



IEP vs. 504 Plan: What's the Difference?

If your child is struggling in school, the stress of it can feel overwhelming for the child and the parent. You believe some type of accommodations or modifications are needed to ensure he or she receives an appropriate education, but what type of plan should you request from your school? There tends to be confusion between an Individualized Education Plan (IEP) and a 504 Plan which have subtle but important differences. Since schools will sometimes steer parents in one of these directions, it's important for parents to understand which plan will be most beneficial for their child.

Misconceptions About IEPs and 504 Plans

Before diving into the differences between the plans, two common misconceptions should be addressed. First, every child who struggles in school is NOT guaranteed an IEP or 504 Plan. Parents often assume poor academic performance entitles their child to one of these plans, but both plans have specific requirements that students must meet in order to be legally eligible under federal law. Second and conversely, students who perform well academically cannot be turned down for an IEP or 504 Plan for achieving good grades since there are several other factors and measures to consider when evaluating a child with disabilities.

Know the Laws that Protect Your Child

Under an IEP or 504 Plan, a student attending kindergarten through 12th grade can receive classroom modifications, accommodations, and a free, appropriate public education and related services. To best understand the plans, parents should familiarize themselves with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.

The IDEA is a federal special education law that requires free appropriate education to eligible students with disabilities who are between the ages 3 to 21, ensuring special education and related services to those students. Section 504 of the Rehabilitation Act is a federal civil rights law that protects students with disabilities from discrimination in public schools that receive federal funding.

Defining Both Plans

Individualized Education Plan (IEP): An IEP is a plan of a student's special education experience at school. It outlines the special education and services that will be provided to meet a student's individual needs. According to the U.S. Department of Education, "an IEP must be designed for one student and must be a truly individualized document".¹

504 Plan: A 504 Plan is a plan for how a student will have access to learning and participating at activities at school. It provides individualized services and changes (accommodations) in the classroom to meet the unique needs of a student with disabilities, removing hurdles and ensuring that the student is treated fairly.

Both plans create an opportunity for parents, teachers, school administrators, related service personnel, and students (when appropriate) to work together to improve the education of a child with disabilities. Both plans are free to students and their parents.

Qualifying for an IEP and a 504 Plan

IEP Eligibility Requirements: There are two requirements that a student must meet in order to qualify for an IEP. 1) They must have one or more of the disabilities listed in the IDEA disability categories: Intellectual Disability, Hearing Impairment, Speech or Language Impairment, Visual Impairment, Emotional Disturbance, Orthopedic Impairment, Autism, Traumatic Brain Injury, Other Health Impairment, Specific Learning Disability, Deafness, Deaf-Blindness, Multiple Disabilities, or Developmental Delay; and 2) The disability must affect the student's educational performance and/or ability to learn and make progress in the general education curriculum.² If your child is having difficulty learning and needs specialized instruction, an IEP is likely the best plan.

504 Plan Eligibility Requirements: There are also two requirements that a student must meet in order to qualify for a 504 Plan. 1) The student must have a physical or mental disability; and 2) The disability must interfere with the student's ability to learn in a general education classroom, with the physical or mental impairment substantially limiting one or more basic life activities such as: Learning, Concentrating, Walking, Breathing, Eating, Sleeping, Standing, Communicating, Seeing, Hearing, Speaking, or Reading. This helps explain why a student who doesn't qualify for an IEP may qualify for a 504 Plan. If your child's disabilities are more related to a medical condition or physical impairment and they do not require specialized instruction for learning, a 504 Plan is likely the most appropriate plan.

Starting the Process

The first step to getting an IEP or a 504 Plan for your child is to request evaluation. You can make this request through your child's teacher, guidance counselor, or school administrator. Parent consent must be granted for an evaluation to take place. Your child will be evaluated by school professionals who use standardized methods and testing to determine whether your child has an educational disability. Parents also have the option of paying for an outside independent evaluation if they disagree with the results of the school's evaluation results. For IEP evaluations, parents may request the school system pay for this evaluation but should know the school does not have to agree to it and may not give as much weight to these findings.

Preparing for Your First IEP or 504 Plan Meeting

Whether you are attending a first meeting for your child's IEP or 504 Plan, your preparation should be the same for both types of plans. Here are some recommendations that may help ensure your first meeting is a successful one:

- Consider bringing your spouse or advocate. While these meetings are intended to be a positive first step in structuring the educational roadmap for your child, they can also be intimidating depending on who is attending the meeting and their attitude toward you and your child.
- Write down all of your questions and concerns. You should feel free to ask any questions and address specific challenges that your child is experiencing.
- Gather all of the paperwork and documentation you will need to support your case. Bring a folder that includes report cards, progress reports, homework, correspondence with teachers, doctors' letters, health records, standardized tests, evaluations, medication lists and instructions, as well as your own notes and observations about your child's academic performance and behavior.

- Make a “wish list.” This is a list of the modifications, accommodations, or services you feel will benefit your child. When creating the list, be sure to consult with any professionals that your child is seeing to get their recommendations. For example, if your child sees a psychologist for Generalized Anxiety Disorder, ask that psychologist what accommodations he or she feels would be appropriate and helpful for your child at school to reduce their stress.
- Remain calm and objective. It can be hard to discuss your child’s disabilities and even harder when other people challenge you or don’t seem to understand your situation. Stay positive and focused on the facts with the end goal of creating a plan that’s both reasonable and effective.
- Consider bringing your child. While it may not be appropriate to bring a young child to an IEP or 504 Plan meeting, a 16-year old student needs to know how to advocate for himself or herself. When students transition to college, parents are no longer invited and are often not permitted to participate in the accommodations process. At the post-secondary level, students must work with their college’s student disability office to provide documentation and make their own request for accommodations. IEP and 504 Plans do not carry over to college but, can be used as a documentation source.

Who Creates the IEP or 504 Plan?

The IEP Team: There are strict legal requirements about who participates in creating an IEP. First and foremost, parents should know that they can play an instrumental role in helping to create their child’s IEP. This is why it is so important for parents to be prepared and ready to advocate for their child. In addition to the child’s parent(s), at least one of the child’s general education teachers, at least one special education teacher, a school psychologist or specialist who can interpret the evaluation data, and a district representative who has authority over special education services must be present to create an IEP. The IEP must be re-evaluated each year and changes can be made to the plan during the year if needed.

The 504 Plan Team: When creating a 504 plan for a student, the rules are more vague but should include people who are familiar with your child’s needs and understand the evaluation data. This team may include the student’s parent(s), general education teachers, special education teachers, guidance counselor, principal, or assistant principal. The 504 Plan must be re-evaluated every three years, however, most schools will conduct the re-evaluation yearly. Changes can be made to the 504 plan during the year if needed.

What is in the Plans?

Both the IEP and 504 Plan require the signatures of all team members before a school can implement either plan. Once in place, the school is legally obligated to adhere to the plan. An IEP carries more legal rights for a student than a 504 Plan because its contents are specified by law and its procedural protections are covered by the IDEA.

Contents of an IEP (specified by law):

Federal law requires that students with IEPs be placed in the least restrictive environment, meaning they should spend as little time as possible outside the general education classroom. If it is determined that your child needs to spend time in resource room or special education class, that will be specified in the IEP. An IEP must include:

- The student's present level of academic and functional performance
- An explanation of how the student's disability affects his or her participation in the general education curriculum
- Annual goals and objectives; methods to measure the student's progress
- Description of the special education-related services the student will receive, including any supplementary or extended year services
- Description of program modifications (what the student is expected to learn)
- Description of accommodations (any changes to the student's learning environment)
- Explanation of how the student will be included in general education classes or activities
- Explanation of how the student will participate in district-wide or statewide achievement or standardized tests, including any accommodations or modifications
- Explanation of how the student will be assessed if district-wide or statewide tests are not used
- Dates of services and modifications, including when they will start, the frequency, duration, and location
- Transition requirements for students 14 years or older

Contents of a 504 Plan (not specified by law):

Generally, a 504 Plan should provide Free Appropriate Public Education (FAPE) under Section 504 by providing reasonable accommodations to help the student succeed.

A 504 Plan should include:

- Type of disability
- Life activities limited by the disability
- Educational impact of the disability
- Medical background, current medical status, and current medications (if relevant)
- Special accommodations and supports
- Placement in the least restrictive environment
- Dates of modifications

Ensuring Your Child's Success

While Individualized Education Plans and 504 Plans once had a stigma attached to them that parents wanted to avoid, both plans are now commonplace in today's education system. Because of the growing number students who have IEPs and 504 Plans and the length of each plan, it can be difficult for teachers to stay on top of all of their students' accommodations.

If you feel your child's plan is not being adhered to, start by talking to your child's teacher. If the issue is still not resolved, then approach the school's administration. Your child's educational rights are protected under law and you always have legal options if necessary to advocate for those rights. If you need help navigating the complexities of education law, consider reaching out to your state's Department of Education or Protection and Advocacy Center before contacting a lawyer. They have people there that can give you practical advice about specific issues related to your child's IEP or 504 Plan.

Conclusion

Both IEPs and 504 Plans are federally mandated plans and an excellent way to help students reach their education goals. Before deciding which plan is best for your child, do your research to understand your parental rights and how to implement the right plan for your child. Plan to incorporate your child into the process at an appropriate age so they are well prepared to advocate for their rights in college or in the workplace. And lastly, relax. Rest assured knowing that after reading this article and doing your homework that you will be well prepared to manage this next step in your child's education.

Sources:

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