IEP v 504
What is the Difference?

Ohio Coalition for the Education
of Children with Disabilities

Brief Description

IEP

It is a formal blueprint or plan for a child's special education services at school. <u>It is an</u> *Individualized Education Program*.

504 Plan

It is a formal blueprint or plan for how the school will provide support and remove barriers for a student with a disability. It may be referred to as a Section 504 Plan.

What It Does

IEP

It provides individualized special education and related services to meet a child's unique needs.

It provides a free appropriate public education (FAPE).

504 Plan

Provides services and changes to the learning environment to enable students to learn alongside their peers.

SEE NOTE: May include related services, such as psychological and counseling services; or speech or occupational therapy.

Under Section 504, *Additional Considerations for Placement and Services Under Section 504*: Students who are identified as having a disability and needing special education and/or related aids and services are entitled to special education and a broad range of supplemental and related aids and services, as needed, such as tutors, note-takers, or one-on-one aides, assistive technology, psychological and counseling services, or speech or occupational therapy. 82

Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools

What law applies?

IEP

The Individuals with Disabilities Education Act (IDEA)

This is a federal special education law for children with disabilities.

504 Plan

Section 504 of the Rehabilitation Act of 1973

This is a federal civil rights law to stop discrimination against people with disabilities.

Who is eligible?

IEP

To obtain an IEP, there are two requirements:

1. A child has one or more of the 13 disabilities listed in IDEA. The law lists specific challenges, such as learning disabilities, ADHD, autism, and TBI.
2. The disability must affect the child's educational performance and/or ability to learn and benefit from the *general education curriculum*. The child must need specialized instruction to make progress in school.

504 Plan

To obtain a 504 plan, there are two requirements:

1. A child has *any* disability. Section 504 covers a wide range of different struggles in school.
2. The disability must interfere with the child's ability to learn in a general education classroom.

Section 504 has a broader definition of a disability than IDEA. (It states that a disability must **substantially limit** one or more major life activities. This can include learning, reading, communicating, and thinking.) That is why a child who does not qualify for an IEP might still be able to get a 504 plan.

Independent Educational Evaluation [IEE]

IEP

Families can ask the school district to pay for an *independent educational evaluation* (IEE) by an outside expert. The district does not have to agree to implement findings. Families can always pay for an outside evaluation themselves, but the district may not give it much weight[A1] .

 [A1]Or you could say "the district may not give it much credence."

504 Plan

This does not allow families to ask for an IEE. As with an IEP evaluation, families can always pay for an outside evaluation themselves.

Who creates the plan?

IEP

There are strict legal requirements. An IEP is created by an IEP team that **must** include:

- The child's parent or caregiver.
- At least one of the child's general education teachers.
- At least one special education teacher.
- School psychologist or other specialist who can interpret evaluation results.
- A district representative with authority over special education services.

With a few exceptions, the entire team must be present for IEP meetings.

504 Plan

The rules about who is on the 504 team are less specific than they are for an IEP.

A 504 plan is created by a team of people who are familiar with the child and who understand the evaluation data and special services options. The 504 team may include:

- The child's parent or caregiver.
- General and special education teachers.
- The school principal.

What is in the plan?

IEP

An ODEW form is required. The IEP sets learning goals and objectives and describes the services the school will provide. It is a written document.

Here are some of the most important things the IEP must include:

- The child's present levels of academic and functional performance—how the child is currently doing in school;
- Annual education goals for the child and how the school will track progress.
- The services the child will get—this may include special education, related, supplementary, and extended school year services.
- The timing of services—when they start, how often they occur, and how long they last.
- Any accommodations—changes to the child's learning environment;
- Any modifications—changes to what the child is expected to learn or know;
- How the child will participate in standardized tests.
- How the child will be included in general education classes and school activities.

504 Plan

There is no standard 504 plan. Unlike an IEP, a 504 plan does *not* have to be a written document.

A 504 plan generally includes the following:

- Specific *accommodations*, supports, or services for the child.
- Names of who will provide each service.
- Name of the person responsible for ensuring the plan is implemented.

Notice

IEP

When the school wants to change a child's services or *placement*, it has to tell families in writing *before* the change. This is called [prior written notice](). Notice is also required for any IEP meetings and evaluations.

Families also have ["stay put" rights]() to keep services in place while there is a disagreement about the IEP.

504 Plan

The school must notify families about an evaluation or a "significant change" in placement. Notice does not have to be in writing, but most schools do so anyway.

Consent

IEP

A parent or caregiver must consent in writing for the school to evaluate a child. They must also consent in writing before the school can provide the services in an IEP.

504 Plan

A parent or caregiver consent is required for the school district to evaluate a child and before the 504 plan is implemented.

How Often Reviewed/Revised

IEP

The IEP team must review the IEP at least once a year.

The child **must** be reevaluated every three years to determine whether services are still needed.

504 Plan

Generally, a 504 plan is reviewed each year, and a reevaluation is done every three years or when needed.

Resolving Disputes

IEP

IDEA gives families several ways to resolve disputes:

- Mediation
- Due process complaint
- Resolution session
- Civil lawsuit
- State complaint

504 Plan

Section 504 gives families several options for resolving disagreements with the school:

- Mediation
- Alternative dispute resolution
- Impartial hearing
- Complaint to the Office for Civil Rights (OCR)
- Lawsuit

IEP

Students have the right to continued services during the duration of expulsion.

504 Plan

No right to continued services during the duration of expulsion.

IEP

Students receive these services at no charge.
States receive additional funding for students with IEPs.

504 Plan

Students receive these services at no charge.

States do not receive extra funding for students with 504 plans. But the federal government can take funding away from programs (including schools) that do not meet their legal duty to serve kids with disabilities.

IDEA funds cannot be used to serve students with 504 plans.

In Summary

- Our purpose is to support families of children with disabilities.

- Our services are at no cost to parents.

- We are here to give a voice to parents and children dealing with life's challenges.
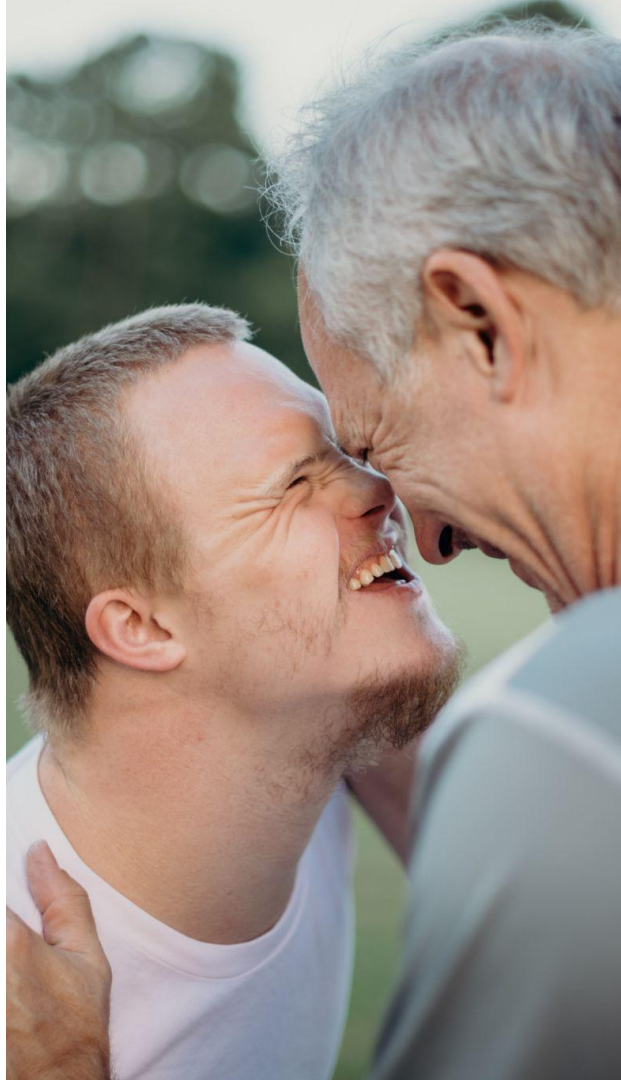
OCECD

Executive Offices
125 Executive Drive Suite 200
Marion, Ohio 43302

Phone Contact
1-844-382-5452

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