

Section 504 vs. IEP

	IEP (IDEA)	504 plan (Section 504)
What kind of law	Individuals with Disabilities Education Act: a grant statute that funds special education, with conditions attached.	Section 504 of the Rehabilitation Act of 1973: a civil rights law banning disability discrimination in programs that receive federal money. No funding. OCR FAQ
Who qualifies	A child in one of 13 disability categories (or developmental delay, ages 3–9, if the state uses it) who, because of it, needs special education. 34 CFR 300.8	A student with a physical or mental impairment that substantially limits one or more major life activities, such as learning. 34 CFR 104.3(j)
Is a diagnosis enough?	No. The child must also need special education. 300.8(a)	No. The impairment must substantially limit a major life activity. OCR FAQ
What the child gets	Specially designed instruction plus related services. 300.39, 300.34	Regular or special education and related aids and services that meet the student's needs as adequately as other students' needs are met. 104.33(b)
The written plan	An IEP with required contents, including measurable annual goals. 300.320	No required format in the regulations. Carrying out an IEP is one way to meet Section 504. 104.33(b)(2)
Evaluation	Full and individual, with informed parent consent, within 60 days of consent or the state's timeline. 300.300, 300.301	Before initial placement and any significant change in placement; OCR requires parent permission for the first evaluation. 104.35; OCR FAQ
Review	IEP reviewed at least once a year; reevaluation at least every 3 years. 300.324(b), 300.303	Periodic reevaluation; an IDEA-style reevaluation is one way to comply. 104.35(d)
Parent safeguards	Consent, prior written notice, independent evaluations, records access, mediation, state complaints, due process. 300.504	Notice, records review, an impartial hearing with representation by counsel, and a review procedure. No mediation requirement. 104.36; OCR FAQ
Who oversees it	State education agencies; the Department's Office of Special Education and Rehabilitative Services. OCR FAQ	The Department's Office for Civil Rights. OCR FAQ

Both? A child who qualifies under IDEA must have an IEP; the school doesn't need a separate 504 plan. A child with a disability who doesn't need special education may still qualify under Section 504. OCR FAQ

Sources: 34 CFR parts 300 and 104 (eCFR, as amended through October 8, 2026); U.S. Department of Education, Office for Civil Rights, "Frequently Asked Questions: Section 504 Free Appropriate Public Education (FAPE)" (OCR FAQ). Not legal advice. Full guide: inchyapp.com/iep-and-special-education-guide. Reviewed October 13, 2026.