

special education; it does detail the administrative requirements, complaint procedures, and consequences for noncompliance related to both services and employment.

evaluation and/or placements. All notices should be in writing. Following IDEA procedural safeguards is one way to comply with Section 504 mandates.

proposes or refuses to change the identification, evaluation, educational placement or provision of a FAPE. The Act delineates the required components of the written notices.

Evaluation and Placement Procedures

ADA

The ADA does not specify evaluation and placement procedures; it does specify the provision of reasonable accommodations for eligible activities and settings. Reasonable accommodations may include, but are not limited to, redesigning equipment, assigning aides, providing written communication in alternative formats, modifying tests, redesigning services to accessibility locations, altering existing facilities, and building new facilities.

504

Yes. OCR has interpreted Section 504 as requiring districts to obtain parental consent prior to conducting an evaluation. Like IDEA evaluation and placement procedures under Section 504 require that information be obtained from a variety of sources of the area of concern; that all data are documented and considered; and that decisions are made by a group of persons knowledgeable about the student, evaluation data, and placement options. Section 504 requires that students be educated with their non-disabled peers to the maximum extent appropriate. Although specific reevaluation timelines are not outlined in regulation, periodic reevaluations are required, and 3-year reevaluations have been interpreted to meet this requirement.

IDEA

A comprehensive evaluation is required. A team evaluates the child, and parental consent is required before evaluation. Initial evaluations must be completed within 60 calendar days. IDEA requires that reevaluations be conducted at least every 3 years. For evaluation and placement decisions, IDEA requires that more than one single procedure or information source be used; that information from all sources be documented and carefully considered; that the eligibility decision be made by a group of persons who know about the student, the evaluation data, and placement options; and that the placement decision serves the student in the least restrictive environment. An IEP meeting is required before any change in placement.

Due Process

ADA

The ADA does not delineate specific due process procedures. People with disabilities have the same remedies that are available under the Title VII of the Civil Rights Act of 1964, as amended in 1991. Thus, individuals who are discriminated against may file a complaint with the relevant federal agency or in federal court. Enforcement agencies encourage informal mediation and voluntary compliance.

504

Section 504 requires school districts to provide impartial hearings for parents who disagree with the identification, evaluation, or placement of a student. It requires that parents have an opportunity to participate in the hearing process and to be represented by counsel. Beyond this, due process details are left to the discretion of the school district. It is recommended that districts develop policy guidelines and procedures.

IDEA

IDEA provides that a parent or a school district may file a due process complaint on any matter pertaining to the identification, evaluation, educational placement, or provision of FAPE to a student.