



of Arapahoe & Douglas  
 Advocacy & Support for People with Developmental Disabilities

## IDEA and Section 504 Side-by-Side

(As it applies to Public School education)

<b>IDEA – Individuals with Disabilities Education Act of 2004</b>	<b>Section 504 of the Rehabilitation Act of 1973</b>
IDEA is a federal public education law (first enacted in 1975)	Federal civil rights law (enacted in 1973)
Entitlement: Entitles eligible children with disabilities to be offered special education and related services	Civil rights law: Prohibits discrimination on the basis of disability
Provides specialized instruction and related services to eligible students	Provides for accommodation and some modification to meet disability-related needs
Applies to children from birth to age 21; no provisions for post-secondary education	Applies to all ages and to areas other than education, but contains special provisions applicable only to elementary and secondary education; other rules apply only to post-secondary education
Requires the provision of FAPE: a “free and appropriate public education”	Requires the provision of FAPE: a “free and appropriate public education”
Requires eligibility determination that the child (1) has a disability that meets the IDEA definition, and (2) requires specialized instruction to benefit from education	Requires eligibility determination that the child (1) has a disability that substantially limits one or more major life activities, and (2) needs accommodation to prevent discriminatory treatment
Evaluation is needed to determine eligibility and appropriate supports and services	Evaluation is needed to determine eligibility and appropriate accommodations
Eligibility process can be accessed by a written request from the parent/guardian (refer to our website, <a href="http://www.arc-ad.org">www.arc-ad.org</a> under Advocacy, for a draft letter on “How to request a Special Education Eval for Eligibility”)	Eligibility process can be accessed by a written or verbal request from the parent/guardian to the school principal or 504 school coordinator
Procedural protections to insure strong parental involvement; parent consent required	Parental involvement important and encouraged; less emphasis on procedural safeguards than IDEA
Needs and services determined by IEP team including parents and student, if appropriate	Needs and accommodations determined by multi-disciplinary team including parents and student, if appropriate
Documented in a written plan called IEP: Individualized Education Plan	Documented in a written plan called a 504 or Accommodation Plan

Uniform system of procedural and substantive safeguards and due process rights mandated by federal law	Each school or LEA (Local Education Agency) is responsible for adopting its own due process procedures that meet the non-discrimination standard
Services can be delivered in a wide variety of settings	Services usually delivered in a general education classroom

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