

# A Comparison Chart: IDEA and Section 504

Excerpt from Section 504: Student Issues and Public Schools, April 1992

	<b>IDEA</b>	<b>Section 504</b>
<b>Purpose</b>	To insure that all students 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.
<b>Who is Protected</b>	Students who are eligible under the 13 categories of qualifying conditions.	Much broader. A student is eligible if s/he meets the definition of “qualified handicapped person,” i.e., has or has had a physical or mental impairment which substantially limits a major life activity, has a record of or is regarded as disabled by others. Parents are also protected.
<b>Duty to Provide a Free Appropriate Education</b>	Both require the provision of a free appropriate education, including individually designed instruction, to students who qualify.	
	Requires the district to provide an individualized education program. “Appropriate education” means a program designed to provide “educational benefit.”	“Appropriate” means an education comparable to the education provide to students without disabilities.
<b>Special Education vs. Regular Education</b>	A student is eligible to receive special education services only if a multidisciplinary team determines that the student has one of the handicapping conditions and needs special education.	A student is eligible is s/he meets the definition of “qualified handicapped person”; i.e., has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others. The student is not required to need special education in order to be protected.
<b>Funding</b>	Yes	No
<b>Accessibility</b>	Not specifically mentioned although if modifications must be made to provide a free appropriate education to a student, IDEA requires it.	Detailed regulations regarding building and program accessibility.

**General Notice**

Both require child find activities.

Requires notification of parental rights.

Districts must include notice of nondiscrimination in its employee, parent and student handbook and, if the district has more than 15 employees, must specify the district's 504 coordinator(s).

**Notice and Consent**

Both require specific notice to the parent or guardian about identification, evaluation and placement.

Requires written notice. Notice requirements are more comprehensive and specify what the notice must provide.

Requires notice. (A district would be wise to give notice in writing.)

Written notice is required before any change in placement.

Requires notice before a "significant change in placement."

Requires consent for initial evaluation and placement.

Consent not required, but if a handicapping condition under IDEA is suspected, those regulations must be followed.

**Evaluations**

The regulations are similar.

Requires consent before an initial evaluation is conducted.

Requires notice, not consent.

Reevaluations must be conducted at least every three years.

Requires "periodic" reevaluations.

No provisions

Requires a reevaluation before a significant change in placement.

Provides for independent evaluations.

No provisions.

**Determination of Eligibility, Program and Placement**

Done by admission, review and dismissal committee. Parent is a member of the committee.

Done by a group of persons knowledgeable about the child, the evaluation data, and placement options. While parental participation is not mentioned in the regulations, parental notice is required.

<b>Grievance Procedure</b>	IDEA does not require a grievance procedure or a compliance officer.	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.
<b>Due Process</b>	Both require district to provide impartial hearing for parents or guardians who disagree with the identification, evaluation, or placement of a student with disabilities.	
	Hearing conducted by a state hearing officer (who is an attorney). Decisions may be appealed 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.
<b>Enforcement</b>	Compliance is monitored by the Texas Education Agency. TEA also receives and resolves complaints regarding IDEA. Office of Civil Rights does not enforce.	Enforced by the Office of Civil Rights (Regional Office – Dallas, TX) by complaint investigation and monitoring activities.
<b>Employment</b>	No provisions.	Employment of persons with disabilities is regulated.