

IEPs & 504 Plans: What's the Difference?

WHAT LAW APPLIES?

IEP:

Individuals with Disabilities Education Act, an education law.

504:

Section 504 of Rehabilitation Act of 1973, a civil rights law.

WHAT DOES IT DO?

IEP:

Requires public schools to provide to children with specific disabilities a Free and Appropriate Public Education (FAPE) through specialized, individualized course of instruction with related services to meet the child's unique needs.

504:

Prohibits discrimination based on disabilities by all entities that receive federal funding. In school environments, it requires schools to provide services and changes to general education learning environment to meet the needs of the child as adequately as students without disabilities.

THE EVALUATION

IEP:

Comprehensive, individualized, done by school. Parents may request independent evaluation, to be paid for by school. School may decline for proper reasons, then parents pay.

504:

Less formal, includes review of existing information such as medical reports. Parents can obtain additional evaluation at their own expense.

WHO IS ELIGIBLE?

IEP:

Children ages 3 – 21 who have a disability defined by this federal law that affects their educational performance and ability to learn and benefit from the general education curriculum, and therefore require specialized education curriculum.

Schools also have responsibility to find students/adults with disabilities from birth to age 21.

504:

Children who have a disability as defined by this federal law that impacts their ability to learn in a general education class.

PLAN DEVELOPMENT

IEP:

Strict legal requirements about scope of evaluation, and make-up of IEP team. Team creates IEP. Team must include parents, at least one gen ed teacher, at least one special ed teacher, one specialist who can interpret evaluations, school rep with authority over special ed services, and the student when appropriate.

504:

Created by a team of people familiar with the student, including parents, and individuals who understand the evaluation results and options for services and modifications. The student should be on the team when appropriate.

RESOLUTION OF DISPUTES

IEP:

1. Team Meeting
2. Facilitated IEP Team Meeting
3. Mediation
4. State Complaint
5. Due Process Hearing
6. Civil Lawsuit

504:

1. Team meeting
2. 504 School Grievance
3. Mediation
4. Due Process Hearing
5. Complaint to Office of Civil Rights (OCR)
6. Civil Lawsuit

ADDITIONAL RESOURCES

- [North Dakota Department of Public Instruction: Parent Guide to Special Education](#)
- [North Dakota Department of Public Instruction: Special Education](#)
- [North Dakota Department of Public Instruction: Section 504/ADA Guidelines for Parents & Educators](#)
- [Office for Civil Rights: FAQs About Section 504 & Education of Children with Disabilities](#)



1-800-472-2670
(701) 328-2950
ND Relay 711 TTY
www.ndpanda.org
panda_intake@nd.gov