

504 and IEP: What is the Difference?

School districts are required to both understand the distinctions between a 504 Plan and an Individualized Education Program (IEP) and properly administer those to ensure that students with disabilities receive appropriate support. Both plans are designed to assist students with disabilities but differ in their legal foundations, processes, requirements, and funding mechanisms.

Legal Foundations and Eligibility

- **504 Plan:** Rooted in Section 504 of the Rehabilitation Act of 1973, the 504 process is a federal civil rights law that prohibits discrimination against individuals with disabilities. To qualify, a student must have a physical or mental impairment that substantially limits one or more major life activities. This definition is broad, encompassing various disabilities that may not necessarily impact academic performance but affect other life activities. Some examples may include a temporary situation such as a student concussion or a student impacted by a short-term disability from a car accident.
- **IEP:** Established under the Individuals with Disabilities Education Act (IDEA), the IEP process is mandated under federal law ensuring services to children with disabilities. Eligibility requires the student to have one or more of the specific disabilities listed in IDEA and, as a result, need special education and related services. The disability must adversely affect the child's educational performance. Minnesota has requirements that exceed the federal requirements for the service of students with disabilities under IDEA.

Process and Implementation

- **504 Plan:** The process involves identifying students who may need accommodations, typically through a referral by teachers, parents, or other school staff. Evaluations are conducted to determine the nature of the disability and necessary accommodations. While a formal meeting isn't always required, it's best practice to involve a team familiar with the student to develop the plan. The plan outlines specific accommodations, supports, or services and designates the individuals responsible for implementation. Unlike an IEP, a 504 Plan doesn't mandate a written document, but documentation is advisable for clarity and accountability. The team should review the plan annually.
- **IEP:** This process is more structured and involves several procedural steps that must be followed:
 1. **Referral:** Initiated by a teacher, parent, or other concerned party.
 2. **Evaluation:** Comprehensive assessments to determine the child's eligibility and educational needs.

3. **Eligibility Determination:** A team, including parents and professionals, reviews evaluation results to decide eligibility.
4. **IEP Development:** If eligible, the team develops a written IEP outlining specific educational goals, services, accommodations, and the least restrictive environment for implementation.
5. **Review and Revision:** The IEP is reviewed at least annually to assess progress and make necessary adjustments.

Legal Requirements and Protections

- **504 Plan:** Schools are required to provide appropriate accommodations to ensure students with disabilities have equal access to educational opportunities. While parental consent for evaluations is required, the procedural safeguards are less comprehensive in the 504 process than those under IDEA requirements. However, parents can challenge decisions through grievance procedures or by filing complaints with the Office for Civil Rights. 504's are less regulated than IEP's.

- **IEP:** IDEA requires and provides robust protections, including prior written notice of meetings and changes, detailed procedural safeguards, and the right to dispute resolutions, mediation, and due process hearings. Parental involvement is a cornerstone of the IEP process, ensuring that families have a significant role in decision-making. Decisions on student placement and service are ultimately made by the entire team. From time to time, there may not be consensus and may require some sort of resolution process.

Funding

- **504 Plan:** Section 504 doesn't provide additional federal funding to schools. Accommodations are funded through the school's general fund budget.

- **IEP:** Schools receive federal funding under IDEA to support special education services. These funds assist in covering costs associated with specialized instruction, related services, and compliance with IDEA requirements. However, it's important to note that while federal funds contribute, they may not cover all expenses, and schools often need to allocate additional resources. This has been a particularly significant issue in Minnesota, resulting in large "cross subsidy" amounts in the state. Many districts have pursued operating levies to help offset the cross subsidy amounts between the costs of required services and the available funding to support the special education staff and students.

Considerations for Rural Minnesota Schools

In rural settings, challenges such as limited access to specialized professionals, budget constraints, and smaller student populations can impact the implementation of both 504 Plans and IEPs. Collaborative efforts, such as sharing resources among districts, utilizing teletherapy or virtual consultations, and ongoing professional development, are vital strategies to ensure all students receive the support they need.

Understanding these distinctions enables local school districts to develop practices and procedures that effectively address the diverse needs of students with disabilities, ensuring compliance with federal laws and the provision of appropriate educational opportunities.

As a district, we have a 504 Coordinator identified at the middle school/high school level and we also have a 504 Coordinator for the elementary level. The Director of Special Education is a collaborative effort between the Pipestone Area Schools and the Southwest West Central Service Cooperative.