



**IFSP / IEP / 504 PLANS**  
**What Every Parent Should Know**  
**-Bill Duck, M.Ed.**

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***NONE OF THIS IS TO BE CONSIDERED  
LEGAL ADVICE!***

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***I'm not a lawyer, nor do I play one on TV*** <sub>2</sub>

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# Presenter Bio

- U. of Maryland, 1990 – Bachelor's in Journalism
- Reporter/Editor at The Daily Times 1990-1993
- Teacher, Wicomico County Public Schools, Wicomico County, MD, 1994-present
- Master's degree Dec. 2002, Salisbury, University – M.Ed.(Teaching and Learning with Technology)
- Member, IEP and 504 teams, 1994-present, Wicomico County Public Schools
- 2016 Wicomico County HS Finalist, Teacher of the Year
- Father to college-age son with Ocular Albinism & Nystagmus (Go UMBC Retrievers!)

# Does your child even need accommodations?

- Nystagmus by itself is not a qualification for visual impairment for an IEP/Special Education eligibility. **The diagnosis by itself does not determine if the child receives 504 plan or Special Education services.**
- There has to be a ophthalmologist's statement of a visual impairment, and the determination of "educational impact" through assessment.

# Your child has Nystagmus – what does that mean for his/her education?

- You may want an IFSP soon after a diagnosis – Individual Family Services Plan to provide therapies until age 3
- An IEP or a 504 plan can help once the child enters school



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# First things first - IFSP

- Even before your child enters school, s/he may qualify for an Individual Family Services Plan until age 3.
- Services provided and the process for starting and maintaining an IFSP vary from state to state – and who handles the IFSP may vary as well.
- Example: in MD, schools handle IEPs, but each county's Health Department handles IFSPs. Your state may differ.



# IFSP – How to get one

- Once you have a diagnosis of a vision problem from a doctor, ask that doctor which state agency handles IFSPs.
- Your child's pediatrician should be able to tell you who in your state handles the creation of an IFSP.



# IFSP – what does it do?

- In most cases, an IFSP is the mechanism states use to handle the delivery of services, like therapy.
- Therapies can include:





# IFSP – what does it do?

- ❑ Occupational Therapy – often focuses on hand-eye coordination and fine motor skills
- ❑ Speech Therapy – can help children with proper pronunciation of sounds.
- ❑ Physical Therapy – focuses on gross motor skills



# IFSP – what does it do?



- Some therapies may only be in place a matter of months. Review of an IFSP should be every 6 months, and no longer than 1 year.

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# Ages 3-5 - NOW what?

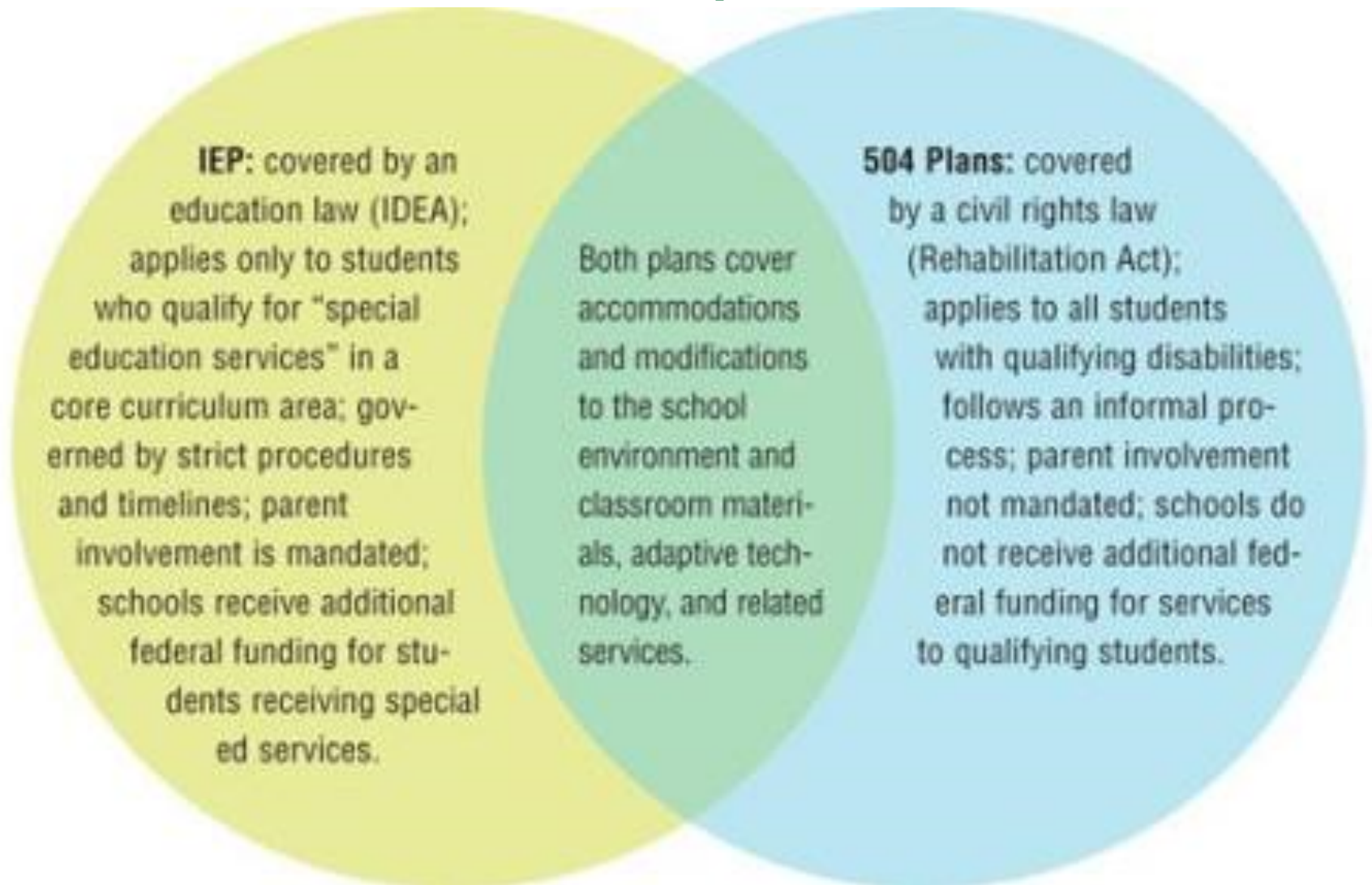
- Ages 3-5 is a tricky legal ground. After age 3, the IFSP agency is no longer bound to provide services except those needed in an educational setting.
- But most 3 & 4 years olds aren't in an educational setting. In the last transition meeting that closes the IFSP, make sure to get information on who, if anyone, will provide services before schooling starts.

# School begins – IEP & 504 plans

- IEP = Individual Education Plan
- 504 Plan (refers to a specific section of federal law)
- Two different ways to address student needs. Two separate laws.



# IEP & 504 – Compare & Contrast



# Ready for school: What happens first?

- When the child is about to enter school, present all of the information regarding his/her impairment to the person in charge of IEP/504 referrals at the school. Don't wait until school starts!



- **Make sure that you have recent documentation of the impairment from their ophthalmologist.** Eligibility cannot be considered without medical documentation of an impairment.



# Ready for school: What happens first?



- The IEP team is an IEP chairperson who has administrative duties, a general education teacher, and a special education teacher, who is usually the teacher of the visually impaired. More members may be on the committee if there are additional concerns.

## Be prepared – the answer may be “No.”

- **Nystagmus by itself is not a qualification for visual impairment for an IEP/Special Education eligibility.** The diagnosis does not determine if the child receives Special Education services. It's possible to have Nystagmus and it doesn't effect vision sufficiently to impact education.
- There has to be a ophthalmologist's statement of a visual impairment, and the determination of “educational impact” through assessment.



- On the other hand, a 504 requires just the presence of a medically diagnosed disability, in most cases. Your LEA – Local Education Authority, or school system – will be able to clarify.

# IEP vs 504 – Which is appropriate?

- The school system will order educational testing and ask you for medical information to decide if an IEP or a 504 plan is needed:
  - “During the first step, the eligibility team is required to reach a decision as to whether the child has one or more of the conditions that the State has identified and believes could affect a child’s vision functioning.” – Dept of Education, 2017
- The school will do educational tests while you’ll provide vision information from the child’s eye doctor

<https://sites.ed.gov/idea/files/letter-on-visual-impairment-5-22-17.pdf>

# What's the difference – IEP vs 504?

- After the results are back from vision and educational assessments, the IEP group will meet again.
- At this point, a decision will be reached on whether an IEP or a 504 is most appropriate.



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# What's the difference – IEP vs 504?

- For a school, the determining factor between a 504 and an IEP is a simple one:
  - **Do the needed accommodations need direct special education intervention?**
- If no, most schools will suggest a 504 plan
- If yes, the answer is usually a IEP.
- Additional testing may be ordered by the school system to help make the decision which, if either, plan is most appropriate.



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# What's an IEP?

- It's an **Individual Education Plan**. It sets goals for academic performance and spells out what kind of services your child will receive and how often.
- For example, it may say “Student is to receive 5 hours per week of small-group academic reinforcement with a special education teacher.”

# What's an IEP?

■ Under FAPE (*Free and Appropriate Public Education*) doctrine, your child has the right to accommodations that will help him/her learn as any average student would.

**You don't have the right to services that will help your child achieve his or her best – just what would help him/her achieve a *normal* education.**



# What's a 504 plan?

- Section 504 of the *Rehabilitation Act of 1973* protects the rights of individuals with disabilities in programs and activities that receive federal funds.
- **It's a civil rights law.**

LYNDA MILLER and CHRIS NEWBILL



SECOND EDITION

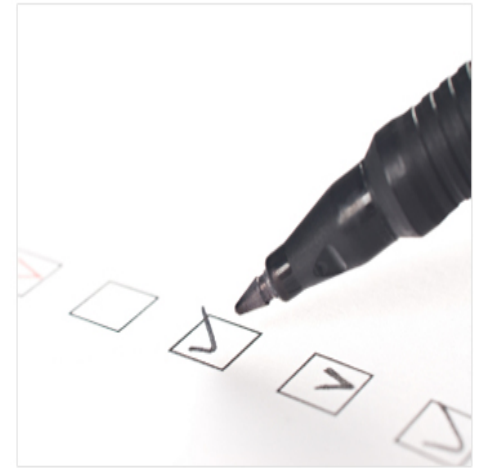
# What do they have in common?

- IEPs/504 plans should include language about educating the student in the **Least Restrictive Environment (LRE)**. A low vision student ideally would be educated in a “regular” classroom with accommodations and services.



# What do they have in common?

- Both plans must be updated yearly. Goals should be reviewed, and transition plans for after high school should be in place.
- An IEP stops at HS graduation. A 504 plan can be used in colleges that receive any federal funds, but students can be responsible for providing needed materials.



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# What an IEP may include

An IEP is typically used when people are needed to provide service on an ongoing basis. These services can include:

- Dictation for tests (this doesn't make an IEP necessary by itself)
  - Additional time for reading and writing assignments (this doesn't make an IEP necessary by itself)
  - Additional supported instructional time (AKA "Coaching class")
-



# What an IEP may include

- Placement in a classroom with a Special Education teacher (although kids without an IEP will be in this class as well)
- Training in use of assistive technology, such as magnifiers, CCTVs, text readers, etc.



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# What IEP Goals Must Contain

IEP goals must be "measurable annual goals, including academic and functional goals, designed to: meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum and meet each of the child's other educational needs that result from the child's disability"

# Sample IEP Goal

## Preschool / Kindergarten – Grade 4

*Standard 1: Geography-Students know how to use and construct maps and other geographic tools to locate and derive information about people, places, and environments.*

**Goal 5: Demonstrate an improvement in awareness of the body, including body parts, functions, and movements.**

### **Objectives: The student will:**

1. demonstrate the ability to identify body parts on the face through touch, imitation, or functional use (e.g., eyes, ears, nose, mouth, cheeks, forehead, eyebrows)
2. demonstrate the ability to identify non-facial body parts through touch, imitation, or functional use (e.g., arms, legs, elbows, hands, fingers, nails, knees, feet, toes, etc.)
3. demonstrate spatial awareness and movement of the head, trunk, and limbs from standing or sitting positions (e.g., bend body backwards, bend body forwards, bend body to side, bend knees to squatting, rise up on toes, walk forward, walk backward, jump up, step sideways, bend arm at the elbow, lift arms overhead, stand on one foot, place arms out to sides, place arms behind body).
4. demonstrate spatial awareness and movement of the whole body from standing or sitting positions (e.g., bend body forward).
5. demonstrate the ability to identify body planes (through touch, imitation, or functional use).
6. demonstrate the ability to place objects in relation to body planes (e.g., place the ball behind you).
7. demonstrate the functional understanding of objects in relation to self (e.g., opening a door and going through).

**Baseline:** Insert individual student level on these skills.

**Criteria:** Refer to Criteria Format Sheet for the above seven objectives.

*Standard 1: Geography-Students know how to use and construct maps and other geographic tools to locate and derive information about people, places, and environments.*

# What's a 504 plan?

- A 504 plan typically is a series of accommodations to help the student participate in class as a non-disabled student would.



# What does 504 provide for?

■ “Section 504 requires recipients to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met..”



# What does 504 not provide for?

- **Your child has the right to be average, basically. 504 law does NOT provide for extra measures to help a child achieve *above* what an average child would achieve.**





# When is a 504 plan started?

- If your child is entering school with a vision disability, you should ask for a meeting with the school immediately to begin an evaluation of whether an IEP or a 504 plan would be appropriate. *(It's the same procedure described earlier).*
- Bring medical documentation – a 504 plan can't even be started without a medical diagnosis. Ask your child's doctor to be as specific as possible on what your child's needs will be – glare, contrast, type size, no sharing materials, etc.



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# When is a 504 plan started?

- At the initial meeting (or soon after), the team may decide that a 504 plan, not an IEP, is the best fit for your student.
- 504 plans can cover many of the same areas as far as providing accommodations.
- There typically will not be a list of goals or follow-up testing, however.
- Typically, 504 plans do not provide for extra instruction, such as small-group coaching time.

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# What kind of accommodations can be in a 504 plan for low-vision students?

Options include, but are not limited to...

- Have the student sit near instruction.
- Have materials enlarged to a degree that works for the student – bigger isn't always better.
- Materials should be high contrast.
- **EACH CHILD IS DIFFERENT! Make sure accommodations work for your child.**

# What kind of accommodations can be in a 504 plan for low-vision students?

- A nystagmus student typically shouldn't share materials – most will need to hold at an angle that works best for him/her.



# What kind of accommodations can be in a 504 plan for low-vision students?

- Display of text not working for your child? Ask for alternate methods. Easels, white boards, LCD projector – find out what works and what's available.



# What kind of accommodations can be in a 504 plan for low-vision students?


- Transcription/alternate entry for tests using bubbles. Someone else will fill in the bubbles after the student either points to the correct answer or writes it in the booklet.




- **REMIND schools and teachers of this at least one month before state testing!  
Make sure it's on the 504 plan!**

# Examples of accommodations in a 504 plan

To be seated/placed NOT facing a light source. Student's back should be to light sources to avoid glare.




Window blinds should be adjusted to prevent glare on board or instructional focus of the classroom. Andrew will request as needed.




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Student should be seated close to instructional activity or place of presentation/preferential seating ( to include gym classes and large rooms.)




\*Student should be allowed to wear hat, sunglasses, & sunscreen will be applied before Andrew goes outside.



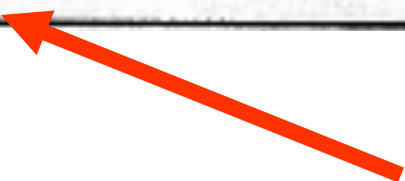


# Examples of accommodations in a 504 plan

High contrast materials should be used (black letters on white paper- no smaller than 12 pint)

A red arrow points from the right side of the slide towards the text "High contrast materials should be used (black letters on white paper- no smaller than 12 pint)".

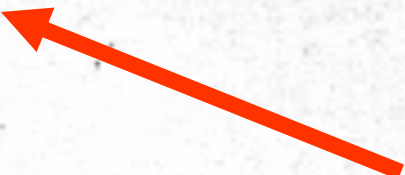
Andrew needs his own book to read-no sharing- he needs to be able to position the book. Andrew will request this if needed.

A red arrow points from the right side of the slide towards the text "Andrew needs his own book to read-no sharing- he needs to be able to position the book. Andrew will request this if needed.".

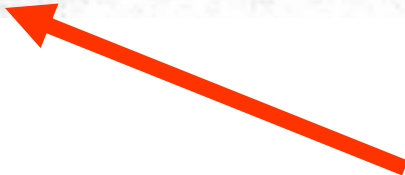


# Examples of accommodations in a 504 plan

A light gathering magnifier will be available for Andrew's use. He may use the magnifier for reading font that is smaller than 12 point if he chooses to use it.


A red arrow points from the right side of the page towards the text, specifically highlighting the phrase "reading font that is smaller than 12 point".

A screen enlargement computer program will be available for computer use and Andrew will be allowed to use a full size laptop.


A red arrow points from the right side of the page towards the text, specifically highlighting the phrase "Andrew will be allowed to use a full size laptop".

# Examples of accommodations in a 504 plan

Andrew will not have to bubble in on "Scantron" sheets for tests & assessments. He will also be allowed to circle or underline answers directly in the test booklets.



Andrew is not able to see chalk written on a Green or Black chalkboard. If this is used in the classroom, information will need to be written on a whiteboard so that he is able to see.



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# What happens if you disagree

- If you disagree with a IEP/504 plan or specific goals, you as a parent have rights. They should be offered to you in writing at the beginning of every IEP/504 meeting
- If you find you disagree with any individual goal, assessment of a goal, service provided (or not provided) or any aspect of the IEP, you can make that known.

# What happens if you disagree

- Just about all of the time, there's agreement on an IEP plan among all parties, including parents
- Most disagreements can be handled within the IEP team meeting



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# What happens if you disagree

- If the IEP team presents you with an IEP that you believe is not appropriate, say so.
- Remember, your child is entitled to ‘adequate’, not ‘best.’
- CAREFULLY read their “Rights Handbook” that the schools provide. Find what is going wrong per that rights booklet, and stick to that terminology
- There’s an appeals process. Start with the local Board of Education's Special Education office.

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# PSAT/SAT/AP Testing

- Any accommodations for College Board or ACT testing must be approved **well before** the test date.
- Schools or school systems typically have testing coordinators – reach out to them at the end of your student's 9th grade year to make sure any needed accommodations are submitted to College Board or other testing service. (*Earlier if your child is taking an AP class in 9th grade*)
- College Board may deny accommodations that schools grant. It's not automatic!

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# After High School – now what?

- Transition plans start at age 14. The extent of the colleges requirement to provide services is dependent on other factors as well, such as the size of the college.
- The student needs to come in prepared to self-advocate, with the technology (portable CCTV, laptop, etc) to be able to get access themselves. Don't rely on college instructors to do what k-12 teachers do! They won't.



# After High School – now what?

- Contact the college/university Office of Disability Services or its equivalent. They can provide guidance on what steps to take to make sure your student has what s/he needs.



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# After High School – now what?

- From Univ. of Rhode Island:

*The required document will be a comprehensive diagnostic evaluation report or a neuropsychological report. An IEP or 504 plan is NOT sufficient as documentation, but may be attached to the comprehensive diagnostic report.*

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# After High School – now what?

- Don't be surprised if your 18-year-old announces s/he doesn't want to use a 504 plan in college.
- Contact the college's Office of Disability Services anyway – just so you know what's available if it becomes needed.
- **And don't surprised if your student is successful without using services.** After all, they've been in school for 12 years and learned all kinds of coping mechanisms. 😊

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# RESOURCES

- FAPE for students with disabilities

<http://www.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>

- Guide to IEPs from U.S. Dep't. of Ed

<http://www.ed.gov/parents/needs/speced/iepguide/index.html>

- Transition to Post-Secondary schools

<http://www.ed.gov/about/offices/list/ocr/transitionguide.html>

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# RESOURCES

- Low Vision resources by state

<https://www.enhancedvision.com/low-vision-resources.html>

- Civil Rights of Students with Hidden Disabilities

<http://www.ed.gov/about/offices/list/ocr/docs/hq5269.html>

- IFSPs vs IEPs – Nebraska IFSPweb

<https://www.ifspweb.org/module1/ifsp-vs-iep.php>

# RESOURCES

- IEP FAQs – Wright’s Law

<http://www.wrightslaw.com/info/iep.index.htm>

- Sample IEP with lots of terms explained

<http://www.wonderbaby.org/articles/ieps-parents-blind-or-visually-impaired-children>

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