

What is the Difference between Section 504 and IDEA?

Component	IDEA	Section 504
Title	Individuals with Disabilities Act (IDEA)	The Rehabilitation Act of 1973
Type	An Education Act	A Civil Rights Law
General Purpose	Individuals with Disabilities Education Act is a federal funding statute that's purpose is to provide financial aid to states in their efforts to ensure adequate and appropriate services for students with disabilities.	The Rehabilitation Act of 1973 is a broad civil rights law which protects the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.
Who is Protected?	<p>Identifies all school-aged children who qualify for service under one/more of the following twelve (12) IDEA disabling conditions: learning disabilities, mental disabilities, behavioral disorder, hearing impairment, visual impairment (including blind), communication disorder, autism, head injury, physically disabled, speech and language impaired, severe and profound, and deaf/blind.</p> <p>A disabled person who, with reasonable accommodation, can perform the essential functions of the job.</p>	<p>Identifies all school-aged children as disabled who meet the definition. The child has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for one's -self, and performing tasks. The condition needs only to substantially limit one major life activity in order for the student to be eligible.</p> <p>Overall coverage for certain students, employees, and parents with extracurricular activities, facilities access and comparability.</p>
Responsibility	Special Education	Regular Education
Administration	Special Education director or designee	Section 504 coordinator
Population	Identifies 12 categories of qualifying conditions	Identifies student as disabled so long as she/he meets the definition of qualified persons with disabilities (has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others).
Responsibility to FAPE	Requires a written IEP document with specific participants at the IEP meeting. "Appropriate education" means a program designed to provide "educational benefit." Related services are provided if required for the student to benefit from specially designed instruction.	Requires a written educational accommodation plan. "Appropriate" means an education with accommodations, comparable to the education provided to non-disabled students. Related services may be necessary for making reasonable accommodations.
Special Education vs. Regular Education	A student is only eligible to receive special education and/or related services if the child's study team determines that the student has a disability under one of the 12 qualifying conditions and requires specially designed instruction to benefit from education.	<p>A student is eligible so long as the student meets the definition of a qualified person with disabilities; i.e., currently has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others.</p> <p>It is not required that the disability adversely affects educational performance, or that the student needs special education in order to be protected.</p>
Drug and Alcohol Use	Drug and Alcohol use is not covered under IDEA.	<p>Current drug use is not considered a disability.</p> <p>Current alcohol abuse that prevents individuals from performing duties of the job or that constitutes direct threat to property.</p> <p>An individual who has stopped using drugs and/or alcohol and is under rehabilitation could be protected.</p>
Funding	State, local and federal responsibility which provides additional funding for eligible students. IDEA funds cannot be used to serve students eligible only under Section 504.	State and local responsibility (no federal funding).

Eligibility	A student is only eligible to receive special education and/or related services if the multi-disciplinary team determines that the student has a disability under one of the qualifying conditions and requires special education services.	A student is eligible so long as she/he meets the definition of qualified person with disabilities: i.e., currently has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others. The student is not required to need special education services in order to be protected.
Service Tool	Individual Education Program	Accommodation plan and/or services.
Program Accessibility	Requires that modifications must be made if necessary to provide access to a free appropriate public education.	Has regulations regarding building and program accessibility, requiring that reasonable accommodations be made.
Procedural Standards/Safeguards	Requires consent from the parent or guardian with respect to identification, evaluation, and placement. Written notice is required prior to any change in placement. Notice provisions are much more comprehensive. What the notice must provide, at a minimum, is specifically spelled out.	Requires notice to the parent or guardian with respect to identification, evaluation, and placement. Written notice is best practice. Notice is required before a "significant change in placement."
Evaluations	A full comprehensive evaluation is required assessing all areas related to the suspected disability. The student is evaluated by a multi-disciplinary team. Requires consent before the initial evaluation is conducted. Requires re-evaluation to be conducted every 3 years. Most students covered by IDEA are also Section 504 eligible. Provides for independent educational evaluation. A due process hearing is available if the school and parent disagree on the need for an independent evaluation.	Evaluation draws on information from a variety of sources in the area of concern. Decisions made by a group knowledgeable about the student, evaluation data, and placement options. Requires parental notice, but not consent. Requires periodic re-evaluations. Re-evaluation is required before a significant change in placement. No provisions for independent evaluations at district expense. The school district should consider other evaluations and information regarding the student.
Placement Procedures	When interpreting evaluation data and making placement decision, both laws required districts to: <ul style="list-style-type: none"> · Draw upon information from a variety of sources. · Assure that all information is documented and considered. · Ensure that the placement decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options. Ensure that the student is educated with his/her nondisabled peers to the maximum extent appropriate (Least Restrictive Environment – LRE) Required notice and evaluation before any change of placement	When interpreting evaluation data and making placement decision, both laws require districts to: <ul style="list-style-type: none"> · Draw upon information from a variety of sources. · Assure that all information is documented and considered. · Ensure that the placement decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options. Ensure that the student is educated with his/her nondisabled peers to the maximum extent appropriate. Requires notice and evaluation before any change of placement.
Review of Program	An IEP review meeting is required annually or before any change in placement.	Accommodations should be reviewed periodically.
Grievance Procedure	Requires neither grievance procedure nor a compliance officer.	Requires districts with more than 15 employees to designate an employee Section

		504 coordinator to be responsible for assuring compliance with Section 504 and provide a grievance procedure for parents, students, and employees.
Due Process	<p>This statute requires districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of student with disabilities.</p> <p>Iowa state rules dictate specific procedures and area education agencies' involvement.</p> <p>Delineates specific requirements.</p>	<p>This statute requires districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of students with disabilities.</p> <p>Requires that the parents have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify specific details.</p>
Exhaustion	The parent or guardian should exhaust all administrative hearings before seeking redress in the courts.	<p>Administrative hearing not required prior to OCR involvement or court action.</p> <p>Complaint may be filed with the Office for Civil Rights (OCR) without exhausting IDEA procedures.</p>
Enforcement	<p>Enforced by the U.S. Office of Special Education Programs, State Education Agency, United States and state Department of Education, and state agencies.</p> <p>Compliance is monitored by the State Board of Education and the Office of Special Education Programs.</p>	Enforced by the U.S. Office for Civil Rights.