

A COMPARISON CHART: IDEA AND SECTION 504

	IDEA	Section 504
PURPOSE	To insure that all children with disabilities have available to them a free appropriate public education.	To prohibit discrimination on the basis of disability in any program receiving federal funds.
WHO IS PROTECTED	Lists 13 categories (14 including Developmental Delay) of qualifying conditions.	Much broader. A student is eligible so long as s/he meets the definition, i.e., person has a physical or mental impairment that substantially limits a major life activity; has a record of such an impairment; or is regarded as having such an impairment. Parents are also protected.
DUTY TO PROVIDE A FREE APPROPRIATE EDUCATION (FAPE)	Both require the provision of a free appropriate education to students covered. Requires the district to provide IEPs. "Appropriate education" means an individualized program designed to provide educational benefits.	"Appropriate" means an education comparable to the education provided to non-disabled students.
SPECIAL EDUCATION vs. GENERAL EDUCATION	A student is eligible to receive IDEA services only if the IEP Team determines that the student has one of the categories of disability; the disability causes an adverse affect to the child's education; and the child requires special education.	A student is eligible so long as s/he meets the qualifying definition, i.e., has a physical or mental impairment that substantially limits a major life activity; has a record of such an impairment; or is regarded as having such an impairment. The student does not need special education.
FUNDING	If a student is eligible under IDEA the district receives additional funding.	Additional funds are not provided.
ACCESSIBILITY	Not specifically mentioned although if modifications must be made in order to provide a free appropriate education to a student, IDEA requires it.	Detailed regulations regarding building and program accessibility.
CHILD FIND	Both require child find activities.	
GENERAL NOTICE	Requires notification of parental rights.	Districts must include notice of nondiscrimination in its employee, parent, and student handbooks, and must designate the district's 504 coordinator(s).
GENERAL NOTICE (continued)	Both require notice of the parent or guardian with respect to identification, evaluation, and placement.	

IDEA		Section 504
NOTICE AND CONSENT	Requires written notice.	Requires written notice.
	Notice provisions are more comprehensive and specify what the notice must provide.	
	Written notice is required prior to any change in placement.	Requires notice before a "significant change in placement."
	Requires consent for initial evaluation and placement.	Consent not required, by if a handicapping condition under IDEA is suspected, those regulations must be followed.
EVALUATIONS	The regulations are similar.	
	Requires consent before initial evaluation is conducted.	Requires notice, not consent.
	Reevaluation must be conducted at least every three (3) years.	Requires periodic reevaluation.
	Provides for independent evaluations.	Not required.
DETERMINATION OF ELIGIBILITY, PROGRAM, AND PLACEMENT	Done through an IEP Team meeting. Parent is a member of the IEP Team.	Done by a group of persons knowledgeable about the child, the evaluation data, and placement options. Parental participation is not mentioned in the regulations, but a district would be wise to invite parent to meeting.
GRIEVANCE PROCEDURE	IDEA does not require a grievance procedure or a compliance officer at the local educational agency level. The state educational agency (DPI) must post complaint procedures.	Districts with more than 15 employees must designate an employee to be responsible for assuring district compliance with Section 504 and provide a grievance procedure (an informal hearing before a district staff member) for parents, students, and employees.
DUE PROCESS	Both require access to impartial hearings for parents or guardians who disagree with the identification, evaluation, placement, or provision of FAPE for a student with disabilities.	
	Hearings conducted by a state hearing officer (Administrative Law Judge). Decisions may be appealed to the State Review level, and then to court.	Hearings conducted at the local level by an impartial person not connected with the school district. Person need not be an attorney. Decisions may be appealed to court.
ENFORCEMENT	Compliance is monitored and formal state complaints are investigated by DPI.	Enforced by the Office for Civil Rights by complaint investigation and monitoring activities.
EMPLOYMENT	No provisions.	Employment of person with disabilities is regulated.