

# A PEATC

Do You Know....



## Factsheet for Virginia's Parents—IEP vs. 504 Which is Right for My Student?

### Two Different Laws Can Help Your Student Succeed

#### Individuals with Disabilities Education Act (IDEA)

**IDEA** is a federal law that ensures a free and appropriate public education for students ages 2-21 who fall within 14 disability categories and who require specialized services and supports. IDEA provides for individualized services and supports that ensure that your student can access and benefit from the general curriculum. It also provides for related services such as counseling, speech, transportation, physical therapy and more.

#### Section 504 of the Rehabilitation Act of 1973, as Amended

**Section 504** is a broader civil rights law with the purpose of protecting people with disabilities from discrimination and to ensure that regardless of age, people with disabilities have equal opportunities and access to facilities, programs and services. In the school setting this means removing barriers that prevent full participation by your student, including providing services and changes to the learning environment that help your student succeed.

#### In What Ways are 504 Plans and IEPs the Same?

- The purpose of both **504 Plans and IEPs** are to help your student succeed in school by providing needed services and supports/accommodations. If your student doesn't qualify for an IEP, he/she may qualify for a 504 Plan.
- They both require that the student have a documented disability, in the case of **IDEA**, one of the 14 federal disability categories; for **504** any mental or physical disability that affects a major life function.
- Both laws are designed to ensure that your student is educated in the least restrictive environment and can access the general curriculum.
- Evaluations (tests) are required under **504 and IDEA**, and services are provided at no cost to the family under both laws.
- Both laws ensure that your student is not removed from school for discipline reasons that are a manifestation (the direct result) of his disability, although **IDEA** protections are greater than those under **504**.

### 504 vs. IEP

Understanding the differences between a 504 Plan and an Individualized Education Program (IEP) will help you decide which is right for your student.

A student with an eligible disability who needs specialized services and supports, including related services, accommodations or instructional changes will likely benefit from an IEP.

A student whose disability affects their learning and who needs classroom or accommodations, such as extra time to take tests (but not specialized instruction), may benefit from a 504 plan.

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# Factsheet for Virginia's Parents

## In What Ways are 504 Plans and IEPs Different?

|                                 | IDEA   | Section 504   |
|---------------------------------|--|---|
| <b>Eligibility for Services</b> | Your student must meet very specific disability specific disability criteria and require special education and related services in order to access the general curriculum.   | It is easier to qualify for a <b>504 plan</b> . A student can have any disability that affects his life in a major way and, also affects learning.  |
| <b>The Plan</b>                 | There are strict legal requirements that say who must participate in <b>IEP</b> development, and the IEP itself is very comprehensive, including all special education and related services in addition to accommodations. Parents are equal members of an <b>IEP team</b> .               | A <b>504 plan</b> is created by a team who knows the student who and understands testing data and service options. There is no standard format for a <b>504 plan</b> . It does not have to be a written document--but it should be to protect the student. Parents do not have to be included when developing a 504 Plan. |
| <b>Educational Benefit</b>      | <b>IDEA</b> guarantees that your student will benefit from his education. Routine progress reporting is required under IDEA.   | <b>Section 504</b> guarantees access to the general curriculum. Routine progress reporting is not required under 504.   |
| <b>Procedural Safeguards</b>    | <b>IDEA</b> has more parent consent requirements, the right to an independent educational evaluation, the right to be equal participants in your student's education; and more rights under disciplinary procedures. IDEA also provides for standardized methods to resolve disagreements. | The rights listed in the column on IDEA are either not available or are much more limited under Section 504.  |

## 504 Plan or IEP?

Mary uses a wheelchair due to Muscular Dystrophy. She needs more time to get to class and breaks to stretch. Mary performs well academically. Mary can benefit from a 504 Plan to put these accommodations in writing so that all her teachers understand her needs.

Mark has Dyslexia, a learning disability. His dyslexia significantly affects his ability to access the general curriculum, and Mark needs specialized services and supports, including reading instruction, changes to the math curriculum and more time to take tests. Mark likely needs an IEP to be successful.

Jennifer has Autism. She gets good grades, but has challenges with focus and processing. She needs to sit up front, have more time for tests, and needs help with notetaking. She does not need specialized instruction or related services and can benefit from a 504 plan.

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

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