



# DISABILITY RIGHTS ARIZONA

## Differences Between a 504 Plan and an IEP

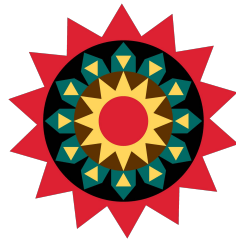
| Question                | Section 504 Plan  | IEP  |
|-------------------------|---|--|
| 1. What is it?          | <p>A 504 Plan is a plan outlining the accommodations and related services a student with a disability will receive at school.</p> <p>Although districts are not explicitly required to create written 504 Plans, it is recommended.</p> <p>See <a href="#">34 C.F.R. § 104.35(c)</a>; <i>Mansfield (AR) Pub. Schs.</i>, 59 IDELR 265 (OCR 2012).</p>  | <p>The Individualized Education Program (IEP) is a written document outlining the special education and related services that a student with a disability will receive at school.</p> <p><a href="#">34 C.F.R. § 300.320(a)</a>.</p>   |
| 2. Why is it important? | <p>The 504 Plan provides the student a free appropriate public education (FAPE) in accordance with Section 504 of the Rehabilitation Act. Specifically, the 504 Plan offers the student regular or special education and related aids and services that meet his individual needs as adequately as the needs of nondisabled students are met.</p> <p><a href="#">34 C.F.R. § 104.33(b)</a>.</p> | <p>The IEP provides the student FAPE in accordance with the IDEA. The IEP will enable the student to make educational progress that is appropriate in light of his circumstances.</p> <p><a href="#">Endrew F. v. Douglas County Sch. Dist. RE-1</a>, 137 S. Ct. 988 (2017).</p> |

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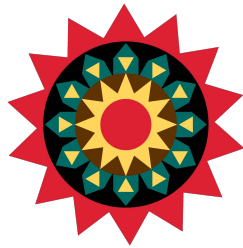
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| Question                                | Section 504 Plan   | IEP   |
|---|--|---|
| <p>3. Who develops it?</p>              | <p>The school is ultimately responsible for providing a child with FAPE in compliance with Section 504. Although there are no requirements laid out in the law regarding who must participate in the development of a 504 Plan, Section 504 does state that placement decisions for students must be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.</p> <p><a href="#">34 C.F.R. § 104.35(c).</a></p> | <p>The IEP is developed by the student's IEP team. The IEP team must include:</p> <ul style="list-style-type: none"> <li>● The parents;</li> <li>● A general education teacher;</li> <li>● A special education teacher;</li> <li>● A district representation who has authority over special education;</li> <li>● An individual who can interpret the evaluation results;</li> <li>● The student, if appropriate; and</li> <li>● Other knowledgeable individuals at the discretion of the parent or district.</li> </ul> <p><a href="#">34 C.F.R. § 300.321(a).</a></p> |
| <p>4. What information is included?</p> | <p>Section 504 doesn't require the 504 Plan to include specific information. However, a 504 Plan may typically include:</p> <ul style="list-style-type: none"> <li>● Information about the student's disability and related needs.</li> <li>● Evaluation data.</li> <li>● Accommodations and services required for FAPE.</li> <li>● Information about the student's placement and the location of his accommodations/related services.</li> </ul>  | <p>The IEP must include:</p> <ul style="list-style-type: none"> <li>● The student's present levels of academic achievement and functional performance.</li> <li>● Measurable annual goals.</li> <li>● How the student's progress will be measured and when the parents will receive progress reports.</li> <li>● The special education and related services required for FAPE.</li> </ul>   |



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| Question                                  | Section 504 Plan  | IEP   |
|---|---|---|
|   | <p><a href="#">34 C.F.R. § 104.35</a>; <a href="#">Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Educ. of Children with Disabilities</a>, 67 IDELR 189 (OCR 2015).</p>  | <ul style="list-style-type: none"> <li>• Whether the student will participate in general education and, if so, to what extent.</li> <li>• Accommodations on state and district assessments.</li> <li>• The start date, frequency, location, and duration of the student's services.</li> <li>• Transition services, if appropriate.</li> </ul> <p><a href="#">34 C.F.R. § 300.320(a)</a>; and <a href="#">34 C.F.R. § 300.320(b)</a>.</p>   |
| <p>5. How often should it be updated?</p> | <p>The 504 team must periodically reevaluate the student, and update his 504 Plan if necessary, to ensure he is receiving FAPE. Additionally, the 504 team should consider revising the 504 Plan whenever it suspects that the student's needs have changed.</p> <p>Districts may comply with Section 504 by following the IDEA's timelines for reevaluations and IEP revisions.</p> <p><a href="#">34 C.F.R. § 104.35(d)</a>; <i>Fulton County (GA) Sch. Dist.</i>, 9 GASLD 8 (OCR 2015); and <i>Mesa (AZ) Pub. Schs.</i>, 67 IDELR 46 (OCR 2015).</p> | <p>The IEP team must review and update the student's IEP at least once per year. But, the team may need to update the IEP more frequently depending on the student's needs and circumstances.</p> <p>Additionally, the school must conduct a reevaluation of the student at least every three years to determine if the student continues to qualify for special education and to reassess his needs, services, and placement.</p> <p><a href="#">34 C.F.R. § 300.324(b)(1)</a>; <a href="#">34 C.F.R. § 300.303</a>.</p> |