

## IDEA and Section 504 Side-by-Side

*(As it applies to Public School education)*

IDEA applies to public school settings only. Section 504 applies to settings that received Federal dollars, such as a library or the post office or some colleges and universities. IDEA and Section 504 are both civil rights laws.

IDEA – Individuals with Disabilities Education Act of 2004	Section 504 of the Rehabilitation Act of 1973
IDEA is a federal public education law (first enacted in 1975)	Federal civil rights law (enacted in 1973)
Entitlement: Entitles eligible children with disabilities to be offered special education and related services	Civil rights law: Prohibits discrimination on the basis of disability
Provides specialized instruction and related services to eligible students	Provides accommodations and some modifications to meet disability-related needs
Applies to children from birth to age 21 who has not yet received a diploma; no provisions for post-secondary education	Applies to all ages and to areas other than public education, (but contains special provisions applicable only to elementary and secondary education); other rules apply only to post-secondary education
Requires the provision of FAPE: a “free and appropriate public education”	Requires the provision of FAPE: a “free and appropriate public education”
Requires eligibility determination that the child (1) has a disability that meets the IDEA definition, and (2) requires specialized instruction to benefit from education	Requires eligibility determination that the child (1) has a disability that substantially limits one or more major life activities, and (2) needs accommodation to prevent discriminatory treatment
Evaluation is needed to determine eligibility under the IDEA definition and appropriate supports and services	Evaluation is needed to determine eligibility and appropriate accommodations
Eligibility process can be accessed by a written request from the parent/guardian (refer to our website, <a href="http://www.arc-ad.org">www.arc-ad.org</a> under Advocacy, for a draft letter on “How to request a Special Education Eval for Eligibility”)	Eligibility process can be accessed by a written or verbal request from the parent/guardian to the school principal or 504 school coordinator
Procedural protections to insure strong parental involvement; parent consent required	Parental involvement important and encouraged but is not required; less emphasis on procedural safeguards than IDEA
Needs and services determined by IEP team including parents and student.	Needs and accommodations determined by multi-disciplinary team including parents and student.
Documented in a written plan called IEP: Individualized Education Plan	Documented in a written plan called a 504 or Accommodation Plan
Uniform system of procedural and substantive safeguards and due process rights mandated by federal law	Each school or LEA (Local Education Agency) is responsible for adopting its own due process procedures that meet the non-discrimination standard
Services can be delivered in a wide variety of settings	Services usually delivered in a general education classroom

There is another civil rights law enacted for “public accommodations” like a restaurant, a bank, or a hotel, and others (not an exhaustive list). The Americans with Disabilities Act (ADA) provides protections for persons with disabilities in settings that do not receive Federal money.