

The IDEA and Section 504 Side-by-Side

The IDEA (Individuals with Disabilities Education Act) of 2004	Section 504 of the Rehabilitation Act of 1973
The IDEA is a federal public education law (first enacted in 1975)	Federal Anti-Discrimination 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 fitting 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 request from parent (a formal written request is strongly recommended)	Eligibility process can be accessed by a request from parent (a formal written request is strongly recommended)
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 Individualized Education Plan (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 IEP	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 AEA 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 from a general education classroom to a home, hospital or residential setting	Services usually delivered in a general education classroom