

IEPs and 504s

We have created this document to be used as a starting point for our clients who are interested in implementing an IEP and/or 504 for their child. This document contains information and resources that have been sourced from reputable/official/vetted sources and are meant to provide everything you need to know about IEPs and 504s so you are prepared. Read the document to the end as we tried to only include notes and resources that we know work and have used over the years for our clients. This is generalized information for every child so you should still discuss your specific child with the staff.

As always, we are here to support you on this journey!

Sincerely,

The Adult and Pediatric Institute Team

Difference Between an IEP and a 504

Although your child may have a medical diagnosis, that does not mean that they will automatically qualify for an IEP or a 504. It is up to you as the parent to make the case for your child and state why and how your child's education is impacted by their disability.

A 504 will modify the environment (quiet room for testing, noise-canceling headphones, extra time to complete work assignments and tests, etc).

An IEP can modify the environment as well as the curriculum (not needing to do homework, small groups or 1-to-1 education, plus all above, etc.).

A child can have both a 504 and an IEP. An IEP will allow for more accommodations than a 504.

(<https://www.fldoe.org/academics/exceptional-student-edu/ese-eligibility/>)

	<p style="text-align: center;">IEP</p> <p>Special education law for children with disabilities</p>	<p style="text-align: center;">504</p> <p>Federal civil rights law to prevent discrimination against people with disabilities.</p>
Qualification	<p>Exceptional student education (ESE) services are for students ages 3 - 21 who have one or more eligible disabilities (https://www.fldoe.org/academics/exceptional-student-edu/ese-eligibility/). Students with an IEP need specialized instruction to make progress in school. The disability must impact the educational performance and/or ability to learn and benefit from the general education curriculum.</p>	<p>A student with a 504 plan has an identified disability. The disability must substantially limit one or more of basic life activities. Students with a 504 plan can receive accommodations, but not specialized instruction.</p>
Educational Instruction	<p>Specially designed instruction</p> <ul style="list-style-type: none"> • Accommodations • Specialized Instruction • K-12 grades 	<p>General education curriculum</p> <ul style="list-style-type: none"> • Accommodations • No specialized instruction • K-12 grades and post-secondary
Team members	<p>An IEP is created by an IEP team which may include:</p> <ul style="list-style-type: none"> • parent(s) or guardian • student (as appropriate), and in all meetings that address transition services needs • at least one general education teacher • at least one special education teacher or service provider • a school district representative knowledgeable about curriculum and specially designed instruction • An individual who can interpret the evaluation results • Other individuals who have knowledge or special expertise regarding the student, including related services personnel 	<p>A 504 team is made up of people who are familiar with the child and understand the evaluation data and special services options. This might include:</p> <ul style="list-style-type: none"> • The child's parent or caregiver • General and special education teachers • The school principal <p>The rules about who's on the 504 team are less specific than they are for an IEP.</p>
Law	Individuals with Disabilities Education Act (IDEA)	Section 504 of the Rehabilitation Act of 1973.

How To Start the Process

The IDEA law that governs IEPs has a time clock attached to it (see below). However, in order to officially start that time clock, the request must be made in a formal manner. Often time, parents will tell the child's teacher, guidance counselor, principal, etc in-person that the child needs an IEP. Telling them in person is often not considered a formal request. Also, the response parents often get is "but they do great in class... they don't need an IEP." That is also not a formal response to the request. To start the time clock, you will want to send an email to the following people:

- Guidance counselor (if they are in public school)
- Principal (if they are in public or private school)
- District ESE Director
 - Found on the school district's website by googling "your county ESE Department"
 - i.e. "St. Lucie County ESE Department"
- Regional Florida Diagnostic and Learning Resources System (FDLRS) Director
 - Found by googling "your county FDLRS"

If your child **is not in the public school system** for any reason (homeschooled, private school, too young, etc.), the school district that you live in is still legally responsible for the IEP/504 for your child as they govern any child living within their district. Some key points regarding this:

- Implementing the IEP for your child would not take place until they are in or planning to attend public school
- Even if your child is not eligible for an IEP because they are homeschooled or in private school, you would still want to follow this same process for the matrix level review if your child receives the FES-UA.
- Your child should still have a documented 504-plan even if they are homeschooled or private schooled as that will follow them into college and other secondary schools

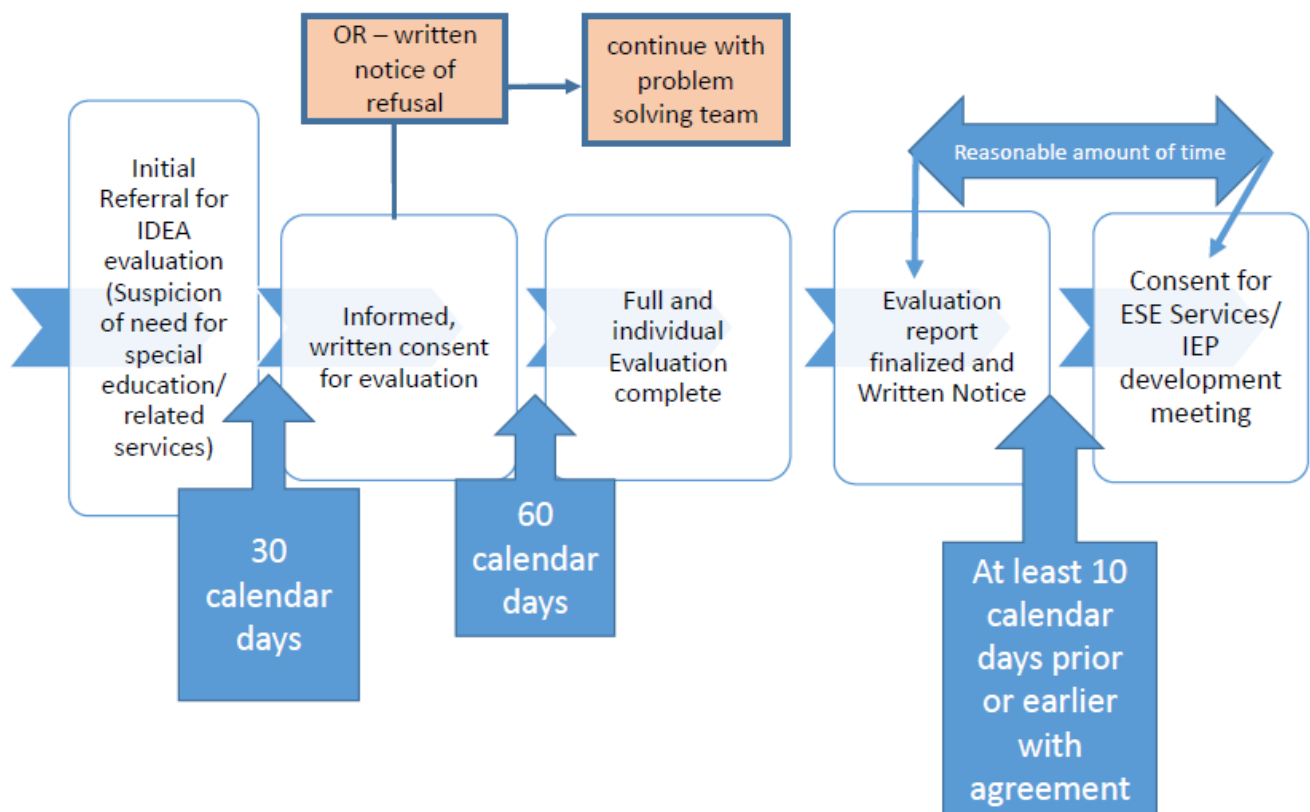
An **example of the email** to send is as follows:

“Please accept this email as a formal request for ESE eligibility determination and a psychoeducational evaluation, for my child, _____, due to their medical diagnosis of _____ in accordance with the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973.”

You may personalize this email to your child, but the main points are to include that it is a **formal request**.



IDEA Initial Evaluation Timeline



The 60-day timeline for evaluation does not apply if any of the following occurs:

- The parent or legal guardian repeatedly fails or refuses to produce the student for the evaluation
- The student enrolls in a school served by the school district after the timeline has begun and prior to an eligibility determination by the previous school district, as long as the current school district is making sufficient progress to ensure a prompt completion of the evaluation, and the parent or legal guardian agrees to a specific timeline for completion
- For a student suspected of having a specific learning disability, the student's parent or legal guardian and a group of qualified professionals agree in writing to extend the timeline. (Rule 6A-6.03018(3)(b), F.A.C.)
- Out of state transfer students and students being considered for gifted only.

More information about the timeline regarding the IDEA act can be found here:

<https://www.fldoe.org/core/fileparse.php/19861/urlt/IDEACOVID.pdf>

Categories of ESE Eligibility

You can click on the links to learn more about each category and the required criteria to meet that category. You will want to know what category your child will qualify for prior to the ESE Eligibility Determination Meeting.

Note: ADHD would fall under OHI.

- [Autism Spectrum Disorder \(ASD\)](#)
- **[Deaf or Hard of Hearing \(DHH\)](#)**
- Ages Birth-9 Years
 - [Birth Through Two Years](#)
 - Established Conditions (EC): Ages Birth Through 2 Years Old
 - Developmentally Delayed (DD): Ages Birth Through 2 Years Old
 - [Ages Three through Nine Years](#)
 - Developmentally Delayed (DD): Ages 3-9 Years
- [Dual-Sensory Impairment \(DSI\): Deaf-Blind](#)
- [Emotional/Behavioral Disability \(E/BD\)](#)
- [Gifted](#)
- [Homebound or Hospitalized \(HH\)](#)
- [Intellectual Disability \(InD\)](#)
- [Language Impairment \(LI\)](#)
- [Other Health Impairment \(OHI\)](#)
- [Orthopedic Impairment \(OI\)](#)
- [Specific Learning Disability \(SLD\)](#)
- [Speech Impairment \(SI\)](#)

- [Traumatic Brain Injury \(TBI\)](#)
- [Visual Impairment \(VI\)](#)

Additional Notes

- **It is always recommended that you bring someone to the IEP/504 meeting with you.**
 - The most common feedback given after one of the meetings is how intimidating it was. You may be able to compartmentalize like a pro on any given day but when it is your child involved, you will struggle to keep a clear head and remember everything. There is a reason why surgeons can't operate on their family members. Having someone there to support you (advocate, family friend, etc) will help ensure that everything that needs to be said is said

- **DO NOT SIGN THE FORM UNLESS YOU AGREE WITH ABSOLUTELY EVERYTHING IN IT!**
 - In order to close out an IEP (per the time clock), you need to sign the form. Some schools will have the parents sign the form right when the meeting starts so they "don't forget." Some say it is just attesting to attendance. It is not. That is a legal document and your signature is attesting to you agreeing with everything in that document.
 - If you disagree with any accommodations (want more, want less, etc), do not sign the form. The next step will be to set up another meeting to dig deeper into the concerns. By not signing the form, they are still mandated by the time clocks per the IDEA act.
 - It is important to note that most people in attendance at an IEP/504 meeting are teachers and guidance counselors; not attorneys. It is not their job or in their scope to have a deep understanding of the IDEA act or Section 504 or all of the rules associated with the laws. They are often not trying to be tricky or malicious, they are simply doing what they are told which is to make sure to get the form signed. It is your job to have a better understanding of the laws and your child's rights.

- **They are there for you!**
 - Everyone at that meeting is there to support your child. They may have 20 other kids on their schedule that day but that is not your concern; your child is. Do not let them rush you or intimidate you into hurrying up. Again, **those are legal documents** that will go into your child's official educational record, and it is setting a precedence for the rest of their educational

experience. Take as much time as you need to feel good about everything and, worst case, offer to schedule a 2nd meeting in a few days to continue the discussion.

- **Know the law and your rights and what accommodations you want BEFORE the meeting.**
 - Here are some links to help you learn the laws and some sample accommodations
 - FDLRS is a government agency that is there to support your child to make sure they get access to appropriate education. Special Ed Connect is a really valuable resource where you can learn everything you need to know. We recommend signing up for it and using the site **BEFORE your meeting** so you feel prepared!
 - <https://www.fdlrs.org/parent-services/special-ed-connection>
 - 504 accommodations
 - <https://www.psea.org/contentassets/ac6695903bd94d27aa14e85c3a12d90e/504-accommodations-guide.pdf>
 - IEP accommodations examples. Although this says for a child with Autism, this breaks down the domains and offers an extensive list of accommodations that apply to most children
 - <https://xminds.org/accommodations>
- **Every school district must post their policies regarding each ESE category. Pull them up before your meeting.**
 - <https://beessgsw.org/#/spp/institution/public/>
- **PRINT YOUR DOCUMENTS and HIGHLIGHT BEFORE MEETING.**
 - Have your documents printed out and highlight key points BEFORE your meeting! People tend to take this piece of advice for granted but, I promise, once you sit down in that room, it is like your mind goes into a black hole and you will forget half of what you prepared for. This also lets the people in the room (often the district representative) know that you are serious, prepared, and not playing games. Although you will feel intimidated by them, when they see you pull out a folder with the laws, your rights, and the accommodations you want printed and highlighted, they will feel equally intimidated and are less likely to push back on you.