

Differences between IDEA and 504

Two federal laws, the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504), protect access to education for students with disabilities, including chronic illness. Under both laws, schools must evaluate the needs of children with chronic illness and determine what educational accommodations will maximize their academic and social success in school. Typically, eligible students receive educational accommodations under either the IDEA or Section 504.

	IDEA	Section 504
Purpose	Specifies how a student with a disability will receive meaningful educational benefit from his or her education	Prohibits discrimination on the basis of disability
Oversight	Greater degree of regulation, specific guidelines	Less regulation, broad guidelines
Definition of free and appropriate public education (FAPE)	Special education and related services provided at public expense, which meet the standards of the State Educational Agency (SEA), provided through an IEP	Access to educational opportunity and a promise to meet the needs of the student as adequately as the needs of persons without disabilities
Evaluations	Requires a full comprehensive evaluation assessing all areas related to the suspected disability	Requires an evaluation by a group knowledgeable about the student, evaluation data, and placement options
Parent role in educational plan development	Parents have a right to participate in the development of the IEP. Schools must develop the IEP with the student's parents and receive their approval prior to IEP implementation	Does not require schools to include parents in development of a 504 plan. However, most schools include parents in the 504 plan development process
Eligibility	Includes 13 specific eligibility categories, one of which the student must meet to receive special education services. Only students with a disability <u>and</u> in need of special education services are eligible for IDEA services	Protects not only students with disabilities but also students with a history of disability or regarded as having a disability

Visit www.projectpencil.com to learn more about legal protections for children with chronic illness under IDEA and Section 504. The Project PENCIL materials provide general information, which is not intended to constitute legal advice or substitute for obtaining legal advice from your own counsel. Laws vary by state and are subject to change. If you need answers to specific legal questions, please seek professional legal assistance.

