

Comparing IDEA, 504 and ADA

The Individuals with Disabilities Education Act (IDEA) reauthorized in 1997, Section 504 (§ 504) of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990 are three laws that impact children and youth with disabilities.

FAQs	IDEA	§ 504	ADA
What is it?	An education act which provides federal money to State and local education agencies to provide special education services to eligible children. Money is also provided by State and local governments.	A civil rights law which prohibits discrimination on the basis of disability in programs and activities both public and private that receive federal financial assistance.	A civil rights law to prohibit discrimination solely on the basis of disability in employment, public and private educational institutions, transportation providers and telecommunications regardless of the presence of any federal funding.
Who is covered?	Students whose education is negatively impacted by their disability. Disability categories are defined in the law. Not all students with disabilities are eligible.	Any person who: 1. has a physical or mental impairment that substantially limits one or more major life activity, 2. has a record of such an impairment or 3. is regarded as having such an impairment. Examples are walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing manual tasks.	Any person who: 1. has a physical or mental impairment that substantially limits one or more major life activity, 2. has a record of such an impairment or 3. is regarded as having such an impairment. They must also be qualified for the job, service or program.
Funding	Federal funds are provided to help the State and local education agencies provide special education services.	No.	Not directly. There are limited tax credits for removal of architectural or transportation barriers. Some federal agencies have grants for training and technical assistance.
Evaluation	A comprehensive (in all areas of suspected disability), multidisciplinary evaluation is done. Parental consent is needed. Eligibility varies from state to state. Are done by the school and at no expense to the parents.	§ 504 requires notice, not consent, for an evaluation. Evaluation information should be gotten from various sources, should be documented, and decisions are made by a group of people who know the student.	No. There is provision for reasonable accommodations for eligible activities and settings. Examples are equipment redesign, altering existing facilities to be accessible, aides, written communication in alternate formats and test modification.

FAQs	IDEA	§ 504	ADA
Free, appropriate, public education (FAPE)	Eligible students receive FAPE which includes both special education and related services that make a child able to benefit from their education. Services are delivered through an Individualized Education Program (IEP) which is developed by a team which includes the parents. The IEP is based on both the child's strengths and weaknesses.	Students receive FAPE through accommodations and modifications suited to the student's disabling condition. These accommodations and modifications enable the student to have equal access to the education received by students without disabilities.	No. ADA does not apply to schools or organizations controlled by a religious organization.
Procedural Safeguards	Parents have the right to consent to the initial evaluation, to participate in meetings where decisions are being made about their child, notification about procedural safeguards each time the school takes or refuses to take action, the right to any proposed change in placement or services and the right to mediation and due process.	Parents should be notified about identification, evaluation, and placement.	Does not include procedural safeguards for education.
Mediation	Mediation is an option if both parties agree to participate.	No.	No.
Due Process	Local education agencies need to provide impartial hearings for parents who disagree with identification, evaluation or placement of their child.	Local education agencies need to provide impartial hearings for parents who disagree with identification, evaluation or placement of their child. Guidelines are developed by local education agencies.	No.

Resources

Office of Special Education and Rehabilitative Services

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

U.S. Department of Education

Frequently Asked Questions about Section 504 and the Education of Children with Disabilities

<http://www.ed.gov/print/about/offices/list/ocr/504faq.html>

National Dissemination Center for Children with Disabilities (NICHCY)

The IDEA Amendments of 1997

<http://www.nichcy.org/pubs/newsdig/nd26txt.htm>

U.S. Department of Justice

Americans with Disabilities Act

<http://www.usdoj.gov/crt/ada/adahom1.htm>

IDEA PRACTICES

Searchable web site for IDEA

<http://www.ideapractices.org/resources/index.php>

Toll Free Numbers

- National Dissemination Center for Children with Disabilities (NICHCY), 1-800-695-0285
- Office for Civil Rights (OCR), 1-800-421-3481
- The ADA Information Line, 1-800-514-0301 (voice); 1-800-514-0383 (TDD)
- US Equal Employment Opportunity Commission (ADA), 1-800-669-4000

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HRTW Phase II Projects are currently active in Arizona, Iowa, Maine, Mississippi, and Wisconsin.

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