

Do I Want a 504 Plan or an IEP?
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Parents (and even educators) are often confused about the difference between a 504 plan and an IEP, and when each is appropriate. To choose between them, first the school and parents must find out whether the student has a disability as defined by statute. Then, they must decide what the school's educational obligations are under each statute. The school must meet its obligations to provide a student with a disability the appropriate educational support. Finally, parents should know that their rights are different under each statute.

A student has a disability under Section 504 when he or she has a physical or mental impairment that substantially limits a major life function. Under new regulations put out for the Americans with Disabilities Amendment Act, this is a very generous standard that will probably greatly increase the number of students identified under Section 504 as disabled.

A student has a disability under IDEA when he or she has one of a long list of disabilities, and who needs, because of the disability, special education and related services. The school is required to provide these.

Under Section 504, a student with a disability must be provided with an appropriate education. Under Section 504, the student's educational needs must be met as adequately as the needs of nonhandicapped persons. Section 504 is an **equal access** statute. Under Section 504, a student needs to have meaningful access and an equal opportunity to participate in academic and extracurricular programs.

Sometimes a student with a disability has access issues and needs accommodations. Examples might be modified testing arrangements, assistive technology, extra time to move between classes, or a modified physical education program. A student who needs help with access is entitled to a 504 plan. If a student only needs help with access, but does not need special education and related services, a 504 plan is appropriate. Sometimes a student with a disability does not have any access issues. For instance, for a seizure disorder or medical condition that is under control and does not need intervention by the school, or ADD that did not significantly affect schooling, a 504 plan would not be needed.

Sometimes a student with a disability also needs special education and related services. (It is not very likely that a student would be disabled under IDEA and not under Section 504. Most students who qualify under IDEA fit under both statutes.) Special education is specially designed instruction to meet the unique needs of a child with a disability. Related services help a child benefit from special education. Therefore, if the child actually needs special instruction, and not just accommodations for access, an Individualized Education Plan (IEP) is appropriate.

In some situations, either plan would be a possible approach. Parents should understand that the choice of whether to use an IEP or 504 plan has nothing to do with the severity of the disability. The choice of plan also has nothing to do with whether the child is educated in a regular classroom. Either an IEP or a 504 plan can be very effective.

Parents should know, though, that 504 plans are much more informal. The requirements on the school are looser. For example, technically 504 plans do not even need to be in writing, and parents are not required to be present at the evaluation meeting, though neither is a best practice. If parents disagree with the 504 plan, or have a problem with how it is implemented, they have much less recourse. IDEA has much stronger protections for parents and students, and many more options if there is a dispute. Even disciplinary procedures give more protection to the student under IDEA. Parents should consider this when deciding which way to go.