**A Comparison of IDEA and Section 504**

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|  | **IDEA** | **Section 504** |
| Type of Law | IDEA is a Federal Law. | Section 504 is a Civil Rights Law |
| Who enforces the law | National Law (Federal) | State |
| Source of funding | Federal Funding | State and Local Funding |
| What does the law provide for or prohibit? | IDEA guarantee special education and any other related services to eligible children with disabilities. | Prevents discrimination by institutions receiving public funds. Institutions such as public schools, libraries, universities and colleges, and other public services are typically required to comply with Section 504 because they receive such funding in the form of grants or other government subsidies. |
| Requirements & Content for PE | IDEA requires that schools provide each student with a disability “the opportunity to participate in the regular physical education program available to nondisabled children,” unless the student is enrolled full time in a separate facility or the student’s individualized education program (IEP) prescribes a specially designed physical education (also known as adapted physical education) program. In that case, schools must “provide the services directly or make arrangements for those services to be provided through other public or private programs.” | Section 504 requires schools to provide appropriate, reasonable adaptations and accommodations to eligible students with a disability. Schools are not required to provide over and above what is provided for typical students. |
| Requirements for intramural/extracurricular sport | Sec. 300.117 of IDEA mandates that public agencies, including schools that receive public funds, must ensure that each child with a disability participates with children without disabilities in extracurricular activities to the maximum extent appropriate. | Students can participate in extracurricular activities, but it isn’t mandatory or mandated that they do so. |
| Disability defined? (in other words who is covered under the law) Provide the full definition | Individual that has one or more of 13 specific disability categories and who need special education and related services. Categories include autism, deafness, deaf-blindness, hearing impairments, mental retardation, multiple disabilities, orthopedic impairments, other health impairments, serious emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, and visual impairments. | Any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. |
| Age of persons covered | **Part B**: Birth to Age 2  **Part C**: 3-21 Years Old | There are no Age Restrictions.  {I originally put ages 3-22, however, after reviewing Marcus Rice’s post, I discovered there was no age limit for a 504 Plan.} |
| Setting/PE classroom placement | Inclusive setting or small-group placement. | Students will be placed in general PE classroom setting. |
| Services/supports provided | -Placement in which the students are receiving physical education, including general, small-group, one-on-one or “reverse-inclusion” physical education classes, as in when peers without disabilities are invited to participate in self-contained APE activities.  -Another form of support includes modifying the curriculum, equipment, aspects of the environment and/or rules of play to enable students with disabilities to participate successfully in physical education lessons.  -Provide an educational environment developed for the varied needs of all students in the class is to apply the principles of universal design for learning (UDL). | Supports are improving building accessibility, classroom accommodations, and curriculum modifications. |
| Evaluation documentation | IDEA requires written notice to parents regarding identification, evaluation, and/or placement. IEP Team meets to discuss the needs of the child and how we as teachers can come together to help the child succeed. Parent must consent to services.  {I learned from Cory Magwood that IEP documentation is more comprehensive then the 504 Plan.} | Section 504 requires written notice to parents regarding identification, evaluation, and/or placement. Parental consent is not needed. |
| IEP/Accommodations | To determine the need for such services, as well as to develop measurable and attainable IEP goals, SHAPE America recommends that the school complete a comprehensive assessment or evaluation that includes the student’s psychomotor, cognitive and affective learning domains. | There will be no IEP. Students will receive accommodations or modifications to increase their ability to function against the disability that limits them. |
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| **Additional topics for discussion** | | |
| Explain the difference between adapted and adaptive PE | Adapted PE is an inclusion class with an accommodation for a student with a disability. Adaptive PE is a small group placement designed to modify equipment, rules, environment, or instruction that best suits the child’s needs. | |
| Why are students with disabilities required to receive physical education services | IDEA guarantees these services will be provided for the students. Section 504 ensures no discrimination is happening when it comes to educating students with disabilities. (I.e. Teacher refusing to teach student with a disability) | |
| What are some guidelines to determine if a student qualifies for APE services | -Score of 1.5 standard deviations below the mean or below the 7th percentile on a standardized motor test.  -An inability to be independently safe and/or successful in the general PE environment due to physical, cognitive or emotional needs. | |

Reflection

Understanding the legal aspects of PE/APE is a critical component in learning how to assist your students in your classroom that have a disability. I did learn a few new things while doing this assignment.

The first thing I learned about was IDEA and a 504 Plan. With IDEA, it is mandatory and guarantees that a teacher provides PE services to all students that have a disability. This can even include PE with a small group, one on one, etc. However, with a 504 Plan, teachers provide accommodations and/or modifications to help the student be able to participate in a general PE classroom setting.

The second thing I learned was about the funding for a student that have an IEP (IDEA) vs students with a 504 Plan. IDEA is federally funded, and 504 plans are funded through the state’s public funding. Since 504 Plans are funded with public money, public places aren’t allowed to discriminate against students that have a disability.

The third thing that I learned was how IDEA ensures that each child with a disability participates with children without disabilities in extracurricular activities to the maximum extent appropriate. It is mandatory that we provide small group settings, one on one settings, etc. to students that have disabilities. However, when it comes to extracurricular activities, they can participate with students that do not have disabilities, if that program is funded by public.

The fourth thing I learned was the ages of people covered. With IDEA, Part B covers birth to Age 2 and Part C covers 3-21 years old that have a disability. With a 504 plan, there will be no age limits for students that have a disability.

The fifth thing that I learned was about the evaluation documentation process. With an IEP (IDEA), an IEP team will meet with the parent(s) and child to discuss the process and how the services are needed to help the child. Parental consent is mandatory. However, with a 504 Plan, parental consent is necessary, but isn’t mandatory. Services are automatically provided to students. (I.e. If a student has diabetes, we will provide small breaks so that they can consume snacks or to check blood sugar)

The last thing I learned was the difference between adapted PE and adaptive PE. Adapted PE is an inclusion class with an accommodation for a student with a disability. Adaptive PE is a small group placement designed to modify equipment, rules, environment, or instruction that best suits the child’s needs.

By having the knowledge of these critical things, I will be able to identify and assist students that have disabilities in my classroom. This knowledge will also keep my school and I having legal issues with families who believe their child aren’t getting the services that they are required to get. I learned a lot in this assignment.

Questions

1. When the IEP team comes together to determine if a student will need special education services, is a PE teacher included on this team of professionals writing the IEP (if the student needs APE)?

2. IDEA states that students with a disability will be able to participate with students without a disability in extracurricular activities. Are these extracurricular activities only school-based, or are they community sports/activities as well?

3. If a 504 plan is provided for a student and the APE teacher gives modifications to the general PE teacher, can they go back and suggest APE services instead? Or does the 504 plan have to expire?