

About IDEA and 'Section 504'

There are many differences between IDEA and what is commonly referred to as "Section 504", but they can be confusing to parents who may be offered one or the other by their school districts. It is important to understand the differences so that you can make an informed decision about your child's program.

Principles of IDEA:

IDEA, the Individuals with Disabilities Education Act, is a Federal law that says that all children are entitled to receive a 'free appropriate public education' regardless of whether or not they have a disability. It is an extensive law that requires schools to teach each child with a disability according to their own individual set of strengths and needs. But first, a team of parents and professionals must decide that a child has a disability that affects their ability to learn in order to qualify for Special Education Services and Supports. Special education is *not a place* – it is made up of services and supports designed to benefit a child's education. The main components of the law state that:

- Ü **"Free, Appropriate, Public Education" (FAPE)** -No child can be excluded from public education because of a disability.
- Ü **Appropriate evaluation** - Children suspected of having a disability are fairly evaluated in all areas of suspected disability.
- Ü **Individualized Education Plan (IEP)** – A written plan that describes the learning and modification needs in order for the child to progress.
- Ü **Least Restrictive Environment (LRE)** - A child with a disability is entitled to be educated alongside their typical peers for as much time as possible while allowing for reasonable progress.
- Ü **Parent/student participation** – Parents (and students over age 18) are part of the 'team' of professionals that will decide what is included in the IEP as well as other decisions that effect education.
- Ü **Procedural safeguards** – There are protections for the child's rights, and complaint and due process procedures available to parents

and districts when they disagree.

IDEA also requires skills in the areas of post-secondary school (college), self-help, community participation, and employment be assessed and taught if needed to children age 14 and up (though in CT, it must begin to be addressed at age 13).

Individual State Departments of Education have been given the charge of monitoring school districts to be sure they are following these principles, and disputes are channeled through this office.

SECTION 504

Section 504 is part of the Rehabilitation Act of 1973, and is not associated with IDEA laws at all. It is therefore not regulated or monitored by the State Department of Education, but by the U.S. Office of Civil Rights. While this law is also based upon the right of children to a 'free appropriate public education', it is not intended to specifically address what a child should learn based upon their needs, but rather to prevent discrimination by guaranteeing 'access and reasonable accommodation', a right given to all people with disabilities. It does not involve an IEP, though a written plan for accommodation is required and reviewed each year. Section 504 does not require teaching of new skills, monitor progress on that learning, or establish accountability for the teaching of new skills or transition skills in the way the IDEA does.

There are many children with various disabilities who do not necessarily require the teaching of additional or different skills, or that they be taught in a different way than their peers. They may, however, require accommodations in order to participate equally, and for those children a 504 Plan may be all they require. However, developmental disorders such as autism are, by definition, disorders that involve the brain and how it functions. The nature of these disorders (along with others) requires the teaching of skills in different ways than their peers. Therefore, it is likely that an IEP would need to be developed that includes measurable goals and objectives. Social, self-help, self-advocacy, community skills, etc. are of particular importance to be taught to a child with an autism spectrum

disorder while still in school because they will not qualify for many Connecticut state-funded services upon graduation (unless they also have mental retardation). This means that if they do not learn the skills they need to lead independent lives while in school, teaching those skills will likely become the sole responsibility of the individual's family.

Accommodations and teaching work well in combination for many children, and an IEP can include both accommodations and special education under IDEA. All kids who qualify for IDEA are also protected under Section 504 of the Rehabilitation Act, but the opposite is not true – not all kids who are protected under 504 qualify for special education under IDEA – they must first qualify through evaluations and a team consensus on the need for being educated through an Individualized Education Plan.

For more information, contact the Bureau of Special Education and Pupil Services, (860) 807-2025, CT Parent Advocacy Center, 800-445-2722 or (860) 739-3089 or the U.S. Office of Civil Rights 800-421-3481 or visit their website www.ed.gov/offices/OCR.