

# Differences Between an IEP and a 504 Plan

UNDERSTANDING KEY DISTINCTIONS IN STUDENT SUPPORT SERVICES



Fontana Unified School District

SELPA / SPECIAL SERVICES

# INTRODUCTION TO IEP AND 504 PLAN



## **OVERVIEW OF IEP AND 504 PLAN**

### **Purpose and Legal Basis**

An Individualized Education Program (IEP) is governed by the federal mandate, Individuals with Disabilities Education Act (IDEA, 2004), providing specialized instruction.

A 504 Plan is based on civil rights law, Section 504 of Rehabilitation Act (1973), ensuring equal access.

### **Scope and Services**

An IEP includes measurable goals, direct services, potential modifications to curriculum.

A 504 Plan offers accommodations without altering curriculum.

### **Benefits for Students**

Both plans ensure students with disabilities receive tailored support to succeed academically and access learning equally.

# LEGAL FOUNDATIONS

# IDEA & SECTION 504



## Historicity

During the 1800s derogatory words such as “idiot” and “insane” were utilized to describe children with special needs.

Most students with special needs did not even go to school.

In 1948, only 12 percent of all children with disabilities received some form of special education.

Major cases along with some landmark laws changed the fate for many children diagnosed with disabilities!

## Individuals with Disabilities Education Act

IDEA was birthed from landmark discrimination cases such as 1954’s racial discrimination case of *Brown v. Board of Education of Topeka, Kansas*.

*Brown* set the precedent for future discrimination cases in education. People with disabilities were recognized as another group whose rights had been violated because of arbitrary discrimination. For children, the discrimination occurred because they were denied access to schools because of their disabilities.

## Section 504 of the Rehabilitation Act of 1973

This act was primarily designed to provide federal funding for vocational rehabilitation services. However, it also introduced civil rights protections for individuals with disabilities.

Section 504: Modeled after Title VI of the Civil Rights Act (which prohibits discrimination based on race, color, or national origin), Section 504 extended similar protections to people with disabilities. It was the first federal civil rights law protecting individuals with disabilities from discrimination.



# IDEA & 504 LINK

## Foundation

Section 504 of the Rehabilitation Act of 1973 laid the foundation for the following:

**Education for All Handicapped Children Act (EAHCA or Public Law 94-142) of 1975:**

- Purpose: Guarantee a free appropriate public education (**FAPE**) for children with disabilities.
- It introduced Individualized Education Programs (**IEPs**) and procedural safeguards.

**Americans with Disabilities Act (ADA) of 1990:**

- Prohibited discrimination based on disability in many areas of public life.
- Extended protections similar to those in the Civil Rights Act to individuals with disabilities.

**Individuals with Disabilities Education Act (IDEA) of 1990:**

- Public Law 94-142 was renamed the Individuals with Disabilities Education Act (IDEA).
- Added categories like autism and traumatic brain injury.
- Emphasized transition services for students moving to post-school life.

**IDEA Reauthorizations:**

- **1997:** Major revisions strengthened: Inclusion in general education classrooms. Accountability for student progress.
- **2004:** Aligned IDEA with No Child Left Behind (NCLB): Focus on academic achievement and early intervention. Introduced Response to Intervention (RTI) for identifying learning disabilities.

# IDEA VS. SECTION 504 RECAP



## Individuals with Disabilities Education Act

IDEA offers specialized instruction and related services for eligible students through federal and state regulations.

## Section 504 of Rehabilitation Act

Section 504 prohibits disability discrimination and ensures equal access by removing barriers in education.

## Remediation vs. Accessibility

While Section 504 emphasizes mainly accommodations and accessibility, IDEA focuses on individualization with tailored goals, supports and direct services in order to meet the unique and diverse needs of students with disabilities, also encompassing the accommodations and accessibility components one receives from a 504 Plan.

# ELIGIBILITY AND PURPOSE



## **ELIGIBILITY CRITERIA AND GOALS**

### **IEP Eligibility Requirements**

IEP eligibility requires a student to have a defined disability and need special education to access the curriculum.

### **Purpose of an IEP**

An IEP provides specialized instruction and services tailored to support the student's unique educational needs.

### **504 Plan Eligibility**

A 504 Plan supports students with impairments that limit major life activities but do not require special education.

### **Goal of a 504 Plan**

504 Plans aim to remove barriers and ensure equal access without modifying curriculum or instruction intensity.



## ELIGIBILITY CRITERIA AND GOALS

### IEP Eligibility Requirements

IEP eligibility is a two-pronged approach:

- The student must meet state eligibility criteria under at least one (1) of the thirteen (13) eligibility categories.
- Student must also require services due to their disability – students must require special education services to be eligible for special education, regardless if their disabling condition.

### 504 Plan Eligibility

- Must have a physical or mental impairment that substantially limits one or more major life activity (learning, reading, writing, concentrating, walking, breathing, communicating, thinking, etc.).
- The impairment must significantly restrict the ability to perform these activities compared to peers.
- Typical documentation considered may include; medical records or evaluations, teacher observations, academic performance data, etc.
- The disability must affect the student's ability to access the general education curriculum without accommodations.

# SERVICES AND SUPPORT



# TYPES OF SERVICES PROVIDED

## Individualized Education Program (IEP)

IEPs provide specialized instruction and therapies tailored to meet diverse student needs with direct specialist involvement.

## 504 Plan Accommodations

504 Plans focus on accommodations like extended test time and preferential seating to support student access to learning.

## Scope and Intensity Difference

IEPs offer intensive individualized instruction and/or direct services, while 504 Plans provide access supports without curriculum modification.

# TEAM, DOCUMENTATION, AND PARENT RIGHTS



# PROCEDURES AND SAFEGUARDS

## IEP Procedures

IEPs require annual meetings, triennial reassessments, and detailed documentation to ensure measurable progress and accountability.

## Parent Rights under IDEA

Parents have rights including assessments, prior written notice, and request for mediation or due process hearings under IDEA.

## 504 Plan Procedures

504 Plans have less formal review processes without mandated reassessments and focus on protection against discrimination.

## Parent Rights under Section 504

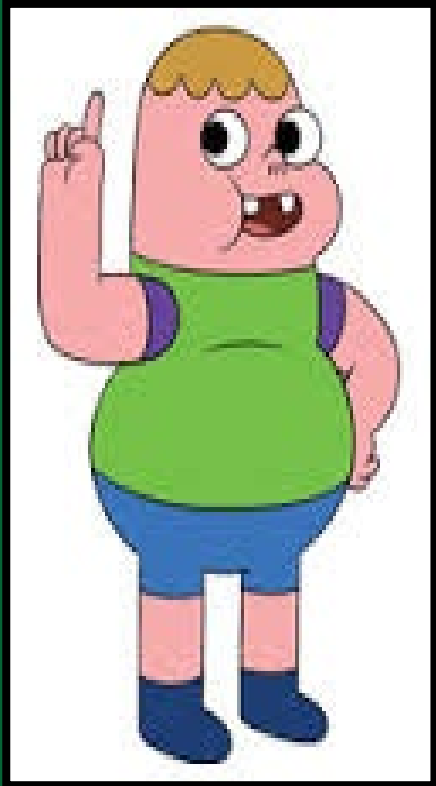
Parents have rights to protection from discrimination and impartial hearings under Section 504 but fewer procedural safeguards.

**WHAT ABOUT IN  
FONTANA?**



# PRACTICE SCENARIOS: IEP OR 504 PLAN?

# Elementary Scenario. . . .



Clarence is an active 3<sup>rd</sup> grader who is diagnosed with Autism Spectrum Disorder. His disability significantly impacts his ability to access the general curriculum. He is currently in a self-contained Special Day Class (SDC) which focuses on functional academics and utilizes a modified alternative curriculum.

IEP or 504?

# Middle School Scenario. . . .



Bobby is a 7<sup>th</sup> grader who is diagnosed ADHD and can access the general curriculum but struggles with attention and organization. He currently receives accommodations like extended time on tests, preferential seating, and use of fidget tools. These supports help Bobby succeed without modifying the curriculum or providing specialized instruction.

IEP or 504?

# High School Scenario. . . .



Daria is sophomore who is diagnosed with a mood disorder and experiences irritability, mood swings, and difficulty sleeping. Daria's Student Success Team (SST) as built in some accommodations, such as; allowing her to take breaks and to consults with staff when needed. More recently, Daria has been displaying self-injurious behaviors (cutting her forearms), along with aggressive fits (yelling and throwing objects) at home and at school, which is now impacting her ability to access her educational environment and is impeding her learning and the learning of other students.

What are some options that the Student Success Team can consider as next steps for Daria?

# RECAP: A QUICK COMPARISON

# SUMMARY TABLE

FEATURE	IEP (IDEA)	504 PLAN
Type of Law	Special Education	Civil Rights
Purpose	Specialized Instruction and Equal Access	Equal Access
Eligibility	Disability category + need for special education	Any disability limiting major life activity
Services	Instruction + related services	Accommodations only
Oversight	Special Education Department	General Education/Admin
Funding	Special education funds	No extra funding
Parent Rights	Extensive safeguards	Limited safeguards

# CONCLUSION

# KEY TAKEAWAYS

## Distinct Purposes

IEPs provide individualized educational services, while 504 Plans focus on equal access accommodations.

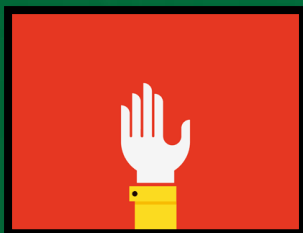
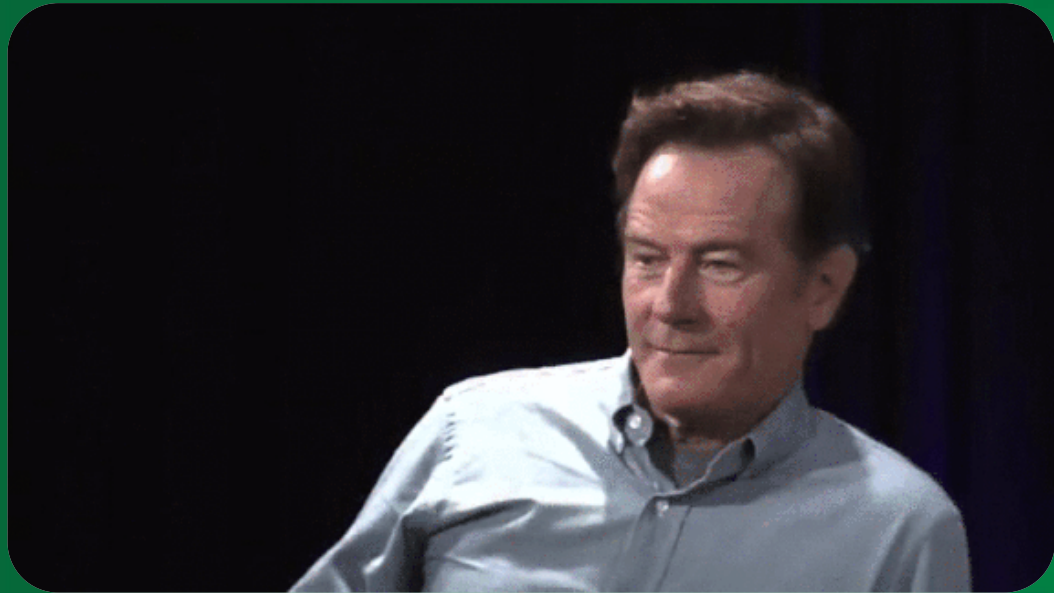
## Legal Frameworks

IEPs operate under IDEA, and 504 Plans fall under broader disability laws ensuring student rights.

## Advocacy Importance

Understanding differences helps educators and families advocate effectively for appropriate student support.





Questions ? ? ? . . . . .

