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What difference does it make if my child has an IEP or 504 plan?

Section 504 actually preceded the Individuals with Disabilities Education Act (IDEA), and so there is a lot of overlap between the two laws. However, there are also significant differences, some of which are described in the below table.

IEP (under IDEA)	504 plan
1. Students are protected by IDEA and Section 504.	Students are protected by Section 504 but not IDEA.
2. Requires that parents be included in all significant decision-making about the child’s education program.	Parents do not need to be included in any decision-making about the child’s education program.
3. Requires that, if the District says no to a parent request, the District needs to provide a basis for the refusal, including a description of what evaluation procedure, assessment, record, or report was used as a basis for the refusal.	Does not require the district to provide any justification for its decision-making.
4. Requires that the District provide special instruction designed to meet the student’s needs.	<p>Does not require special instruction.</p> <p>A confusing nuance to this: A 504 plan CAN provide special instruction; however, if this instruction is needed because the student has a qualifying disability, the district is required to offer an IEP, which provides additional rights and protections.</p> <p>Another way of looking at this: if the student needs only accommodations to support a disability, then a 504 is just fine. But if the student needs anything additional, chances are, we should be considering an IEP.</p>
5. Requires that the IEP be in writing.	Does not require that the 504 plan be in writing.
6. Requires that the IEP include measurable goals and objectives to address all areas of student need.	Does not require goals and objectives.

IEP (under IDEA)	504 plan
7. Requires that parents receive progress reports on goals and objectives several times a year.	Does not require any progress reports.
8. If the parents disagree with the district's evaluation, IDEA provides the parents with the right to request a district-paid independent evaluation with a qualified evaluator whom the parents choose.	The parents have no right to an independent evaluation paid for by the district.
9. If the parents disagree with the IEP, they have the ability to file a state complaint, which requires the state to provide a written decision in 60 days.	<p>The state does not review Section 504 complaints.</p> <p>Parents can file a complaint with the Office of Civil Rights (OCR) regarding Section 504 violations, but there is no deadline for resolution and sometimes decisions take more than a year.</p> <p>Note that parents of students with IEPs can also file OCR complaints over Section 504 violations.</p>
<p>10. If the parents disagree with the IEP, they may file for a due process hearing.</p> <p>The hearing officer is appointed by the state.</p> <p>The District is then required to meet with the family within 15 days to try to resolve the matter.</p> <p>IDEA requires that the decision be issued within 75 days from the date of the hearing request. (However, it should be noted that hearing officers very often grant extensions to this timeline.)</p>	<p>If the parents disagree with the 504 plan, they may file for a due process hearing.</p> <p>The hearing officer is appointed by the school district.</p> <p>There is no requirement that the District meet with the family to try to resolve the disagreement before the hearing.</p> <p>There is no deadline for issuing a decision.</p>