

Special Education and Section 504 Comparison

	Special Education	Section 504
Purpose	IDEA is a federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure adequate and appropriate services for disabled students ages 3-21.	Section 504 is a broad civil rights law that 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 covered?	Identifies all school-aged children who fall within one or more specific categories of qualifying conditions. IDEA identifies 13 disabling conditions for purposes of eligibility.	Identifies all school-aged children who meet the definition of an individual with disabilities.
Free and Appropriate Public Education (FAPE)	<p>Both laws require the provision of FAPE to eligible students covered under them including individually designed instruction.</p> <p>Requires a written IEP document with specific content and required specific participants at the IEP team meeting.</p> <p>“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.</p>	<p>Both laws require the provision of a FAPE to eligible students covered under them including individually designed instruction.</p> <p>Does not require a written IEP document, but it is necessary for the district to document that a group of persons knowledgeable about the student convened, reviewed evaluation data and agreed upon needed services and placement options.</p> <p>“Appropriate” means an education comparable to the education provided to students without disabilities, including accommodations or services that afford students with disabilities an equal opportunity to obtain the same results, gain the same benefit or reach the same level of achievement as other students.</p>
Eligibility	A student is eligible to receive IDEA services if the multidisciplinary team determines that the student is disabled under one or more of the specific qualifying conditions and requires specifically designed instruction to benefit from education.	A student is eligible so long as he/she meets the definition of an individual with a disability that impacts a major life activity within the school environment.
Funding	Provides additional funding for eligible students.	Does not provide additional funding. IDEA funds may not be used to serve students found eligible only under Section 504.
Accessibility	Requires that accommodations must be made if necessary to provide access to a FAPE.	Has regulations regarding building and program accessibility.
Procedural Safeguards	<p>Both require notice to the parent/guardian with respect to identification, and/or placement, and procedural protections.</p> <p>Requires written notice.</p> <p>Delineates required components of written notice.</p>	Both require notice to the parent/guardian with respect to identification, and/or placement, and procedural protections.
Evaluations	<p>A full individual evaluation is required, assessing all areas related to the suspected or known disability. The student is evaluated by a multidisciplinary team.</p> <p>Requires informed consent before an initial evaluation is conducted.</p> <p>Requires reevaluations to be conducted at least every 3 years.</p> <p>Provides for independent educational evaluation at district expense if parent/guardian disagrees with evaluation obtained by school and hearing officer or district concurs.</p>	<p>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.</p> <p>Does not require consent, only notice. However, good practice would include informed consent.</p> <p>Requires periodic reevaluation.</p> <p>No provision for independent evaluations at district expense. District should consider any such evaluations presented.</p>
Placement/Least Restrictive Environment	<p>When interpreting evaluation data and making placement decisions, both laws require the district to:</p> <ol style="list-style-type: none"> Draw upon information from a variety of sources. Assure that all information is documented and considered. Assure that the eligibility decision is made by a group of persons including those who are knowledgeable about the student, the meaning of the evaluation data, and placement options. <p>Ensure that the student is educated with his/her nondisabled peers to the maximum extent appropriate (least restrictive environment.)</p>	Same as IDEA.
Grievance Procedure	Does not require a grievance procedure, or a grievance officer.	Requires LEAs to designate an employee to be responsible for assuring district compliance and to provide a grievance procedure for parent/guardian and students.
Enforcement	<p>Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by the Texas Education Agency (TEA).</p> <p>The TEA resolves complaints.</p>	<p>Administrative hearings are not necessarily required prior to Office of Civil Rights (OCR) involvement or court action; compensatory damages possible.</p> <p>Enforced by OCR.</p>