



Utah Parent Center
Special needs, extraordinary potential

Frequently Asked Questions

Frequently Asked Questions about Special Education and Section 504 Services

How does a student qualify for section 504 or special education services?

Both programs have a thorough evaluation process that involves a variety of assessments that may include formal and informal testing, aptitude and achievement tests, teacher recommendations, physical condition, adaptive behavior, educational history, observations, interventions, and progress monitoring. It is the responsibility of a team at each school made of various school personnel familiar with the student and school programs, along with the parents, and the student if appropriate to make a determination if a student qualifies for a Section 504 Plan or an Individualized Education Plan (IEP). The school appreciates having a summary letter of any medical documentation, psychological evaluations, or other private evaluations that have been completed on the student and will take the information into consideration when determining if the student needs section 504 or special education services; however, by law the school is required to complete their own evaluation for school services. A student may have a disability and not qualify for a section 504 plan or special education services.

To begin the school process, families should:

- Give a written request for evaluation to the school principal
- Meet with personnel to discuss your concerns and desires
- Be prepared to provide copies of medical documentation if appropriate
- Be willing to communicate with the school and work together as a team

What are the two laws that cover special education and section 504 services?

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination against a person because of his/her disability. For school age children it provides for accommodations and some related services in order for the student to access his/her education at the same level as their non-disabled peers. The Section 504 definition of disability is broad, it states: "the individual has a mental or physical impairment that substantially limits one or more major life activity, including, but not limited to, walking, seeing, speaking, learning, breathing, sleeping, standing, lifting, reading, concentrating, thinking, communicating, helping, eating, bending, and other." In order for a student to qualify for help in

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school, the student must have an impairment that limits his/her ability to learn at school. Typically students on a section 504 plan are served in the general education classroom. Section 504 is the responsibility of general education.

Individuals with Disabilities Education Act (IDEA) ensures access to educational services to children with disabilities. According to IDEA a child with a disability is a child who has one or more disabilities and needs special education, specially designed instruction, in order to benefit from their education. The services provided are written on the Individualized Education Program (IEP). The categories for eligibility under IDEA are:

- Autism
- Deaf/blindness
- Emotional Disturbance
- Hearing Impairment/Deafness
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment (Including Blindness)
- Developmental Delay (ages 3-7)

One of the main differences between section 504 services and special education services is the student who requires special education services has a greater need for specialized instruction and modifications to the curriculum and coursework.

Who Creates the Program/Plan?

Special Education: The IEP is created by an IEP team that includes the parent(s); student, if appropriate; special education teacher; general education teacher; representative of the Local Education Agency (LEA) who is usually the school administrator or a representative; school psychologist or specialist who can interpret evaluation results if needed; and related services providers, if needed.

Section 504: The 504 Plan is created by a team of people who are familiar with the child and understand evaluation data and special services options. The team might include parent(s); student, if appropriate; general education teacher; school counselor; and the principal or administrator. The team should include the school nurse if the student has an Individual Healthcare Plan (IHP).

What needs to be on a Section 504 or IEP plan?

Under special education, an IEP includes:

- The child's present levels of academic and functional performance – how he/she is currently doing in school
- Annual education goals for the child and how the school will track his/her progress
- The services the child will get
- Any accommodations, just like a Section 504 plan
- Any modifications – changes to what the child is expected to learn and how

- How the child will participate in standardized tests
- How the child will be included in general education classes and school activities

Under Section 504, a 504 plan generally includes the following:

- Specific accommodations, supports, or services for child
- Names of who will provide each service
- Name of person responsible for ensuring the plan is implemented

What is the difference between an accommodation and a modification?

Accommodations can be on a Section 504 plan or on an IEP. They are practices and procedures that can help students learn the same material and meet the same expectations as their classmates by leveling the playing field. Accommodations are individualized and based on the student’s specific needs as determined by the IEP or Section 504 team which includes the parent, and if appropriate, the student. Some examples of accommodations may include adjusted time for responses, assignments, and testing; changes in transition times or routes; assistance in accessing certain programs; spell checker, audio books; etc. It is appropriate to begin with a manageable amount of reasonable accommodations so the school team can track their effectiveness and be as non-invasive as possible. Changes can be made as needed.

Modifications can be on an IEP. Modifications are alterations to instruction and assessments. Modifications may change, lower, or reduce learning expectations. Some examples of modifications may be changes to the curriculum, lowering the reading level of information, modifying test material to be less complex, being excused from running laps in the gym class, etc.

Will my student always need a Section 504 Plan or an IEP?

Under IDEA and Section 504, while a student’s disability may never go away, the need for school services might. Both laws require a review for eligibility; section 504 states that a periodic review of eligibility is necessary and IDEA requires a review every three years. Our goal as a parent, as well as the school, is for the student to become as independent as possible. A student who is on an IEP may arrive at the point that he/she no longer needs specialized instruction and can succeed in the general education classroom using accommodations only. A student on a Section 504 plan may arrive at the point where they only use accommodations that all students have access to and no longer need a Section 504 plan.

How long will services last?

Special Education: In Utah, a student with a disability who is eligible for special education services can receive services until they receive a high school diploma or if a student does not receive a high school diploma they can receive services through age 21. Services will be based on the student’s IEP. Special Education services end once a student receives their high school diploma or ages out at age 22.

Section 504: Section 504 covers any service that receives federal financial assistance which includes public schools, colleges, and state agencies. However, your child’s K-12 Section 504 plan does not follow your child into adulthood. 504 services and accommodations will look different in adulthood.

Some federal and state agencies as well as the disability service office on college campuses will take into consideration IEP’s and 504’s as one piece of documentation when determining eligibility but will required other documentation.