

Individual education plans (IEPs) and 504 plans

What is an IEP?

An IEP is an individual education plan, which is part of the special education laws of the IDEA 97 laws or educational benefit laws. IDEA allows for additional services and protections for disabled children not offered to other children such as accommodations, modifications, related and special education services to allow the child to be successful in school.

What is a 504 plan?

Section 504, of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination against individuals with disabilities. Section 504 ensures that a child with a disability has equal access to an education. The child may receive accommodations and modifications even if he or she does not qualify for special education. Any school or program receiving federal funds must follow this law.

What are the similarities between the two plans?

Both plans can provide the student with certain accommodations and modifications to allow a disabled child to be more successful in school. Related services can be provided for students on either plan, such as occupational therapy, physical therapy, and speech and language therapy. Neither plan requires the student to have a change of placement. The child may stay in a regular classroom.

What are the main differences between the two?

A student receiving Special Education through an IEP is protected under all Section 504 laws. The opposite is not true.

Section 504 does require the school to come up with a system of safeguards such as:

- *Parental notice of evaluation or placement decision
- *Parental review of records
- *Impartial hearing for appeals.

IEP (SPED) has a more elaborate system of safeguards to protect the parent and child, such as:

- *Prior Written Notice of all evaluations, changes to IEP and placement changes
- * Right to an independent evaluation at the public school's expense
- * Arbitration or mediation if the parent and school do not agree on the plan
- *Administrative Complaint Process
- *Due Process Hearing

A 504 plan includes only accommodations, modification, and related services as needed. It does not allow for direct or indirect services with the student, or consultation services regarding the student between the special education teacher and regular education teachers. IEP does provide for services through special education teachers with the student and consultation with the regular classroom teachers.

IEP Qualifying for Special Education and an IEP

Special education allows a child to have an individual education plan (IEP) when the child's disability interferes with the student's education and performance. Special Education is available for all children that qualify from age 3 through age 21 or upon graduation from high school, whichever comes first.

If a parent feels their child requires special education, the first step is to contact the school the child is attending and explain what how you feel your child's disability will affect education.

The next step is the evaluation, which will include

- a letter or form from the physician explaining the child's specific medical concern
- interview with parents
- interview with teachers
- information from parents
- specific testing, including all areas related to suspected disability

If the child is qualified as "other health impaired" it does not require that testing be performed to show a learning disability. However, this does require proof, from your physician, of a medical disability that affects the child's education.

After the evaluation is completed, the team will meet. The team consists of the parent, the student (if he/she is at least 14 years old), regular education teacher, a LEA representative which is usually the principal, and a representative from any area that the child was tested in (i.e. speech pathologist, occupational therapist, psychologist). The parent may bring an advocate, such as a more experienced parent, to this and all team meetings. At the team meeting, all findings will be reviewed, including the teacher's observations, the physician's information, and any testing that has been completed. The parent may share any literature they have on the child's disability and how it will affect him or her in school at this time.

After discussing the findings, the team will make a decision on eligibility. The student will meet the criteria for qualification for special education under one of the eligible categories. Some of the eligible categories for special education are included below:

<p>OHI = Other Health Impaired D-B = Deaf Blindness VI = Visual Impairment HI = Hearing Impairment ED = Emotional Disturbance MR = Mental Retardation MD = Multiple Disabilities OI = Orthopedic Impairment PI = Preschool Impairment D-B = Deaf Blindness VI = Visual Impairment HI = Hearing Impairment ED = Emotional Disturbance MR = Mental Retardation MD = Multiple Disabilities</p>	<p>OI = Orthopedic Impairment PI = Preschool Impairment SM = Social Maladjustment SP = Speech Impairment LI = Language and Speech Impairment TBI = Traumatic Brain Injury SLD = Specific Learning Disability</p> <ol style="list-style-type: none"> (1) Basic reading skills (2) Reading comprehension (3) Oral expression (4) Listening comprehension (5) Mathematical computation (6) Mathematical reasoning (7) Written expression
---	--

There are many reasons a child may qualify for special education including a health impairment that interferes with the child's education. If the impairment is making it difficult for

the student to master the educational material, the student may be eligible for special education services. If the child is found to be eligible, the next step will be putting together an IEP.

Developing an IEP

The team will meet and provide input on assistance the student needs to advance successfully in their education. The parent will usually be asked what they feel the child's strengths are, as well as their concerns regarding the child's education. The team will then decide on placement for the student. Students are always placed in the regular classroom whenever possible.

Some Types of Placement

- * Regular class (with supplementary aids and services, as needed)
- * Special class (where every student in the class is receiving special education services for some or all of the day)
- * Special school
- * At home
- * A hospital
- * Institution
- * Another setting as deemed fit by the team

The student's placement can be changed as needed by writing an addendum to the IEP. For example, if the child is to be in the hospital for an extended period, the team could amend the IEP to have the student receive services while in the hospital. Hospital or homebound services can also be provided as part of the services the child receives).

<p>Some <u>Classroom</u> modifications/accommodations:</p> <ul style="list-style-type: none"> * Preferential seating * Provide copies of material to be copied from book or board * Provide copies of notes (from another student) * Peer Tutoring * Behavior contract * Performance Contract * Highlighted textbook * Second set of textbooks for at home * Taped materials * Unlimited Bathroom breaks

<p>Some <u>Assignment</u> accommodations/modifications:</p> <ul style="list-style-type: none"> * Assignment Book * Abbreviated assignments * Additional time * Study guide * Extra Grade Opportunity * Compacting 	<p>Some <u>Testing</u> accommodations/modifications:</p> <ul style="list-style-type: none"> * Extended time * Reading aloud for internal instructions * Reading out loud for test items * Repeating directions verbatim * Use of calculator * Use of word processor with or without talk text technology * Modified grading scale * Modified test format
--	---

	<ul style="list-style-type: none"> * Abbreviated concepts * Retesting
--	---

The final modifications and accommodations will need to be assessed for the individual, and adjusted according to specific state regulations. The team will decide on any allowable accommodations for state/district mandated assessments. The allowable accommodations will differ state to state.

Direct services are specialized instructional services provided directly to the student. This can be done in a number of settings such as:

- * Inclusion with a special education teacher or aide in general education classroom
- * The special education classroom with or without a group of students
- * Other appropriate settings

Indirect services are provided the special education teacher, or other service providers, do not work directly with the student. For example, the special education teacher or other services may consult with the regular classroom teacher to assist them in developing programs appropriate for the student. A special educator may monitor the student.

Related services are not provided directly by the special education department but are needed for the disabled child's success in school.

Examples of related services:

- * Speech-language pathology
- * Audiology services
- * Psychological services
- * Physical therapy
- * Occupational therapy
- * Recreation services
- * Social work services
- * Counseling services
- * Mobility services
- * Homebound services
- * Hospital services

This is not a complete list and actual related services will need to be determined according to the individual student and the state they live in. When developing the IEP, the team should discuss the child's annual goals and how they will be measured.

What are a parent's rights if you are told the child does not qualify for special education?

If the child does not qualify for special services, the parent can request an independent evaluation (performed and paid for by the school). The second evaluation is completed by an independent, outside source that the school and parent agree upon. The school system is required to pay the cost for the independent evaluation, but only after they have conducted the original evaluation and the parent has disagreed with the results.

If after the independent evaluation, the child is still denied special services, and the parent does

not agree with the decision, a due process hearing can be requested. This process differs state to state.

What does a parent do when they feel their child's IEP is not adhered to?

The first step is to contact the special services department and explain it is felt the child's IEP is not being complied with. If that does not resolve the issues, the next step is to speak with the school principal. The school principal is responsible for making sure the IEP is enforced. If the issue cannot be resolved at the school level, the parent has the option to contact the school system administration including the superintendent, or pupil services supervisors.

The IDEA laws allow the parent to appeal beyond the school system. Each states process differs, but under IDEA there are three steps that you can take.

- * File an Administrative Complaint
- * Request Mediation
- * Due Process Hearing

Section 504 Plan

Qualifying for a 504 Plan

Eligibility for a 504 plan requires a physical or mental disability which substantially limits at least one major life activity i.e. walking, writing, speaking, eating. If the child is qualified for an IEP the parent cannot legally choose to use a 504 plan instead.

The first step is to contact the school the student is attending. Most schools will evaluate a student to see if the student will qualify for special education first. If the child does not meet eligibility criteria for special education, the school will evaluate for a 504 plan. The team will get information from the parents, classroom teachers, attending physician, and more, depending on the impairment.

A 504 plan allows for many accommodations and modifications depending on the exact disability

Here are some examples:

- *Unlimited Bathroom breaks
- *Alternative arrangement at lunchtime and snack times for non-eaters
- *Tests taken at separate location
- *Time limits waived or extended
- *Education for other students regarding the child's disability
- *The use of a word processor
- *Taped material
- *Tests/Reports given orally
- *Scribe
- *Shortened assignments
- *Copy of class notes provided
- *Preferential seating

504 plans also allow for related services as needed such as:

- *Occupational therapy
- *Physical Therapy
- *Speech and Language Therapy
- *Audiology Services

The final modifications and accommodations will be individualized, according to the specific state regulations.

At the post-secondary level, the school is required to provide students with appropriate academic adjustments and auxiliary services necessary to provide an individual with a disability an equal opportunity to participate in the school's program.

What to do if a disabled student's 504 plan is denied or not being followed?

First, try to resolve the problem with the school. If that fails, then the parent can contact the superintendent of the school system. If the school or the administration of the school system does not resolve the problem, the parent may request a hearing. Section 504 requires school districts to conduct impartial hearings for parents who disagree with identification, evaluation, or placement. Under Section 504, the parent has an opportunity to participate and obtain representation by counsel. Other details are left to the discretion of the school district.

Resources

US Office of Education Office of Special Education and Rehabilitation Services (OSERS)

<http://www.ed.gov/index.jhtml>

<http://www.ed.gov/about/offices/list/osers/osep>

Federal Resource Center for Special Education

<http://www.dssc.org/frc/>

APFED, updated 12-10-04, author: Val D'Amato