

Individualized Education Plans (IEP) and 504 Plans

A child with hearing loss may qualify for an IEP or 504 Plan through his/her school district. Individualized Education Plans and 504 Plans are documents that describe a plan for the education of a student with a disability. Please contact your child's school for more information. Your child's school will decide if your child qualifies for either of these plans.

Definition of Disability:

Federal Law states that "an individual with a disability means any person who: (i) has a mental or physical impairment that substantially limits one or more major life activity; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment" [34 C.F.R. §104.3(j)(1)]. Hearing loss can be a disability. In this document, when we say disability we mean the hearing loss.

Individualized Education Plans (IEP)

What is an IEP?

An IEP, or Individualized Education Plan, is a written document that outlines special education services a child must receive. The IEP will discuss a child's disability, strengths, weaknesses, learning goals, behavior goals, support services, and therapies. The IEP is written to meet a student's needs, not the needs of the teacher, program, or school. An IEP is reviewed at least one time per year. It may be reviewed or changed at any time by request of the child's parent/guardian or school district. This is a legal agreement and services must be provided by the school district.

- **Special Education** – Instruction designed to meet the needs of a child with a disability. This is done at no cost to the parents.

What law defines the requirements for special education services and the IEP?

An IEP and special education services are explained in The Individuals with Disabilities Education Act (IDEA) 2004.

Who qualifies for an IEP?

A child may qualify if he/she has a disability, such as hearing loss, and needs special education services.

What is an Evaluation Team Report (ETR)?

In order for your child to get an IEP, he/she must be evaluated by a team from his/her school district. They use these assessments to decide if the student has a disability that is negatively affecting his/her education. Possible assessment areas include: hearing, vision, motor skills, cognitive ability, speech and language. You will receive a report of this evaluation, called an ETR.

How do I get the evaluation process started?

If you think your child needs an IEP, you should write a letter to the school's Special Education Director or Principal. Keep a copy of this letter for your records.

In the letter, say that:

1. You believe your child has a disability
2. You are requesting your child have an evaluation to determine if he/she has a disability
3. Sign and date the letter
4. It might be helpful for the school if you attach a copy of the hearing test and report from the audiologist to your letter.

The school will reply to your letter and say:

1. They agree your child may have a disability and will evaluate him/her or
2. They do not think your child has a disability and will not evaluate him/her.

If the school does not want to evaluate your child, they will give you a copy of your legal rights as a parent. If you still think your child has a disability you can file for a mediation hearing with the Ohio Department of Education. If the school district agrees to evaluate your child and decide he/she has a disability, the school district (IEP Team) will begin to write the IEP. Parent(s) are important members of the IEP Team.



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What if my child does not qualify for an IEP?

If your child does not qualify for an IEP, he/she may qualify for a 504 Plan. An IEP is written for a child who needs Special Education services because the disability is affecting his/her education in a negative way. A 504 Plan is written for a child who does not need Special Education because the disability is not affecting his/her education in a negative way, but does need supports to have equal access to education.

504 Plans

What is a 504 Plan?

A 504 plan is a written document. It describes the changes (modifications and/or accommodations) a disabled student needs in order to have equal access to the same education as non-disabled students in the school. These might include things such as FM systems, help with note taking, special classroom seating, and visual aids.

- Modifications – Large changes in what the student has to complete. This includes changes in teaching level, class content, and performance criteria. It may include changes in test format.
- Accommodations – Changes in how a test is given that do not largely change what the test measures. This includes changes in presentation format, response format, test setting or test timing. Accommodations are to provide equal opportunity to show knowledge.

What law defines the requirements for the 504 Plan?

A 504 Plan is part of the Rehabilitation Act of 1973. Section 504 is a civil rights law that protects people with disabilities from discrimination for reasons related to their disabilities.

Who qualifies for a 504 Plan?

Your child may qualify for a 504 Plan if he/she has a disability, such as hearing loss, but does not require Special Education services. He/she may not need Special Education because his/her disability is not affecting school progress in a negative way.

How do I get the evaluation process started?

If you think your child needs a 504 Plan, you should write a letter to the school's Special Education Director or Principal. Keep a copy of this letter for your records.

In the letter, say that:

1. You believe your child has a disability
2. You are requesting your child have an evaluation to determine if he/she has a disability
3. Sign and date the letter
4. It might be helpful for the school if you attach a copy of the hearing test and report from the audiologist to your letter.

A school district is not required to evaluate for a disability just because a parent asks. If the school district will not evaluate upon a parent's request, they must provide parents with notice of their legal parental rights under Section 504.

What is the evaluation for a 504 Plan?

Section 504 does not require any formal testing. The 504 committee reviews teacher's reports, grades, state test scores, observation reports, attendance records, health records, reports and information from parents and/or other agencies.

What if I have a complaint about my child's 504 Plan?

You should contact your Ohio Civil Rights Commission at 1-888-278-7101 or visit www.crc.ohio.gov.

IEP or 504 Plan: Which one should I ask for?

In your letter to the school, ask that your child be evaluated for an IEP or 504 Plan. The school will determine if your child qualifies for either of these.



Resources:

Wright's Law

Website: www.wrightslaw.com

Wrightslaw: From Emotions to Advocacy – The Special Education Survival Guide, 2nd Edition. Written by Pete and Pam Wright, Harbor House Law Press, 2006.

Wrightslaw: Special Education Law, 2nd Edition.

Written by Pete and Pam Wright, Harbor House Law Press, 2007.

Ohio Coalition for the Education of Children with Disabilities

Website: www.ocecd.org

Center for Outreach Services

E-mail: (preferred contact): parentmentor@osd.oh.gov

Phone: (800) 866-3966 (Voice/TTY)

Website: www.ohioschoolfortheblind.org/outreach

U.S. Department of Education

Phone: (800) 421-3481

TTY: (877) 521-2172

Website: www.ed.gov/ocr

E-mail: ocr@ed.gov

Ohio Department of Education

Phone: (877) 644-6338

TTY: (888) 886-0181

Website: www.ode.state.oh.us

Email: contact.center@ode.state.oh.us