Neuro Allies

Educational Series

Making neurodevelopment, school systems, and parenting understandable and empowering

Presented by Dr. Laurie Kincade, PhD, LP, NCSP
Neuroaffirming Evaluations · Educational Advocacy · Speaking

Differences Between IEP and 504

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What is the law that governs each?

Individualized Education Program	504-Accommodation Plan
• **Individuals with Disabilities Education Improvement Act (IDEIA) 2004 (i.e., "IDEA").** • This is a federal special education law that mandates schools meet the needs of children with disabilities and provides them a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE).	• **Section 504 of the Rehabilitation Act of 1973** • This is a civil rights law that prohibits discrimination against individuals with disabilities in any setting that receives federal funds, which includes public schools.

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Why and what is the goal?

Individualized Education Program (IEP)	504-Accommodation Plan
• The **goal** is for the student with a disability to receive a free, appropriate **specialized education** tailored to their unique needs and academic/functional goals. • Sometimes children with disabilities need additional services/supports in the learning environment, and an IEP is a legal contract between the parents and the school that outlines each child's specific learning plan.	• The **goal** is to **remove barriers** in the learning environment that are due to a child's disability. The goal is to "even the playing field" and give a child equal access to be able to learn in the general education setting • There is an accessibility issue where the child cannot adequately access general education curriculum, and accommodations are required to meet the child's needs in the general education classroom.

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What does it look like?

Individualized Education Program	504-Accommodation Plan
• An IEP changes ***what*** the child is learning and tailors learning to their specific needs. This can include pull-out services or other learning environments (e.g., speech and language, occupational therapy, academic services, social skills instruction, executive functioning instruction, self-regulation, etc.).	• A 504-accommodation does not change what the child is learning; instead, it changes ***how*** they learn. They will remain in the general education classroom and receive the same curriculum, but the teacher will make changes to that environment to make it more conducive to your child's learning.

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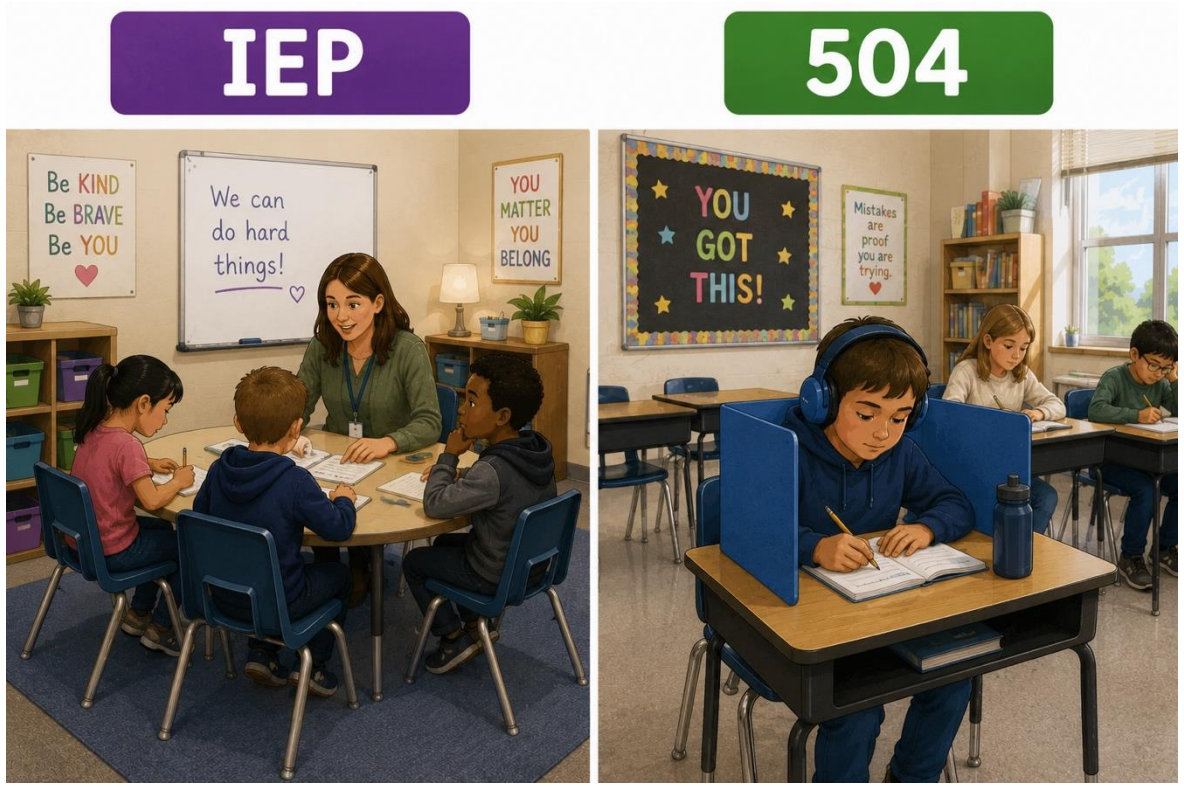
What does it look like?

Individualized Education Program	504-Accommodation Plan
We are talking about ***modifications*** to learning.	We are talking about ***accommodations*** to learning.



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How do you qualify for each?

Individualized Education Program	504-Accommodation Plan
• Meets one of 13 IDEA disability categories, including the following: specific learning disability (SLD), speech or language impairment (SLI), other health impairment (OHD), autism spectrum disorder (ASD), intellectual disability (ID/DCD), emotional disturbance, multiple disabilities, hearing impairment, orthopedic impairment, visual impairment (including blindness), traumatic brain injury (TBI), deafness, and deaf-blindness.	• The child has a “qualifying disability” (i.e., physical or mental impairment) that substantially limits a major life activity, has a record of such an impairment, or is “regarded” as having such an impairment.

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How often is it updated?

Individualized Education Program	504-Accommodation Plan
• The school is required by law to have an annual IEP meeting to review and update goals. The school is also required by law to complete a comprehensive re-evaluation every 3 years to determine current levels of functioning.	• The law specifically states, “periodically,” but best practice would be to have the plan reviewed and updated every year.

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How long does it support the person?

Individualized Education Program	504-Accommodation Plan
• Under IDEA Part B, an IEP can support a child from age 3 through high school graduation, or age 22. Students can continue with their special education transition programs until their 22nd birthday if they do not accept a diploma. IEP services do not follow people into college/post-secondary environments.	• An accommodation plan can serve a person kindergarten through college. Accommodation plans can continue into college and post-secondary environments, but it is no longer considered a 504-plan. Colleges must provide reasonable accommodations under ADA and 504, but students must self-advocate and request services through Disability Services. (i.e., Section 504 protects individuals of all ages as a civil rights law, but schools provide formal 504 plans during K-12 enrollment)

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Which plan would be best for my child?

- It is not about which plan is “better.” It is about which level of support your child needs to succeed.
- Yes, an IEP typically provides more comprehensive supports, but not all children need this.

<u>We want to start with the child’s needs, not the label.</u>

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Which plan would be best for my child?

Does the child need specialized instruction or primarily accommodations?

Individualized Education Program	504-Accommodation Plan
Students need specialized instruction to make meaningful progress.	The student is able to access the same education as peers by removing barriers.

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Which plan would be best for my child?

Example: Bright 5th grader with ADHD who struggles to stay focused, finish work, and organize materials.

Individualized Education Program	504-Accommodation Plan
An IEP could include specialized instruction in executive functioning, emotion identification, emotion regulation, and social skills. When might this be appropriate? • Accommodations alone aren't enough, and the child needs to be taught skills. They may be failing classes or falling behind because of their disability.	A 504-plan could include preferential seating, visual reminders, movement breaks, extended time, taking tests in quiet environments, and chunked assignments. When might this be appropriate? • The student understands grade-level material but needs support to demonstrate what they know.

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Which plan would be best for my child?

Example: Student with dyslexia

Individualized Education Program	504-Accommodation Plan
An IEP could include explicit and systematic reading intervention at the frequency and intensity that the child needs. When might this be appropriate? An elementary student who is behind grade-level in reading and needs explicit and specialized instruction to make meaningful progress.	A 504 could include audiobooks, extended testing time, reduced reading load, and speech-to-text. When might this be appropriate? A high school student who reads at grade-level but reads slowly due to dyslexia. They can learn the curriculum with accommodations, and they have already received interventions.

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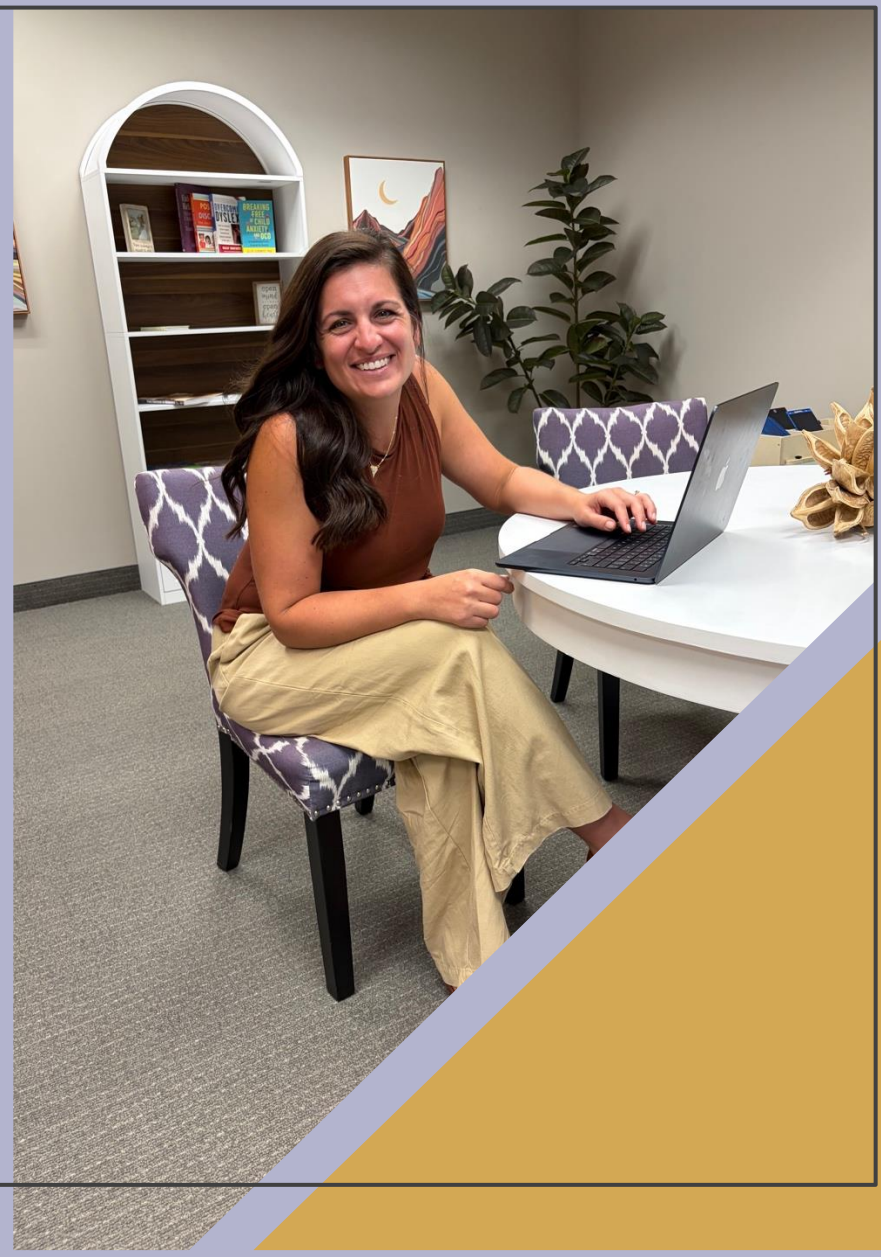
Questions?

I am happy to provide guidance and consultation, especially as it relates to school-based services and support. I look forward to connecting with you!

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