

Education: A Comparison of ADA, IDEA and Section 504

This document compares provisions of the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act (504).

	ADA	IDEA	504
Type and Purpose	This civil rights law prohibits discrimination on the basis of disability in employment, public services, and public accommodations.	This education act provides federal financial assistance to state and local education agencies to guarantee special education and related services for eligible children with disabilities.	This civil rights law prohibits discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance.
Who Is Protected?	Any qualified individual who: (1) has a physical or mental impairment that substantially limits one or more major life activities; or (2) has a record of such impairment; or (3) is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.	Children ages 3-21 in K-12 education who are determined by a multidisciplinary team to be eligible within one or more of 13 specific disability categories and who need special education and related services. Categories include autism, deafness, deaf-blindness, hearing impairments, intellectual disabilities, multiple disabilities, orthopedic impairments, other health impairments, serious emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, and visual impairments.	Any qualified person who (1) has a physical or mental impairment that substantially limits one or more major life activities; or (2) has a record of such an impairment; or (3) is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

	ADA	IDEA	504
Does It Provide for a Free, Appropriate Public Education?	Not directly. However, ADA does cover all public schools and educational programs, as well as private nonsectarian schools. ADA requires covered entities to ensure access to facilities and programs; make reasonable modifications to policies, practices, and procedures; and provide auxiliary aids and services to ensure effective communication with individuals with disabilities.	Yes. A FAPE includes special education and related services. Special education means "specially designed instruction at no cost to the parents, to meet the unique needs of the child with a disability..." Related services (e.g., physical therapy, speech therapy, counseling) are provided if students require them in order to benefit from specially designed instruction. IDEA requires the development of an Individualized Education Program (IEP) with specific participants.	Not directly. However, it does require that students with disabilities be provided an education comparable to that provided to students without disabilities. Development of a plan is required, although a written document is not mandated. An Individualized Education Program (IEP) may be used for the 504 plan. Amendments though the Workforce Innovation and Opportunity Act (WIOA) provide for enhanced vocational rehabilitation services to facilitate transition from high school and job readiness for individuals with disabilities.
Is Funding Provided to Implement Services?	No, but limited tax incentives may be available for improving access. Also, many federal agencies provide grant funds to support training and to provide technical assistance to public and private entities.	Yes. IDEA provides federal funds under Parts B and C to assist states and local education agencies in meeting requirements to serve infants, toddlers, and youth with disabilities.	No. State and local jurisdictions have responsibility. IDEA funds may not be used to serve children found eligible only under Section 504.

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Procedural Safeguards	The ADA does not specify procedural safeguards related to special education; it does detail administrative complaint procedures, and consequences for noncompliance.	IDEA requires written notice to parents regarding identification, evaluation, and/or placement. Written notice must also be given prior to any change in placement. The Act specifies the required components of the written notices.	Section 504 requires notice to parents regarding identification, evaluation and/or placements. Written notice is recommended. Notice must be given only before a "significant change" in placement. Following IDEA procedural safeguards is one way to comply with Section 504 mandates.
Evaluation and Placement Procedures	The ADA does not specify evaluation and placement procedures. It does provide for accessible programs and services, effective communication, and reasonable modifications to policies, practices, and procedures. Examples may include redesigning equipment, assigning aides, providing written communication in alternative formats, modifying tests, reassigning services to accessible locations, altering existing facilities, and building new facilities.	A comprehensive evaluation by a multidisciplinary team is needed; parental consent is required. Reevaluations must be conducted at least every 3 years. For evaluation and placement decisions, more than one single procedure or information source must be used; information from all sources must be documented and carefully considered; the eligibility decision must be made by a group of people who know about the student, the evaluation data, and placement options; and the placement must serve the student in the least restrictive environment. An IEP meeting is required before any change in placement.	Section 504 requires only notice, not consent, for evaluation. It is recommended that districts obtain parental consent. Evaluation and placement procedures require that information be obtained from a variety of sources; that all data are documented and considered; and that decisions are made by a group of people who know about the student, evaluation data, and placement options. Students with disabilities must be educated with their non-disabled peers to the maximum extent appropriate. No meeting is required for a change in placement.

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Due Process	The ADA does not delineate specific due process procedures. People with disabilities have the same remedies that are available under Title VII of the Civil Rights Act. Individuals may file a complaint with the relevant federal agency or a claim in federal court. Enforcement agencies encourage informal mediation and voluntary compliance.	IDEA delineates specific requirements for local education agencies to provide impartial hearings for parents who disagree with the identification, evaluation, or placement of a child.	Section 504 requires local education agencies to provide impartial hearings for parents who disagree with the identification, evaluation, or placement of a student. Parents must have an opportunity to participate in the hearing process and to be represented by counsel. Beyond this, due process details are left to the discretion of the local education agency. It is recommended that districts develop policy guidelines and procedures.

This document, adapted from [“A Comparison of ADA, IDEA, and Section 504”](https://dredf.org/legal-advocacy/laws/a-comparison-of-ada-idea-and-section-504/) (dredf.org/legal-advocacy/laws/a-comparison-of-ada-idea-and-section-504/) by the Disability Rights Education Defense Fund (DREDF), is provided by:



Mid-Atlantic ADA Center

Information, guidance, and training on the Americans with Disabilities Act in DC, DE, MD, PA, VA, WV

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