

## IEP or 504 Plan? A Parent-Friendly Guide to Understanding the Difference

IEPs and Section 504 plans can both support students with disabilities, but they come from different federal laws and use different eligibility rules. Under the Individuals with Disabilities Education Act, or IDEA, a child must be evaluated as having a disability identified in the law and, because of that disability, need special education and related services.<sup>1</sup> If the team determines that the child meets those requirements, an Individualized Education Program, or IEP, is developed.<sup>2</sup> Section 504 is a civil rights law. In public elementary and secondary schools, it protects qualified students with disabilities and requires schools to provide regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met.<sup>3</sup> A student can qualify for Section 504 even if the student does not qualify under IDEA, and the U.S. Department of Education states that all students eligible under IDEA are also protected by Section 504.<sup>3</sup> Parents do not need to decide in advance which label should apply. Ask the school to explain what concern is being evaluated, what information is being considered, which eligibility standard the team is using, and what services or supports the student needs to access and benefit from school. Keep copies of evaluation reports, meeting notes, and plans. The central question is not which document sounds stronger; it is whether the student is properly evaluated and receives the individualized support required under the law that applies.

### Did You Know?

- ✓ Under IDEA, eligibility requires both a qualifying disability and a need for special education and related services.<sup>1</sup>
- ✓ When a child is found eligible under IDEA, the school must develop an IEP in accordance with IDEA requirements.<sup>2</sup>
- ✓ The U.S. Department of Education states that a student may be protected by Section 504 even without IDEA eligibility, and all IDEA-eligible students are also protected by Section 504.<sup>3</sup>

### Research Sources

1. U.S. Department of Education, IDEA. "Sec. 300.8 Child with a disability."
2. U.S. Department of Education, IDEA. "Sec. 300.306 Determination of eligibility."
3. U.S. Department of Education, Office for Civil Rights. "Frequently Asked Questions: Disability Discrimination."

## IEP or 504 School-Team Question Planner

Use this page to organize the questions that matter before or during an evaluation, eligibility, or support meeting.

Child's name: \_\_\_\_\_ Date: \_\_\_\_\_

School/team: \_\_\_\_\_ Meeting type: \_\_\_\_\_

### 1. Name the School Concern - About 2 Minutes

Write the specific learning, access, behavioral, health, or other concern being discussed.

Concern: \_\_\_\_\_

### 2. Ask What Is Being Evaluated - About 2 Minutes

Record the areas the school is reviewing and the information it plans to use.

Evaluation areas: \_\_\_\_\_

### 3. Ask Which Standard Applies - About 2 Minutes

Ask whether the team is considering IDEA, Section 504, or both, and why.

Eligibility standard: \_\_\_\_\_

### 4. Identify Needed Supports - About 3 Minutes

Focus on what instruction, services, aids, or changes the student needs at school.

Needed support: \_\_\_\_\_

### 5. Record the Next Decision - About 1 Minute

Write what the team decided, what happens next, and when you will receive documentation.

Next step/date: \_\_\_\_\_

What Parents Can Say: "Please explain the eligibility standard you are using and how the evaluation data connect to the supports my child needs."