

## Section 504/IDEA Comparison Chart

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	<b>Section 504</b>	<b>IDEA</b>
<b>Purpose in public schools</b>	Prevention of disability-based discrimination in federally-funded agencies, including public schools	Funding assistance for participating States to develop and maintain special education programs for eligible students
<b>Eligibility</b>	(1) Physical or mental impairment, and (2) substantial limitation on one or more major life activities  Nondiscrimination protections only for persons with “record of” or who are “regarded as” disabled	(1) Student meets eligibility criteria for one or more of 13 specific disability categories, and (2) needs special education services (“specially designed instruction”) as a result
<b>FAPE Formulation</b>	Meeting the educational needs of eligible students as adequately as the needs of nondisabled students are met (i.e., standard of equal educational opportunity)	Provision of and individualized educational program reasonably calculated to enable appropriate progress in light of child’s circumstances ( <i>Endrew</i> formulation)
<b>Child-Find</b>	Required; affirmative obligation	Required; affirmative obligation
<b>Committee Decision-making</b>	Decision-making group must include persons knowledgeable about child, evaluation data, and accommodation, service, and program options	IEP team with specifically required members, including the parent  Detailed regulations on IEP team procedures
<b>Evaluations</b>	Review and careful consideration of data from a variety of sources (process orientation)  If testing used, must be valid, reliable, and non-discriminatory	Testing-oriented evaluation with detailed requirements and specified timelines  Parent consent required for initial evaluation and reevaluations

	<b>Section 504</b>	<b>IDEA</b>
<b>Reevaluations</b>	Periodic reviews/reevaluations (at least every 3 years) and prior to significant changes in placement	Three-year reevaluations, unless conditions warrant earlier reevaluation or IEP team and parent agree reevaluation not necessary
<b>Programs</b>	504 plans of accommodations, services (regular or special education services), related services, and modifications to policies and practices, as needed to provide a §504 FAPE (best practice for plans to be in writing, although not required)  OCR assumes consent to services if parent consented to initial evaluation, unless parents indicate otherwise	IEP with Special Education services (“specially designed instruction” within the meaning of IDEA) funded through part use of IDEA-B funds, continuum of placements, a variety of related services, supplementary aids and services, potentially modified curriculum, accommodations, potential for alternate state assessments, various IEP requirements
<b>Procedural Safeguards</b>	Basic safeguards—Prior notice, access to records, local grievance process, due process hearing, review procedure  Consent for initial evaluation (parent can also decline §504 placement)	Detailed and extensive safeguards—prior written notice, access to records, mediation, intricate due process hearing, appeal to federal or state court, SEA complaint, independent evaluations  Consent for initial evaluation, placement, and reevaluations
<b>Extracurricular and Nonacademic Services</b>	Requirement of equal opportunity to participate, including reasonable accommodations needed for participation  Accommodations cannot fundamentally alter activity	Requirement of equal opportunity to participate, including reasonable accommodations needed for participation (determined through IEP team process and included in IEP)
<b>OCR Complaint</b>	Allowed within 180 days of alleged violation	Allowed within 180 days of alleged violation (but investigated with respect to compliance with §504 requirements only)
<b>Post-Secondary Education</b>	Reasonable accommodation standard, no evaluation, no committee decision-making	Not applicable

<b>Mitigating Measures Analysis</b>	2008 ADA Amendments Act requires that beneficial effect of mitigating measures (such as medication, technology, compensatory strategies, accommodations, interventions), except eyeglasses, not be considered in making eligibility determination (i.e., beneficial effect must be “subtracted” in evaluation analysis)	Eligibility determined “as is,” taking into consideration any beneficial effect of mitigating measures in determining eligibility
<b>Episodic/Remission Conditions</b>	Eligibility must be determined as if condition was in full-blown state at time of determination (2008 ADA AAA)	Eligibility determined “as is” at the time of evaluation
<b>Eligibility Philosophy</b>	Maximum eligibility (2008 ADA AAA)	Eligibility standards applied strictly  SEAs monitor eligibility rates
<b>Funding</b>	No specific federal funding source	IDEA-B federal funding  State special education funding  Local funding as required for maintenance of effort
<b>Discipline</b>	Manifestation determination review (MDR) prior to disciplinary changes in placement (removals of >10 consecutive school days)  Limits on excessive accumulations of short-term removals (“patterns of removal”) past total of 10 school days in a school year (also require MDR)	Manifestation determination requirement prior to disciplinary changes in placement (removals of >10 consecutive school days)  Limits on excessive accumulations of short-term removals (“patterns of removal”) past total of 10 school days in a school year (also require MDR)