

Comparison Highlights of IDEA, Section 504 and ADA
Flow Chart of Services- Comparison Highlights of Each Law

ISSUES	SECTION 504	IDEA	ADA
TYPE	A Civil Rights Act	An Education Act	A Civil Rights Law
TITLE	The Rehabilitation Act of 1973	The Individuals With Disabilities Education Act (IDEA)	Americans With Disability Act of 1990 (ADA)
RESPONSIBILITY	Regular Education	Special Education	Public and Private Schools
FUNDING	State and Local Responsibility (No Federal Funding)	State, Local, and Federal	Public and Private Responsibility (No Federal Funding)
SERVICE TOOL	Accommodations and/or Services	Individualized Education Program	Suggested to Use 504 Coordinator
SERVICE TOOL	Accommodations and/or Services	Individualized Education Program	Reasonable Accommodation and Legal Employment Practices
PURPOSE	It is a broad civil rights law which protects the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.	It is a Federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure adequate and appropriate services for students with disabilities	To provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.
POPULATION	Identifies student as disabled so long as she/he meets the definition of qualified persons with disabilities; i.e., has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others.	Identifies 13 categories of qualifying conditions.	Identifies persons as disabled so long as she/he meets the definition of qualified persons with disabilities; i.e., has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others.
FREE APPROPRIATE EDUCATION	Requires a provision of a free appropriate education to students covered under them including individually designed instruction.	Requires a provision of a free appropriate education to students covered under them including individually designed instruction.	Addresses education in terms of accessibility requirements.
	Requires a written accommodation plan. "Appropriate" means an education comparable to the education provided to disabled students.	Requires the district to provide IEPs. "Appropriate education: means a program designed to provide "educational benefit".	Requires private and public entities not to use employment practices that discriminate on the basis of a disability.

ISSUES	SECTION 504	IDEA	ADA
SPECIAL EDUCATION VS REGULAR EDUCATION	A student is eligible so long as she/he meets the definition of qualified person with disabilities, i.e., currently has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others	A student is only eligible to receive special education and/or related services if the multidisciplinary team determines that the student is disabled under one of the thirteen qualifying conditions and requires special education.	A person is eligible so long as she/he meets the definition of qualified person with disabilities, i.e., currently has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others.
	The student is not required to need special education in order to be protected.		The student is not required to need special education in order to be protected.
ACCESSIBILITY	Has regulations regarding building and program accessibility, requiring that reasonable accommodations be made.	Requires that modifications must be made if necessary to provide access to a free appropriate education.	Requires public and private buildings and programs be accessible to individuals with disabilities
PROCEDURAL SAFEGUARDS			Makes provisions for public notice, hearings, and awarding attorney fees.
	Does not require written notice but a district would be wise to do so.	Requires a written notice.	
	Notice is required only before a "Significant change in placement"	Notice provisions are much more comprehensive. What the notice at a minimum must provide is specifically spelled out.	
		Written notice is required prior to any change in placement.	
EVALUATIONS	Evaluation draws on information from a variety of sources in the area of concern; decisions made by a group knowledgeable about the student, evaluation data, and placement options.	A full comprehensive evaluation is required assessing all areas related to the suspected disability. The student is evaluated by a multidisciplinary team or group.	All schools should conduct or update their section 504 self-evaluation regarding services, accessibility, practices, and policies to assure discrimination is not occurring to any individual with disabilities.
	Does not require consent, only notice. However, good professional practice indicates informed consent.	Requires informed consent before an initial evaluation is conducted.	
	Requires periodic reevaluations	Requires reevaluations to be conducted every 3 years.	

ISSUE	SECTION 504	IDEA	ADA
EVALUATIONS (Continued)	Reevaluation is <u>required before a significant change in placement.</u>	Reevaluation is not required before a significant change in placement. However, a review of current evaluation data, including progress monitoring, is strongly recommended.	
	No provision for independent evaluations at district expense. District should consider any such evaluations presented.	Provides for independent educational evaluation. At district expense if parent disagrees with evaluation obtained by school and hearing officer concurs.	
PLACEMENT	Notice should be given. A meeting is not required for change of placement.	Notice must be given to parents and an IEP conducted before any change of placement.	Public notice is required of all school agencies regarding students, parents, and employee rights under ADA.
GRIEVANCE PROCEDURE	Requires districts with more than 15 employees to designate and employee to be responsible for assuring district compliance with Section 504 and provide a grievance procedure for parents, students, and employees.	Does not require a grievance procedure, not a compliance officer.	
DUE PROCESS	Statue requires district to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of student with disabilities.	Statue requires district to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of student with disabilities	Due process hearings can be initiated by either party. The court may allow the prevailing party, other than the United States, a reasonable attorney's fee.
	Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify specific details.	Delineates specific requirements.	