific disability categories and are unable to access the general education curriculum**. These categories include:

- Autism
- Deafness
- Deaf-blindness
- Hearing impairment
- Mental retardation
- Emotional disturbance
- Multiple disabilities
- Orthopedic impairment
- Other health impairment
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment.

Evaluation of Students

- Parent/guardian must provide written consent before a student may be evaluated or reevaluated.
- Assessments are conducted by a multi-disciplinary Special Education Team in all areas of suspected disability.
- The Special Education Team determines whether a disability exists; identifies type of disability; establishes if limited progress is due to disability; determines specific specialized instruction if eligible.
- IEP goals and objectives must be reviewed annually and revised as needed.
- A reevaluation must be performed every three years by IEP Team to determine continued eligibility.

Section 504 of the Rehabilitation Act of 1973 (Section 504)

Purpose

This law prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance. In the educational context, the law provides otherwise qualified disabled students with **appropriate educational accommodation and/or services designed to meet the individual needs of the student to the same extent as the needs of students without disabilities**.

Eligibility

Students with a disability are eligible under Section 504 if a student:

- **has a physical or mental impairment** (physiological, mental or psychological disorder) that **substantially limits one or more major life activities**
 - Learning
 - Self-care
 - Walking
 - Seeing
 - Hearing
 - Speaking
 - Breathing
 - Working, manual tasks); or
- has a record of such impairment; or
- is regarded as having such an impairment.

Evaluation of Students

- Parent/guardian must provide written consent before a student may be evaluated or reevaluated.
- The Section 504 Team is comprised of persons knowledgeable about the student, evaluation data, and disability.
- Multiple sources of information must be considered in the area of concern to determine eligibility.
- The Section 504 Team determines whether a disability exists, whether its effect on a major life activity is substantial, and if accommodations/services are required.
- A Section 504 Plan must be reviewed annually and modified as needed.
- A reevaluation must be performed every years to determine continued eligibility.

Section 504 and the Individuals with Disability Education Improvement Act (IDEA)
Similarities and Differences

What is an IEP

A written **Individualized Education Program (IEP)** directly addresses the student’s disability, specialized instruction required, specific services with goals and objectives, and transition planning for students 14 and over.

What is a Section 504 Plan

A written **Section 504 Plan “levels the playing field”** by providing specific accommodations and/or services to address a student’s disability and the major life activity affected.

Independent Evaluation

Allows parent/guardian to request an Independent Educational Evaluation (IEE) at the school district’s expense if parent /guardian disagrees with district’s findings.

Independent Evaluation

Does not allow Independent Educational Evaluations (IEE) at the district's expense or the ability to request an independent education.

What if Parents/guardians and School District Do Not Agree

Parents/guardians who disagree with identification, evaluation, implementation of IEPs or students’ placement may initiate mediation or due process hearings at the Bureau of Special Education Appeals. For further information, consult the Parents’ Notice of Procedural Safeguards.

What if Parents/guardians and School District Do Not Agree

Parents/guardians who disagree with identification, evaluation, implementation of the Section 504 Plan or students’ placement may initiate due process hearings at the Bureau of Special Education Appeals. For further information, consult Notice of Rights Under Section 504 of the Rehabilitation Act of 1973.

Procedural Safeguards

- Parent/guardian must be notified in writing before student can be identified, evaluated, or placed in special education.
- Changes of services or placement require written notice.
- Students are entitled to due process. If disciplinary issues arise, IEP Teams must determine whether a student’s conduct is a result of his/her disability as part of the disciplinary process.
- Parent signature is required to implement an IEP.
- If parent does not agree to a change in the IEP or placement, the student may “stay put” on the previous IEP.

Procedural Safeguards

- Parent/guardian must be notified in writing before student can be identified, evaluated, or provided with a Section 504 Plan.
- Changes of services require written notice.
- Students are entitled to due process. If disciplinary issues arise, Section 504 Teams must determine whether a student’s conduct is a result of his/her disability as part of the disciplinary process.
- Parent signature is required to implement a Section 504 Plan in Cambridge but not required by law.
- “Stay Put” rights do not apply to a Section 504 Plan.