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504 vs. IDEA:
When Does the
Student's
Disability Require
More than 504?

Session Objectives

Distinguish 504 & IDEA

Explain eligibility standards

Examine Close Calls

Tale of Two Laws

- **Section 504:** Ensures nondiscrimination, equality of outcomes and access through accommodations to rules, procedures, practices, and 'procedural safeguards.'
- **IDEA:** Ensures meaningful educational benefits, through specially designed instruction, parental participation, and 'procedural safeguards.'

Accommodations vs. SDI

- Accommodations afford access or participation that would otherwise be limited by disability. (e.g. extended time, seating, breaks, notes, reminders). Accommodations reduce effects of disability.
- SDI is adaptation of content, methodology, or delivery of instruction to affect individualized educational progress. (e.g. structured literacy, social skills, behavior instruction). Instruction builds skills.

Side-by-Side Similarities at the Surface

Section 504

- Procedural Safeguards
- Evaluation
- Eligibility standard
- Group-based decision making

IDEA

- Procedural Safeguards
- Evaluation
- Eligibility standards
- Group-based decision making

Side-by-Side Differences in Details

Section 504

- Procedural Safeguards (limited)
- Evaluation (limited)
- Eligibility standard (focus on major life activities)
- Group-based decision making (Parent are notified)

IDEA

- Procedural Safeguards (comprehensive)
- Evaluation (comprehensive)
- Eligibility standards (turns on need for specially designed instruction)
- Group-based decision making (Parents are participants)

Side-by-Side Eligibility Standards

Section 504

1. Physical or mental impairment
2. That substantially limits any major life activity

IDEA

1. At least one qualifying IDEA disability
2. That requires specially designed instruction

Close Call #1—ADHD

Accommodation

- Chunking
- Graphic Organizers
- Flexibility in deadlines
- Reminders

SDI

- Instruction in executive functioning and/ or organizational skills
- Self-regulation
- Social skills
- Individualized study skills

Close Call #2—Dyslexia

Accommodation

- Oral administration of tests
- Copies of class notes
- Speech to text
- Reduced emphasis on spelling in grading

SDI

- Standard Protocol Dyslexia Instruction
- Resource classroom instruction

Close Call #3—Anxiety

Accommodation

- Break pass
- Designated trusted adult
- Advance notice of changes

SDI

- Instruction in emotional regulation
- Self-advocacy

More Notable Close Calls

Homebound

Health issues

Autism

Disruptive behaviors

Chronic attendance challenges

Common 504 Eligibility Mistakes

504 eligibility does not require

- Doctor's diagnosis
- Educational need
- Parent request

Common IDEA Eligibility Mistakes

- Students who are passing may still have educational needs that require SDI
- Intertwining LRE conversations with eligibility
- 'Trying 504 first'



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