

Comparison of IDEA and Section 504

	IDEA	Section 504
Eligibility	- Covers all school-aged children who fall within one or more specific categories of qualifying conditions (i.e., autism, specific learning disabilities, speech or language impairments, emotional disturbance, traumatic brain injury, visual impairment, hearing impairment, and other health impairments)	- Covers individuals who meet the definition of qualified "handicapped" person - one who has an impairment that substantially limits a major life activity (walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks)
	- Requires that a child's disability adversely affects her educational performance	- Does not require that a child need special education to qualify. Students who are not eligible for services under IDEA may be entitled to accommodations under Section 504
Evaluation	- Requires that the child be comprehensively evaluated by a multidisciplinary team	- Evaluation draws on information from a variety of sources and is documented
	- Provides for independent evaluation at the district's expense if parents disagree with first evaluation	- No provisions made for independent evaluation at school's expense
	- Requires that parents understand and give written consent	- Decisions about the child, evaluation data, and placement options are made by knowledgeable individuals. Such decisions <u>do not</u> require written consent of the parents, only that the parents are notified
	- Requires a reevaluation of the child at least once every three years, or if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation	- Requires "periodic" reevaluation, but no specific time frame
	- Does not require reevaluation before a significant change in placement	- Requires reevaluation before a significant change in placement
Responsibility to Provide FAPE	- Requires an individualized education program (IEP)	- Does not require an IEP, but does require a plan
	- "Appropriate" education means a program designed to provide "educational benefit" for a person with disabilities	- "Appropriate" compared to the education provided to those students who are not disabled

	- Placement may be any combination of special education and general education classrooms	- Placement is usually in a general education classroom. Student can receive specialized instruction, related services, or accommodations within the general education classroom
	- Provides related services, if required. Related services include things like therapy, counseling or psychological services, social services, and transportation	- Provides related services, if needed
Due Process	- Must provide impartial hearings for parents who disagree with the identification, evaluation, or placement of the student.	- Must provide impartial hearings for parents who disagree with the identification, evaluation, or placement of the student
	- Requires written consent	- Does not require parental consent
	- Describes specific procedures	- Requires only that parents have an opportunity to participate and be represented by legal counsel
	- An impartial appointee selects a hearing officer	- A hearing officer is usually appointed by the school
	- Provides "stay-put" provision (the A hearing officer is usually appointed by the school. A hearing officer is usually appointed by the school. Student's current IEP and placement continues to be implemented) until all proceedings are resolved	- No "stay-put" provisions
	- Parents must receive ten days' notice prior to any change in placement	- Does not require that parents are notified <u>prior</u> to the student's change of placement, but they still must be notified
	- Enforced by U.S. Department of Education, Office of Special Education	- Enforced by U.S. Department of Education, Office of Civil Rights.

Information for table from [LDonline](#), taken from CEC article, 2002.