

## Overview of IDEA and Section 504

Differing degrees of supports or academic assistance can be obtained through the federal Individuals with Disabilities Education Act of 2004 (IDEA) or Section 504 of the Vocational Rehabilitation Act.

The Individuals with Disabilities Education Act, commonly referred to as IDEA or IDEIA (Individuals with Disabilities Education Improvement Act), is a federal law that governs special education services in the United States. This federal law provides for a free and appropriate education for all students from birth through 21 in the least restrictive environment and defines IDEA as a free appropriate public education to children and youth from birth through 21 who have a disability that affects their ability to learn and requires special education and related services to benefit from their education. Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C. Children and youth (ages 3-21) receive special education and related services under IDEA Part B. The New Jersey special education regulations include “traumatic brain injury” as one of the specific disabilities that may be covered under IDEA.

Section 504 of the Vocational Rehabilitation Act of 1973 was established before IDEA. It was the first anti-discrimination legislation that addressed people with disabilities. Section 504 protects an individual who has a physical or mental impairment that substantially limits one or more life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working. It protects persons of all ages, not only school aged children.

All children who are eligible for special education are considered disabled and, therefore, are protected under Section 504. However, all children who are considered to have a disability under Section 504 may not be eligible under IDEA. Eligibility for special education and related services under IDEA is determined collaboratively by a group of individuals that includes: the parent, a teacher who is knowledgeable about the student’s educational performance, at least one member of the child study team, and the student (when appropriate). If deemed ineligible for IDEA services the child may be referred for Section 504 services through the Section 504 coordinator. As a parent, you have the right to be involved in this process, including requesting a meeting in writing with the Section 504 coordinator in your school district if the child study team does not refer your child to the Section 504 coordinator.