

## **"What Do I Do When..."**

### **My child needs help at school and I don't know whether to ask for a "504 Plan" or an "IEP".**

Parents sometimes ask – which is better; a 504 Plan (named for section 504 of the Rehabilitation Act) or an IEP (Individualized Educational Plan available under the Individuals with Disabilities Education Act (I.D.E.A.)? The answer is ... it depends on your child's needs. The criteria for and supports available under a 504 Plan are not the same as for an IEP.

While there is no doubt that an IEP is a more rigorous document that confers more substantive and procedural rights, that does not make it necessarily better for your child. That would be like saying a chain saw is better than a hand saw. It all depends on whether you are building a birdhouse or cutting down an Oak tree.

*What are you looking for...*

#### *The 504 Plan*

If your child does *not* need specialized instruction, but simply needs help accessing his/her education, then a 504 Plan is ideal. A classic example is a child with an ambulatory impairment who uses a wheelchair. This child doesn't need special education, but he/she but may require a ramp, elevator pass, wheelchair accessible desk and table, preferred locker location, alternative physical education, special arrangement for restroom use, etc. 504 Plans are not restricted to students with physical impairments, they also may be used for other kinds of disabling conditions. For example, a student with mild ADHD may have a 504 Plan that allows her to have preferential seating, use a study carrel or a separate room for testing, receive frequent cuing from teachers, take occasional work breaks, use a fidget, and have larger assignments broken down (called "chunking"), etc.

The types of support noted above (ramps, fidget devices, preferential seating, etc.) are all examples of accommodations. Accommodations are what your child can get from a 504 Plan; they are intended to help students with disabilities learn the same material as their non-disabled peers without altering the curriculum. Accommodations are intended to bring a student with a disability up to the same starting point as the students without disabilities. That is why we sometimes say that 504 Plans "level the playing field." Accommodations are an appropriate intervention under the Rehabilitation Act because it is a civil rights (anti-discrimination) statute that requires that the needs of students with disabilities are met as adequately as the needs of non-disabled students.

#### *The IEP*

If your child has an IEP, he/she will receive special education (and, depending on his/her needs, may also receive related services, such as speech and language therapy, audiology services, occupational and or physical therapy, orientation and mobility services, etc.). Special Education is specialized instruction that meets the unique needs of a child with a disability. In the above section we discussed a student with mild ADHD who was adequately accommodated with a 504 Plan. However, if the student had more severe ADHD, she might require special education – for example, a resource period during which a special education teacher would work with the student to improve her executive functioning skills and a weekly session with a speech and language pathologist to sharpen the student's pragmatic language skills. This student would not be able to these specialized services unless she had an IEP.

An IEP will specify the number of minutes of service (e.g., 30 minutes of occupational therapy per week; 50 minutes of math “pull-out” with a special education teacher). Further, an IEP will specify a child’s educational placement (e.g., >80% time in general education, 40-80% general education, therapeutic day school, therapeutic residential school, in-home tutoring, etc.). This is a difference from a 504 Plan where students are presumed to be in the general education environment.

Another feature that differentiates IEP from 504 Plans is individualized goals. If your child has an IEP, his/her school will be required to document that your child is making progress toward annual educational goals that have been designed particularly for your child. For example, an IEP goal may state that given direct instruction and visual supports, a student will be able to count an assortment of random coins, measure objects in standard units and tell time to 15 minute increments with 80% accuracy. Keep in mind that these goals do not have to be strictly academic in nature; depending on the child’s needs, goals may also support functional, behavioral, social/emotional well-being or prepare the student for post-secondary transition.

An IEP may include the kind of accommodations allowed under 504 Plans. Additionally, an IEP may also provide for modifications. Modifications (in contrast to accommodations) change what a student is taught or expected to learn. For example, a child with dyscalculia may have a modified curriculum in math; while the other students in math class are learning how to multiply fractions, this student may be working on understanding what a fraction is and how it relates to a percentage. Assessment and grading for students with a modified curriculum may be adjusted as appropriate for the child’s ability.

The amount of special education and type and amount of related services are decided by an IEP team, which is made up of relevant school staff, administrators and you, the parent. The IEP team also drafts goals, writes accommodations and modifications and determines educational placement. As you can see, an IEP is considerably more involved than a 504 Plan, but also confers more rights, both procedural and substantive. One key entitlement under the I.D.E.A. is called “FAPE” (which stands for free appropriate public education). According to a recent Supreme Court decision, the “FAPE” provision requires schools to provide an IEP that is “reasonably calculated to enable a child to make progress in light of the child’s circumstances.”

**In the next edition of the newsletter, we will explain the criteria for eligibility for a 504 Plan and how they differ from the criteria for an IEP plan.**