

IEP or 504 Plan: What difference does it make?

Sometimes a parent is told that their child can receive all the services, specialized instruction, modifications and accommodations they need on a 504 Plan; and that there is no need to develop an IEP. The first part of this statement is true, the second is not.

It is true that any service you can get on an IEP can also be delivered via a 504 Plan. But that is where the similarities between the two end. The differences between these two documents are critical, and are based upon the laws that govern each.

The 504 Plan

Section 504 is a civil rights law, not an education law. Its purpose is to protect individuals with disabilities from discrimination for reasons related to their disability. The services and accommodations on a 504 Plan are meant to 'level the playing field' so that the child has an equal chance to learn. The goal of a Section 504 Plan is only to ensure that the educational needs of the student with disabilities are met as adequately as the educational needs of the student without disabilities are met. No more. No less.

With a 504 Plan there is no guarantee that the child will actually benefit from the services given, only that they will have the same opportunity to benefit. That is why there are no goals in a 504 Plan. The focus is on equal access, not on reducing or eliminating a student's deficits. A 504 Plan gets the child through the front door of the school and into the classroom. That is where the school's obligation begins and ends.

The I.E.P.

The child on an I.E.P. receives services and supports that are governed by the Individuals with Disabilities Education Act (IDEA,) an education law. The purpose of IDEA is to ensure that eligible students with disabilities receive an education that prepares them for further education, employment and independent living. They must be given

services from which they will actually benefit. This is why an I.E.P. contains goals and includes progress reporting for parents - so that the Team will know whether or not the child is actually benefiting (i.e., making progress) from their educational program.

Legal Protections

The other critical difference here is that the two laws confer very different levels of procedural protections, with IDEA offering far more protections than Section 504. For example:

A child on a 504 Plan can be expelled from school, and the school has no further obligation to educate that child. While a child on an I.E.P. may also be expelled from school under certain circumstances, the school is obligated to continue that child's education including all services on the I.E.P.

Section 504 does not give parents a right to an independent evaluation at public expense, as does IDEA. Section 504 does not provide a set of goals towards which the student works, does not require progress reporting to parents, and does not guarantee transitional services to older students - all things available to students under IDEA.

While other differences exist, these are some of the more important ones to be aware of.

Although an individual who is eligible for services under IDEA also qualifies for protection under Section 504, but the reverse is not true. In any case, the school district must comply with both laws. The school district is not free to choose which law it prefers to follow. Students who qualify for an I.E.P. *must* be given an I.E.P.

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