

Understanding the Difference Between an IEP and a 504 Plan

When a student is struggling in school due to a disability or medical condition, schools can provide support through two primary plans: the **Individualized Education Program (IEP)** and the **504 Plan**. Though both are designed to ensure students receive the help they need, they differ in eligibility, services, and legal foundations.

What is an IEP?

An **Individualized Education Program (IEP)** is a legal document developed for students who qualify for special education services under the **Individuals with Disabilities Education Act (IDEA)**.

Key Features:

- **Eligibility:** The student must have one of 13 specific disabilities (e.g., autism, learning disability, ADHD if it significantly impacts learning) and require specialized instruction.
 - **Services:** Includes individualized instruction, related services (e.g., speech therapy, occupational therapy), accommodations, and measurable annual goals.
 - **Team:** Developed by a team that includes parents, teachers, school specialists, and often the student.
 - **Legal Rights:** IEPs are legally enforceable under IDEA and include procedural safeguards for parents and students.
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What is a 504 Plan?

A **504 Plan** is a plan developed under **Section 504 of the Rehabilitation Act of 1973**, a civil rights law that protects individuals with disabilities from discrimination.

Key Features:

- **Eligibility:** The student must have a physical or mental impairment that substantially limits one or more major life activities (e.g., learning, walking, concentrating).
 - **Services:** Provides **accommodations** and **modifications** to help students access the general education curriculum (e.g., extended test time, preferential seating).
 - **Team:** Usually developed by a school team including teachers, counselors, and administrators, with parent input.
 - **Legal Rights:** Provides protections under civil rights law but does not require specialized instruction.
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Quick Comparison Table

| Feature | IEP | 504 Plan |
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| Law | IDEA | Section 504 of the Rehabilitation Act |
| Purpose | Special education + accommodations | Accommodations only |
| Eligibility | Specific disability + need for services | Disability impacting major life activity |
| Services Provided | Specialized instruction, related services | Accommodations, no specialized instruction |
| Plan Content | Goals, progress tracking, services | Accommodations list |
| Review Frequency | At least annually | Varies (usually annually) |

XP and IEP/504 PLANS

- Under IDEA, every child with a disability is entitled to a **Free Appropriate Public Education (FAPE)** in the **least restrictive environment (LRE)**. This means the school must provide an education that meets the child's individual needs in an environment as close as possible to that of their non-disabled peers. The school should tint the windows in all areas that a child will be in during their education. Ideally, this would be the entire school. The entire school is especially important for middle and high school. For elementary school, most schools will include the library, nurses office, front office, gymnasium, cafeteria, hallways they pass through, bathrooms, art room, etc. – any room the child may be in or pass. Lightbulbs should also be replaced if emit UV.
- In elementary school, an Individual Assistant (IA) is beneficial, even if there is no cognitive impairment or special learning need. The child is unable to apply sunscreen adequately, dress in protective gear, and maintain proper temperature regulation while outside during recess. The IA would carry an emergency bag that would include any necessary protective gear and other items in case of an emergency. They will ensure the safety of your child while outdoors and carry water during recess etc. An IA is done only through an IEP. If your child does not have cognitive or special learning needs, still request an IEP with learning goals around identifying safe environments and practicing advocating and educating others on XP.
- You can meet with the school on request anytime – even after the IEP and 504 Plan are in place.
- Be sure to include that the school will be met with at least monthly, just in case changes were made.
- The school can provide a letter to parents every 90 days reminding them that a child in their school is “allergic” to UV and that students should not bring toys with lights etc. to school.
- The school should tint a vehicle for transportation to field trips and have a designated driver. This vehicle can be used to transport the child also to a designated safe location during an emergency to keep the child out of the heat. If no safe transportation is provided, a parent can be reimbursed for mileage. Some schools will tint a school bus, while others have purchased a vehicle.

Tips on Working with Public Schools

- Public schools need to budget for tinting and changing lightbulbs. Contact the school at least one year in advance if possible to discuss your child's situation.
- Bring pictures of your child, especially if you are going into elementary school and this is completely new to the school system. This will personalize your child when you are having conversations.
- Create a pamphlet on XP or print information off of the XPFamilySupport.org website.
- Check to see if your local hospital has an advocacy team that assist families and attend school meetings with parents. Some hospitals will have a team that advocates/helps families with children with rare diseases or special needs.
- Explain to the school that this is not a precaution, but a permanent damage if exposed. Explain in detail the consequences of exposure.
- Ask the school for a document if exposed – same as the school would do if a child who was allergic to peanut butter was exposed. There should be notification and documentation.
- Be polite. Thank the school for working with you. Show appreciation. Act and talk like you and the school are a team. This will help in getting cooperation.
- Do not discuss only the physical components of the disease. There are mental/psychological components as well -from feeling different to depression etc. The school counselor can assist and offer support.
- Develop a relationship with the school nurse. Have the nurse apply sunscreen for elementary kids. The school nurse can lead the way in assisting your child.
- Be sure to ask that all teachers are educated and how they will handle a substitute teacher.
- Ask that the school meet with you at least two weeks prior to field trips, field days, or other out of the ordinary events so that you can plan accordingly.
- Where will your child go if there is a long-term emergency? They need a safe in-door location as the heat could be difficult for long periods of time. They can be transported to another school if necessary.
- Ask for a backup plan if it is too hot to eat outdoors or for recess. A child should be able to stay indoors to eat or for recess and with a friend or two. There should be a plan for this.
- Ask for a special drop off/pick up location to prevent extended outdoor exposure.
- Ask the classroom teacher to provide a shelf for your child to put their hat, protective gloves, sunscreen, a hairbrush, etc. so that other children can not touch or play with their protective gear.
- Ask that the class be educated on XP and what terminology to use. You can use “fan hat” or “sports hat” for example. In addition to the class, you may ask that all classes in that grade or anyone who will have time with your child be educated. This is especially important in elementary school.

For more information or assistance: Please feel free to contact Johanna Sweet at jsweet@xpfamilysupport.org or call 252-649-8865.