

COMPARISON BETWEEN SEC. 504 AND THE IDEA

<u>IDEA</u>	<u>SEC. 504</u>
Individualized Education Program (IEP)	Accommodation Plan (no specific nomenclature)
Goals/Objectives/Benchmarks Academic Achievement/Functional Performance Levels	Not Specifically Delineated
Special Education Defined	“Special Education” (but interpreted more as “specialized instruction” than special services)
Related Services (adjunct to Special Education except where Related Services <i>are</i> the Special Ed.)	Related Services (not necessarily adjunct to Special Education)
Evaluation Precedes Placement	Evaluation Precedes Placement
Accommodations and Modifications for Standardized Assessment/Testing	Accommodations for Standardized Assessment and Testing
ESY must be considered	Not Specifically Addressed
FAPE	FAPE
Residential Placement when necessary for FAPE	Residential Placement when necessary for FAPE
Review at least annually	Review when necessary
Triennial Evaluation Generally	Evaluation before Significant Change of Placement
Parent is participant in IEP development process	Parent does not have specified role as participant
Specified minimum membership for IEP Team (Case Conference Committee)	Membership of team not specified other than knowledgeable concerning evaluations, student needs, and potential placements.
LRE	LRE
Child Find	Child Find
Public/Private Insurance	Public/Private Insurance

Transition Services specified	Not Specifically Addressed
Equal Opportunity for participation: Athletics, including Non-Academic and Extracurricular Activities	Athletics (“equal opportunity for participation”), including Non-Academic and Extracurricular Activities
Specified Exceptionality Areas	No Specified Conditions or Diagnoses
“Adverse Impact on Educational Performance”	“Substantial Limitation on Major Life Activity”
Procedures are compliant with Sec. 504	Procedures may not satisfy IDEA requirements
Specified Procedural Safeguards	Minimally Stated Procedural Safeguards
Confidentiality/Education Records IDEA/FERPA referenced	Access to Records; generally stated rights
Documentation-Driven Process	Few Specific Documentation Requirements
Federal Grant Funds	Federal Non-Discrimination Law; No Grant Funds
SEA General Supervisory Role	Each Recipient Responsible for Its Compliance; No SEA Supervisory Role
Complaint Investigations by SEA	Grievance Procedures by Recipient; Complaint Investigations by Office for Civil Rights (OCR)
Limited Requirement for LEA to Make Available IDEA services to Children with Disabilities Unilaterally Enrolled in Private Schools	No Requirement for Recipient to Make Available Services to Children with Disabilities Unilaterally Enrolled in Private Schools
Applicable generally to Age 22	No Specific Age Limitation (“Qualified Person with a Disability”)
Medical Services Only For Diagnostic Purposes	Medical Services Only For Diagnostic Purposes
IDEA Eligibility Inclusive of Sec. 504	Sec. 504 Eligibility Not Necessarily Inclusive of IDEA

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12/07