

Individual Education Plans (IEP) and 504 Plans

Ages 3+

As a parent, you are your child's greatest advocate, supporter, and cheerleader. By becoming knowledgeable regarding educational laws as well as services and programs available within your community, you can ensure that your child receives a Free and Appropriate Public Education (FAPE). There are two primary laws that cover your child's rights to a public education:

1. Individuals with Disability Education Improvement Act (IDEA)
2. Section 504 of the Rehabilitation Act of 1973

Understanding how Section 504 and IDEA work with each other and complement each other allows you as the parent to better assist your child's educational team in ensuring your child's right to a Free and Appropriate Education (FAPE) is provided allowing for maximum educational success.

What is an IEP?

An IEP is an individual education plan, which is part of the special education laws of the IDEA 97 laws or educational benefit laws. IDEA allows for additional services and protections for disabled children not offered to other children such as accommodations, modifications, related and special education services to allow the child to be successful in school.

What is a 504 plan?

Section 504, of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination against individuals with disabilities. Section 504 ensures that a child with a disability has equal access to an education. The child may receive accommodations and modifications even if he or she does not qualify for special education. Any school or program receiving federal funds must follow this law.

What are the similarities between the two plans?

Both plans can provide the student with certain accommodations and modifications to allow a disabled child to be more successful in school. Related services can be provided for students on either plan, such as occupational therapy, physical therapy, and speech and language therapy. Neither plan requires the student to have a change of placement. The child may stay in a regular classroom.

What are the main differences between the two?

A student receiving Special Education (SPED) through an IEP is protected under all Section 504 laws. The opposite is not true. Section 504 does not require the school to come up with a system of safeguards such as:

- Parental notice of evaluation or placement decision
- Parental review of records
- Impartial hearing for appeals

SPED has a more elaborate system of safeguards to protect the parent and child, such as:

- Prior Written Notice of all evaluations, changes to IEP and placement changes
- Right to an independent evaluation at the public school's expense
- Arbitration or mediation if the parent and school do not agree on the plan
- Administrative Complaint Process
- Due Process Hearing

A 504 plan includes only accommodations, modifications, and related services as needed. It does not allow for direct or indirect services with the student, or consultation services regarding the student between the special education teacher and regular education teachers. An IEP does provide for services through SPED teachers with the student and consultation with the regular classroom teachers.

Qualifying for Special Education and an IEP

Special education allows a child to have an individual education plan (IEP) when the child's disability interferes with the student's education and performance. Special Education is available for all children that qualify from age 3 through age 21 or upon graduation from high school, whichever comes first. If a parent feels their child requires special education, the first step is to contact the school the child is attending and explain what how you feel your child's disability will affect education. The next step is the evaluation, which will include:

- a letter or form from the physician explaining the child's specific medical concern
- interview with parents
- interview with teachers
- information from parents
- specific testing, including all areas related to suspected disability

If the child is qualified as "other health impaired" it does not require that testing be performed to show a learning disability. However, this does require proof, from your physician, of a medical disability that affects the child's education.

After the evaluation is completed, the team will meet. The team consists of the parent, the student (if he/she is at least 14 years old), regular education teacher, a Local Educational Agency (LEA) representative (usually the principal) and a representative from any area that the child was tested in (i.e. speech pathologist, audiologist, psychologist). The parent may bring an advocate, such as a more experienced parent, to this and all team meetings. At the team meeting, all findings will be reviewed, including the teacher's observations, the physician's information, and any testing that has been completed. The parent may share any literature they have on the child's disability and how it will affect him or her in school at this time. After discussing the findings, the team will make a decision on eligibility.

Qualifying for a 504 Plan

Eligibility for a 504 plan requires a physical or mental disability, which substantially limits at least one major life activity (i.e. walking, writing, speaking, etc.) If the child qualifies for an IEP the parent cannot legally choose to use a 504 plan instead.

The first step is to contact the school the student is attending. Most schools will evaluate a student to see if the student will qualify for special education first. If the child does not meet eligibility criteria for special education, the school will evaluate for a 504 plan. The team will get information from the parents, classroom teachers, attending physician, and more, depending on the impairment. A 504 plan allows for many accommodations and modifications depending on the exact disability. Depending on various factors, an audiologist may recommend various accommodations and modifications for students with hearing loss, which may include any of the following listed on the next page. As needed, 504 plans also allow for related services such as speech and language therapy and/or audiology services. The final modifications and accommodations will be individualized, according to state regulations.