

## A COMPARISON CHART: IDEA\* AND SECTION 504

	<b>IDEA</b>	<b>Section 504</b>
PURPOSE	To insure that all children 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.
WHO IS PROTECTED	Lists 13 categories of qualifying conditions.	Much broader. A student is eligible so long as s/he meets the definition of qualified handicapped person, i.e., has a physical or mental impairment that substantially limits a major life activity, has a record of or is regarded as handicapped by others. Parents are also protected.
DUTY TO PROVIDE A FREE APPROPRIATE EDUCATION	Both require the provision of a free appropriate education to students covered including individually designed instruction. Requires the district to provide IEPs. "Appropriate education" means a program designed to provide "educational benefits.	"Appropriate" means an education comparable to the education provided to non-handicapped students.
SPECIAL EDUCATION vs. GENERAL EDUCATION	A student is eligible to receive IDEA services only if the multidisciplinary team determines that the student has one of the handicapping conditions and needs special education.	A student is eligible so long as s/he meets the definition of qualified handicapped person, i.e., has a physical or mental impairment that substantially limits a major life activity, or is regarded as handicapped by others. The student is not required to need special education in order to be protected.
FUNDING	If a student is eligible under IDEA the district receives additional funding.	Additional funds are not provided.
ACCESSIBILITY	Not specifically mentioned although if modifications must be made in order to provide a free appropriate education to a student, IDEA requires it.	Detailed regulations regarding building and program accessibility.
CHILD FIND	Both require child find activities.	
GENERAL NOTICE	Requires notification of parental rights.	Districts must include notice of nondiscrimination in its employee, parent, and student handbooks, and must designate the district's 504 coordinator(s).
GENERAL NOTICE (continued)	Both require notice of the parent or guardian with respect to identification, evaluation, and placement.	

	<b>IDEA</b>	<b>Section 504</b>
NOTICE AND CONSENT	Requires written notice.	Requires notice in Texas.
	Notice provisions are more comprehensive and specify what the notice must provide.	
	Written notice is required prior to 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 initial evaluation is conducted.	Requires notice, not consent. However, in Texas, consent is required.
	Reevaluations must be conducted at least every three (3) years.	Requires periodic reevaluations.
	Provides for independent evaluations.	Not required.
DETERMINATION OF ELIGIBILITY, PROGRAM, AND PLACEMENT	Done by admission, review, and dismissal (ARD) committee. Parent is a member of the committee.	Done by a group of persons knowledgeable about the child, the evaluation data, and placement options. Parental participation is not mentioned in the regulations, but a district would be wise to invite parent to meeting.
GRIEVANCE PROCEDURE	IDEA does not require a grievance procedure nor 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.
DUE PROCESS	Both require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of a student with disabilities.	
	Hearings 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.
ENFORCEMENT	Compliance is monitored by TEA. TEA also receives and resolves complaints regarding IDEA. Office for Civil Rights does not enforce.	Enforced by the Office for Civil Rights (Regional Office – Dallas, TX) by complaint investigation and monitoring activities.
EMPLOYMENT	No provisions.	Employment of person with disabilities is regulated.

\*IDEA = Individuals with Disabilities Education Act (Special Education Law)

Source: Margaret O. Thompson, TEA – 7/92

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