

Major Differences in IDEA & Section 504

IDEA		SECTION 504
A federal funding statute which provides financial aid to states in exchange for the state ensuring that students with disabilities will be provided FAPE.	General Purpose	A broad civil rights law which protects the rights of individuals with disabilities in programs and activities which receive federal financial assistance from the ED.
A student is only eligible to receive IDEA services if the individualized education program (IEP) team determines that the child has a disability (as defined by 34 C.F.R. § 300.08(c)) and needs special education and related services as a result of the disability.	Eligibility for Services	A student is eligible to receive special education and related aids and services if the student has a physical or mental impairment that substantially limits one or more major life activity.
Appropriate means a program reasonably calculated to ensure the student makes progress appropriate in light of his or her individual circumstances.	FAPE	Appropriate means an education comparable to the education provided to nondisabled students.
LEA receives additional federal funds to serve eligible students.	Funding	Additional funds are not provided.
<ul style="list-style-type: none"> Not specifically mentioned, although if modifications must be made to provide FAPE, IDEA requires it. Does not extend least restrictive environment to nonacademic services. 	Accessibility	<ul style="list-style-type: none"> Detailed regulations regarding building and program accessibility and comparable facilities. Includes academic settings.
<ul style="list-style-type: none"> Requires written notice regarding identification, evaluation, and placement. Notice requirements are specifically spelled out. Prior written notice required before any change in placement. 	Procedural Safeguards	<ul style="list-style-type: none"> Written notice not required <i>although it is recommended</i>. Notice required before a significant change in placement.
Fourteen disabilities under federal law and two disabilities under state law.	Qualifying Disabilities	A physical or mental impairment that substantially limits one or more major life activities.

Major Differences in IDEA & Section 504 (continued)

IDEA		SECTION 504
<ul style="list-style-type: none"> Written consent required prior to an initial evaluation. Reevaluations must be conducted at least every three years. Reevaluation not required before a change in placement. 	Evaluations & Reevaluations	<ul style="list-style-type: none"> Consent required prior to initial evaluation. Periodic reevaluations required Reevaluation required before a significant change in placement.
Parent is a required member of a student's IEP team.	Parental Involvement	Parent is a <i>suggested</i> member of a student's Section 504 review committee/Section 504 team.
States are required to establish and implement complaint procedures, due process procedures, and mediation procedures.	Dispute Resolution/ Grievance Procedures	LEAs must provide grievance procedures that allow for impartial due process hearings for challenges regarding the identification, evaluation, or educational placement of students.
<ul style="list-style-type: none"> Compliance monitored by the department. The department will resolve complaints. 	Enforcement	<ul style="list-style-type: none"> Enforced by OCR. OCR will investigate complaints.
IDEA requires the development of a transition plan with the IEP process beginning at age 14.	Transition Services	No requirement.
Required.	Independent Educational Evaluation	Not required.
No provisions.	Employment	Regulates employment of persons with disabilities.