

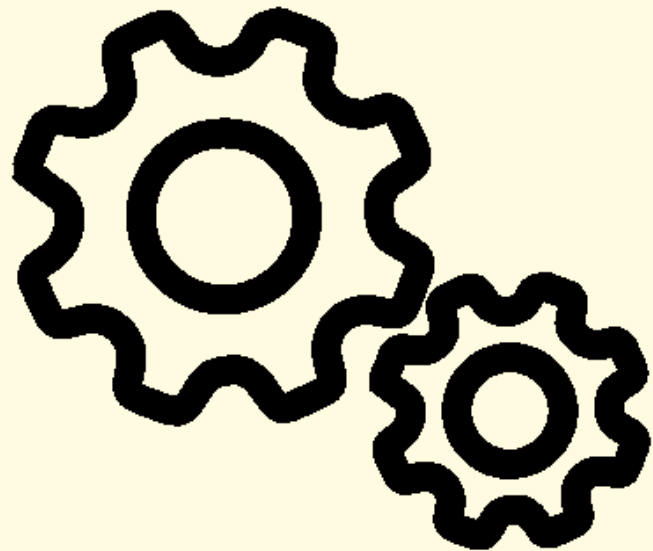
ADVOCACYDENVER
providing active voice and supporting civil rights
for people with disabilities

INDIVIDUALS WITH DISABILITIES EDUCATION ACT VS. SECTION 504

Empowering Families to Advocate Effectively

the center for
SPECIAL
EDUCATION
LAW

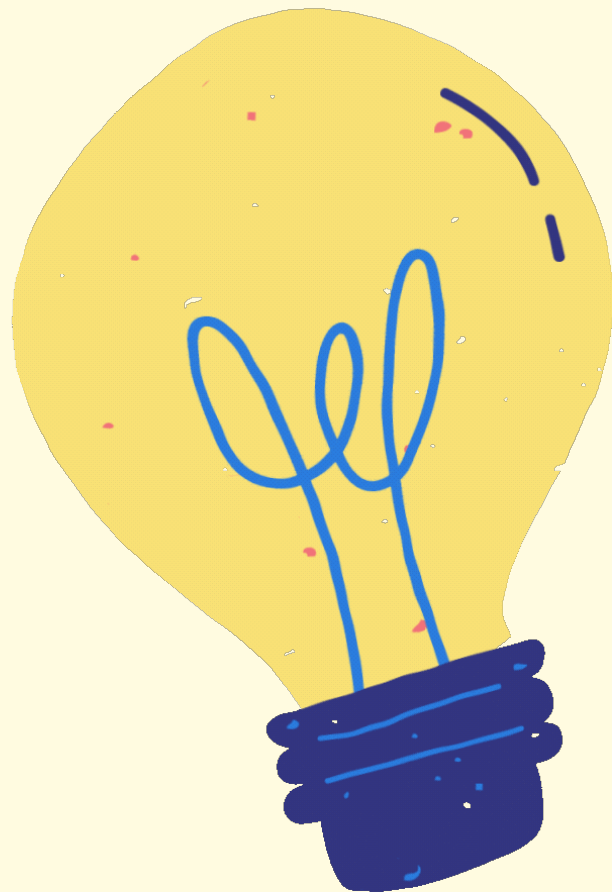
What's the Individuals with Disabilities Education Act (IDEA)?



A federal law that supports special education by...

- 1 Ensuring students aged 3-21 have the right to a free appropriate public education (**FAPE**) AND
- 2 Ensuring students learn in the typical classroom or least restrictive environment (**LRE**) as much as possible

What is Section 504 of the Rehabilitation Act (Section 504) ?



1

A federal law ensuring children and adults have the right to equal access to education, employment, health care and community services

2

Applies to any entity/organization/agency that receives federal funding

TIME SPANS OF PROTECTIONS

1. IDEA →

- birth to three years old
- three years old to end of schooling - the end of school is when one exits from school, graduates with a regular diploma, or ages out at 21 years old

2. SECTION 504→

- protects the individual throughout their lifetime



WHEN SHOULD SCHOOLS CONSIDER EVALUATING A STUDENT?

IDEA

Student has been diagnosed with a specific disabling condition

SECTION 504

Student returns to school after a serious illness, or exhibits a chronic health condition or is diagnosed with a disabling condition

DEFINITION OF DISABILITY

IDEA

1. Autism
2. Deaf-Blindness
3. Deafness
4. Emotional disturbance
5. Hearing impairment
6. Intellectual disability
7. Multiple disabilities
8. Orthopedic/other health impairment
9. Specific learning disability
10. Speech or language impairment
11. Traumatic brain injury
12. Visual impairment, including blindness
13. Developmental delay (for ages three-eight)

SECTION 504

A physical/mental impairment that substantially limits a major life activity (breathing, walking, reading, talking, +)

Record of
impairment

Regarded as having impairment

Specialized vs. Comparable

IDEA → students are placed in the least restrictive environment (**LRE**) to the maximum extent possible with appropriate supports and received specialized instruction

Section 504 → students are to receive services comparable to those provided to students without disabilities.

BOTH → Students eligible under IDEA will almost always enjoy protection under 504, but students eligible under 504 do not always qualify for protection under the more narrow categories listed under the IDEA



DISTRICT OBLIGATIONS FOR IDEA AND SECTION 504

CHILD FIND



Requires that schools locate, identify, examine, and notify students with disabilities and their families of district obligations



CHILD FIND PROCESS FOR IDEA AND SECTION

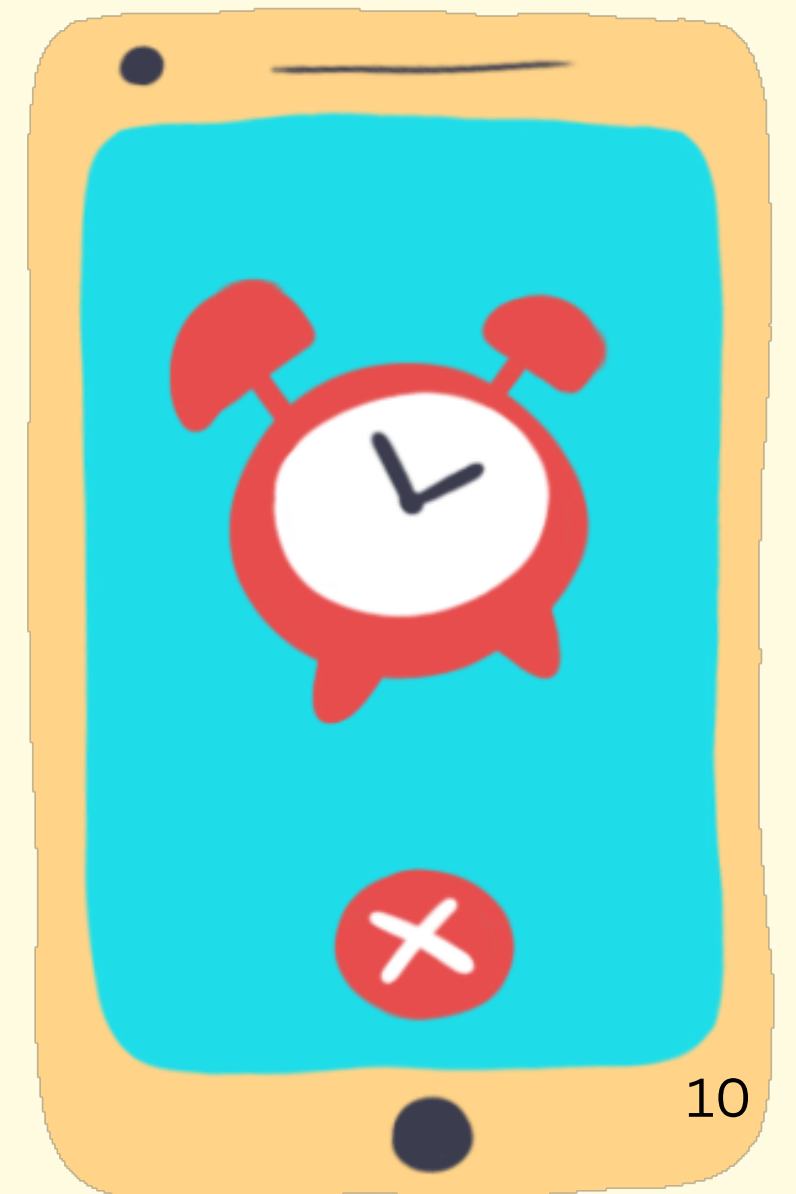
504

- Referral
- Evaluation
- Eligibility Meeting
- Free and Appropriate Public Education (**FAPE**) if eligible

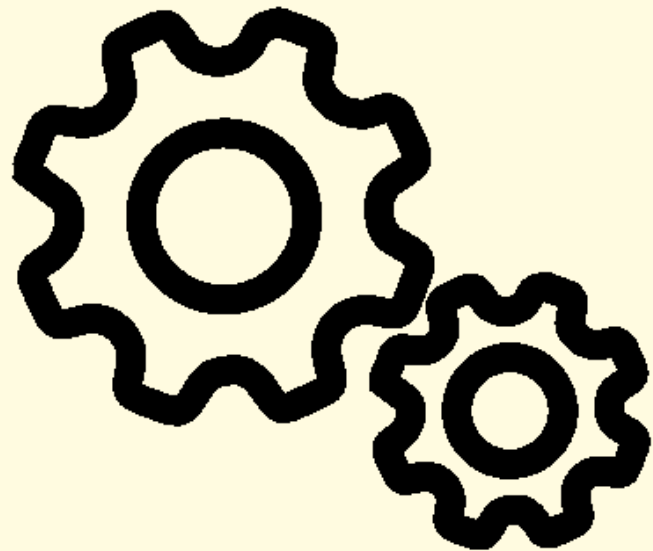
NOTIFICATION

IDEA and SECTION 504

- School must provide notice **in writing** to parent/guardian of intent to evaluate child.
- Written consent from parent/guardian must be provided.



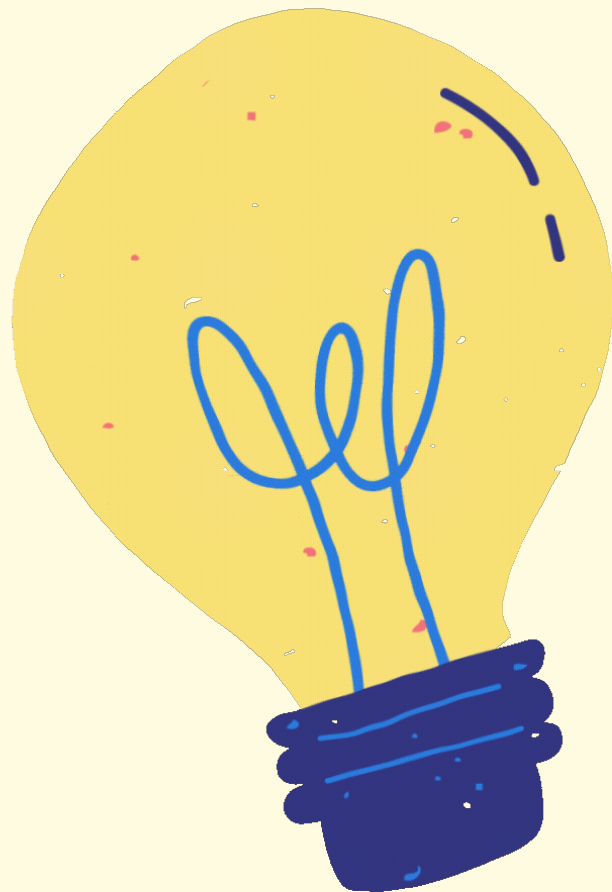
IDEA EVALUATION



Child is assessed in all areas related to the suspected disability which could include...

- Cognitive
- Communicative
- Educational
- Social/Emotional
- PhysicalHealth/Motor
Development
- Vision and Hearing Screening

SECTION 504 EVALUATION



Evaluation should accurately and completely assess the nature and extent of the disability.

- Review of private medical/psychiatric records, private evaluation, school records including discipline, attendance, teacher observations
- Can include comprehensive testing

WHAT IS THE PLAN?

- District staff is obligated to provide the services, accommodations and/or modifications described within the document.



WHAT DOES A PLAN ENTAIL?

IDEA

- Individualized Education Program (**IEP**)
- The IEP team must determine if the student remains eligible for special education services every three years.

SECTION 504

- Plan and services are reviewed periodically (annual basis)
- Changes are documented
- If the plan is to be terminated, parents are notified and documentation is provided



Both → copies of the IEP/504 Plan are provided to parent and appropriate school and district staff

IMPLEMENTATION OF PLAN

IDEA → IEP

- Special education and related services
- Least restrictive environment (**LRE**)
- Goals

SECTION 504 PLAN

- Services and supplementary aids



BOTH → include accommodations, modifications, and define the offer of a free appropriate public education (**FAPE**)

WHAT ARE ACCOMMODATIONS?

Changes in how a student accesses and demonstrates learning..

For example → extended testing time, preferential seating, assistive technology.

WHAT ARE MODIFICATIONS?

Changes in what a student is expected to learn and demonstrate.

For example → changes in instructional level, content, and performance criteria.



FREE APPROPRIATE PUBLIC EDUCATION

IDEA

Special education and related services that...

- are provided at public expense (without charge).
- meet the standards of the state education agency.
- are provided in conformity with the **IEP**.

SECTION 504

The right to...

- access education equally to that of nondisabled students.
- be educated with students without disabilities to the maximum extent appropriate with the use of supplementary aids/services.
- have the school district make accommodations to allow the student an opportunity to participate in school related activities.




RESOLUTION → FORMAL PROCEDURES

IDEA

- IEP Facilitation
- Mediation
- State Complaint
- Due Process

SECTION 504

- Mediation
 - Grievance
 - Impartial Hearing
 - Office for Civil Rights
- 



Learn more at

ADVOCACYDENVER.ORG



ADVOCACYDENVER
providing active voice and supporting civil rights
for people with disabilities

THANK YOU!

the center for
SPECIAL
EDUCATION
LAW