

The difference: IEPs vs. 504 plans

Is a 504 Plan and an IEP the same thing? No, they are not the same and knowing the difference is important when determining the type of services and interventions your child needs to help them be successful in school.

	Individualized Education Plan (IEP) <i>(Italicized sections are direct quotes from the US Dept. of Education IDEA website)</i>	Section 504 Plan <i>(Italicized sections are direct quotes from the Office of Civil Rights Section 504 webpage)</i>
The Basics	To receive an IEP, your child will have to qualify through a special education evaluation at school. This is the first step in the process. When your child has an IEP, this means they are working within the Special Education Department at your school. IEP's fall under the Individuals with Disabilities Education Act (IDEA) which are federal laws for educating students with disabilities.	A 504 plan is a list of accommodations that a child receives at school to help them achieve the best educational outcome possible. A 504 plan does not require a formal evaluation or a diagnosis. Children who are not able to qualify for an IEP may qualify for a 504 plan. Although 504 accommodations are not part of the Individuals with Disabilities Act, they are covered under Section 504 of the Rehabilitation Act of 1973.
Who Qualifies?	Students with a disability as defined by the IDEA, provided that the disability limits the child's ability to learn in a general education classroom. The child must demonstrate a need for specialized instruction through a formal evaluation process and by meeting criteria.	<i>To Qualify for a 504 the student must (i) have a physical or mental impairment which substantially limits one or more major life activities (learning for dyslexic children), (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.</i> <i>Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions.</i>
Who must follow an IEP?	Teachers and school staff are bound by the terms of the IEP. § 300.350 IEP-accountability. <i>Each public agency must -</i> <i>(1) Provide special education and related services to a child with a disability in accordance with the child's IEP; and</i> <i>(2) Make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.</i>	<i>Regular education teachers must implement the provisions of Section 504 plans when those plans govern the teachers' treatment of students for whom they are responsible. If the teachers fail to implement the plans, such failure can cause the school district to be in noncompliance with Section 504.</i>

<p>Changes and Consent</p>	<p>Parents of a child with an IEP must be given written notice and agree to changes made to their child’s IEP. Parents must consent to their child having the initial evaluation for the IEP and the implementation of services. An IEP must be reviewed yearly.</p>	<p>Section 504 requires that parents of a child with a 504 plan are given notice (does not have to be in writing but it often is) of any significant changes to their child’s 504 plan. As with an IEP, parents must give consent for the initial evaluation and implementation of a 504 plan.</p>
<p>Once the student is eligible for services, is he/she always eligible for services?</p>	<p><i>At least every three years the child must be reevaluated. This evaluation is often called a "triennial." Its purpose is to find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parent or teacher asks for a new evaluation.</i></p>	<p><i>Yes, as long as the student remains eligible. The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. If a recipient school district re-evaluates a student in accordance with the Section 504 regulatory provision at 34 C.F.R. 104.35 and determines that the student's mental or physical impairment no longer substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.</i></p>
<p>Other</p>	<p><i>As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, must not consider the ameliorating effects of any mitigating measures that student is using. This is a change from prior law. In the Amendments Act, however, Congress specified that the ameliorative effects of mitigating measures must not be considered in determining if a person is an individual with a disability. Congress did not define the term “mitigating measures” but rather provided a non-exhaustive list of “mitigating measures.” Among them are the “use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications.”</i></p> <p><i>Congress created one exception to the mitigating measures analysis. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining if an impairment substantially limits a major life activity.</i></p>	

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