

# Which is the BEST FIT for my child's needs?

	MTSS Tiered Support Plans (Supplemental and/or Intensive)	504 Plan	Individualized Education Plan (IEP)
<b>Basic Descrip.</b>	A plan for supporting a child's academic, behavioral, and/or social emotional needs by using data-based problem-solving to differentiate and reteach as needed.	A plan for how a child will have access to learning at school. This plan outlines the environmental factors for success for a child.	A plan to incorporate specially designed instruction over and above traditional instruction and sometimes, traditional environments.
<b>What It Does</b>	Provide academic and/or behavioral support in order for a child to best access their grade level content in their classroom.	Provides services and changes to the learning environment to meet the needs of the child as adequately as other students.	Provides individualized special education and related services to meet the unique needs of the child.
<b>What Law Applies</b>	There is no law that designates these levels of support. This is an educational Best Practice for meeting all students where they are and providing supports to reach their potential.	<a href="#">Section 504 of the Rehabilitation Act of 1973</a> is a federal civil rights law to stop discrimination against people with disabilities.	<a href="#">Individuals with Disabilities Education Act (IDEA)</a> is a federal special education law for children with disabilities.
<b>Who Is Eligible</b>	To initiate a Tier 2 and/or Tier 3 plan, there are a few varied requirements: <ol style="list-style-type: none"> <li>1. A child must be struggling to meet grade level goals through the means in which most of his/her peers are learning</li> <li>2. The classroom and assessment data must exemplify that the child is not meeting grade level goals or will not reach grade level goals at the child's current rate of progress</li> </ol>	To initiate a 504 plan, there are two requirements: <ol style="list-style-type: none"> <li>1. A child has any disability, which substantially interferes with a major life activity.</li> <li>2. The disability must interfere with the child's ability to learn in a general education classroom. Section 504 has a broader definition of a disability than IDEA. (It says a disability must substantially limit one or more basic life activities, such as learning.)</li> </ol>	To initiate an IEP, there are three requirements: <ol style="list-style-type: none"> <li>1. A child has one or more of the 13 specific disabilities listed in IDEA. Learning and attention issues may qualify; and</li> <li>2. the disability must affect the child's educational performance and/or ability to learn and benefit from the general education curriculum; and</li> <li>3. requires specially designed instruction.</li> </ol>

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<p><b>Who Creates the Program or Plan</b></p>	<p>A Tier 2 and/or Tier 3 plan is created by a team of people who are familiar with the child and who understand classroom expectations and goals. This might include:</p> <ul style="list-style-type: none"> <li>● Parent(s)</li> <li>● Classroom teacher(s)</li> <li>● Interventionist(s)</li> <li>● School Counselor</li> <li>● Behavior Specialist</li> <li>● Curriculum Coordinator and/or an administrator</li> </ul>	<p>The rules about who's on the 504 team are less specific than they are for an IEP.</p> <p>A 504 plan is created by a team of people who are familiar with the child and who understand the evaluation data and special services options. This might include:</p> <ul style="list-style-type: none"> <li>● Parent(s)</li> <li>● Classroom teacher(s)</li> <li>● School psychologist or other specialist who can interpret evaluation data</li> <li>● Interventionist, School Counselor and/or Behavior Specialist</li> <li>● Principal/Director or other administrator/designee</li> </ul>	<p>There are strict legal requirements about who participates. With a few exceptions, the entire team must be present for IEP meetings. An IEP is created by an IEP team that must include:</p> <ul style="list-style-type: none"> <li>● Parent(s)</li> <li>● At least one of the child's general education teachers</li> <li>● At least one special education teacher</li> <li>● School psychologist or other specialist who can interpret evaluation results</li> <li>● A school administrator with authority over special education services</li> </ul>

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<p><b>What's in the Plan</b></p>	<p>A Tier 2 and/or Tier 3 plan includes:</p> <ul style="list-style-type: none"> <li>● Specific academic or behavioral areas needed to be retaught</li> <li>● Who will do the teaching &amp; when those skills will be retaught (frequency &amp; duration)</li> <li>● Materials and how they will be used to reteach</li> <li>● Assessment plan for monitoring the success of the reteaching (with specific, measurable goals)</li> <li>● Follow-up date for adjusting, continuing or discontinuing the plan</li> <li>● Communication record</li> </ul>	<p>There is no standard 504 plan. It is a written document that generally includes the following:</p> <ul style="list-style-type: none"> <li>● Specific accommodations, supports or services for the child</li> <li>● Names of who will provide each service</li> <li>● Name of the person responsible for ensuring the plan is implemented</li> </ul>	<p>The IEP sets learning goals for a child and describes the services the school will give her. It's a written document.</p> <p>Here are some of the most important things the IEP must include:</p> <ul style="list-style-type: none"> <li>● The child's present levels of academic and functional performance</li> <li>● Annual education goals for the child and how the school will track progress</li> <li>● Services the child will get - this may include special education, related, supplementary and extended school year services</li> <li>● Timing of services - when they start, how often they occur and how long they last</li> <li>● Any accommodations, or changes to the child's learning environment</li> <li>● Any modifications, or changes to what the child is expected to learn or know</li> <li>● How the child will participate in standardized tests</li> <li>● How the child will be included in general education classes and school activities</li> </ul>

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In a broad sense, they are all detailed plans, created by the school and parents to outline how a student will best learn. While the procedures are different, the goal of an IEP and a 504 is the same: to ensure that students with disabilities have access to a free and appropriate public education that is comparable to the education available to their non-disabled peers.

A 504 Plan and an IEP also have unique differences. The way in which a student qualifies for services under each plan is a major difference. It is more difficult to qualify for special education services and receive an IEP. They both require that a student have a documented disability, but there are additional requirements beyond having that disability to receive Special Education services. A student must meet criteria under one of the categories of special education (\*see below). Each of those categories have specific criteria mandated by the U.S. Department of Education. In addition to having a disability, there must be clear data to support that the disability creates an adverse impact on educational performance and that specialized instruction is essential for the child to be successful. **In other words, a student can have a disability, yet not qualify for special education services or an IEP. One way that the school can collect data to support the need for special education is through a MTSS tiered support plan, however, that is not required.**

\*13 Categories of Special Education: Autism, Developmental Delay, Deaf-Blindness, Emotional Disability, Hearing Impairment, Intellectual Disability, Multiple Disabilities, Orthopedic Impairment, Other Health Impairment, Specific Learning Disability, Speech or Language Impairment, Traumatic Brain Injury, Vision Impairment

To qualify for a 504 Plan, a student must have a disability that affects a major life function. That disability does not have to be one of the 13 categories outlined by the Department of Education. It can be any mental or physical disability. That disability has to impact a “major life function.” Unlike an IEP, a “major life function” does not have to be educational impact.

In answer to the question, “Which is Better, a 504 Plan or an IEP?”.... It depends on the child and his or her unique needs. Each plan offers supports that can be tailored to meet the student’s needs. A great place to start this conversation is with your student’s teacher.

## ***When is a 504 Plan a better option?***

A 504 Plan is a better option when the student is able to function well in a regular education environment with accommodations. The 504 is generally less restrictive than the IEP, and it can also be less stigmatizing.

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## ***When is an IEP is the better option?***

An IEP is a better option for students with a disability that is adversely impacting education. Students who need more than just accommodations to regular education could need an IEP. Eligibility in Special Education opens the door to a variety of related services and supports.

## **Additional Resources:**

- Section 504: <https://www.dol.gov/oasam/regs/statutes/sec504.htm>
- IEP: <https://sites.ed.gov/idea/>
- Understood.org for Learning and Attention Issues: <https://www.understood.org/en>
- School Psychologist Files: <http://schoolpsychologistfiles.com/>