

THE IDEA AND SECTION 504: A SUMMARY OF DIFFERENCES

	The IDEA	Section 504
General Purpose	Is a Federal funding statute the purpose of which is to provide financial aid to states in their efforts to ensure appropriate services for disabled children.	Is a much broader civil rights law which protects the rights of individuals with disabilities in programs and activities that receive Federal financial assistance.
Who is Protected?	Identifies 12 specific categories of disabilities under which students may qualify for special education.	Identifies individuals as disabled if they meet the definition of qualified disabled person; i.e., has or had had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others.
Responsibilities to Provide a Free and Appropriate Public Education (FAPE)	Requires the provision of a free appropriate education, including individually designed instruction, under the 13 specific categories. Requires a written and specific IEP document. "Appropriate education" means a program designed to provide "educational benefit."	Requires the provision of a free appropriate education, including individually designed instruction to students. Does not require a written document, but does require a plan. "Appropriate" means equal access to an education comparable to the education provided to non-disabled students.
Special Education vs. Regular Education	A student is only eligible to receive IDEA services if the Multidisciplinary team determines that the student is disabled under one of the 13 specific qualifying conditions and requires special education	A student is eligible if he/she meets the definition of qualified disabled 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.
Funding	Provides additional funding to districts, if a student is eligible under the IDEA.	Does not provide additional funds.

Accessibility	Requires that modifications be made if necessary to provide access to a free appropriate education.	Has regulations regarding building and program accessibility.
Procedural Safeguards	<p>Requires notice to the parent or guardian with respect to identification, evaluation and/or placement.</p> <p>Requires written consent.</p> <p>Delineates required components of written consent</p> <p>Requires written notice prior to <i>any</i> change in placement.</p>	<p>Requires notice to the parent or guardian with respect to identification, evaluation and/or placement.</p> <p>Does not require written notice, but a district would be wise to provide such.</p> <p>Components not specified.</p> <p>Requires notice only before a <i>significant</i> change in placement.</p>
Evaluation/ Reevaluation	<p>Requires consent before an initial evaluation is conducted.</p> <p>Requires reevaluations to be conducted at least every three years.</p> <p>Reevaluation is required before <i>any</i> change in placement.</p> <p>Provides for independent educational evaluations.</p>	<p>Does not require consent, only notice. However, a district would be wise to obtain such.</p> <p>Requires periodic reevaluations.</p> <p>Reevaluation is required before a <i>significant</i> change in placement.</p> <p>Does not require.</p>
Grievance Procedure	Does not require a grievance procedure, or a compliance officer.	Requires district with more than 15 employees to designate an employee to be responsible for assuring district compliance with Section 504 and provide a grievance procedure for parents, students and employees

Due Process	Requires districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of a student with disabilities. Delineates specific requirements as detailed in the IDEA.	Requires districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of a student with disabilities. Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district.
Exhaustion	Requires the parent or guardian to pursue administrative remedies (hearing/appeal) before seeking redress in the courts.	Does not require. Parents can file a local grievance, an OCR complaint or go directly to court in any sequence or all at the same time.
Enforcement	Enforced by the U.S. Office of Special Education Programs through compliance monitoring of state/ federal regulations by the South Carolina Department of Education.	Enforced by the Office For Civil Rights. No involvement of state agencies necessary.
Employment	Does not address employment	Addresses employment.

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