IEP vs. Section 504: When and How to Request an Evaluation

Understanding the Difference

Parents frequently ask whether their child needs an Individualized Education Program (IEP) or a Section 504 plan.
The answer depends on the student's disability-related educational needs, particularly whether the student requires specially designed instruction (SDI).
Parents may be told that their child should try a Section 504 plan first, complete additional interventions, obtain a medical diagnosis, or demonstrate academic failure before being evaluated for special education.
These are not universal prerequisites to an IDEA evaluation.
Parents do not have to know whether their child qualifies for an IEP or Section 504 plan before requesting an evaluation. An evaluation is intended to determine eligibility and identify the student's educational needs.

The Key Difference: Need for Specially Designed Instruction

IDEA (IEP): To qualify for special education under IDEA, a student must meet the criteria for one of the 13 recognized disability categories and, because of that disability, need special education and related services.
Special education means **specially designed instruction (SDI)**.
SDI involves adapting the content, methodology, or delivery of instruction to address the student's unique disability-related educational needs.
SDI is not limited to academics. It may address communication, social-emotional functioning, behavior, executive functioning, adaptive skills, independence, or other educational needs.
Section 504: A student may qualify when a physical or mental impairment substantially limits one or more major life activities. A student does not have to need SDI to qualify under Section 504.
Section 504 can provide accommodations, modifications, special education, related aids, and services as necessary to provide a free appropriate public education (FAPE).
The distinction is not simply that an IEP provides instruction while a 504 plan provides accommodations. Section 504 can also require educational services. The central IDEA eligibility question is whether the student meets IDEA criteria and needs special education.

1. When Should Parents Request a Special Education Evaluation?

Under IDEA, school districts have a responsibility to identify, locate, and evaluate students suspected of having disabilities and needing special education.
This is commonly called **Child Find**.
Parents should consider requesting a comprehensive IDEA evaluation when they suspect their child has a disability and may need specially designed instruction.

Signs That an IDEA Evaluation May Be Appropriate

Concerns may involve:

- Reading, writing, mathematics, or academic learning.
- Speech, language, or functional communication.
- Social communication and interpersonal skills.
- Emotional regulation, coping, or anxiety-related educational needs.
- Behavioral functioning, including aggression, elopement, or difficulty regulating behavior.
- Executive functioning, organization, planning, initiation, or task completion.
- Adaptive functioning, independence, or daily living skills.
- Motor, sensory, or developmental functioning.
- Other areas where individualized instruction may be necessary.

A student does not have to demonstrate difficulties in every area.
The relevant question is whether the available information creates reason to suspect a disability and need for special education.

Good Grades Do Not Rule Out Special Education

One of the most common misconceptions is that students must be failing academically to qualify for an IEP.
A student may qualify for and need special education while passing every class, earning straight A's, or participating in gifted or advanced academic programs.
This includes gifted and twice-exceptional students.
Educational performance includes more than grades, reading, writing, and mathematics.
Students may experience significant educational difficulties involving social-emotional functioning, communication, behavior, executive functioning, adaptive skills, or independence.
A student may be academically successful but still require explicit, individualized instruction in these areas.
IDEA specifically recognizes that a child may qualify even when advancing from grade to grade.

What If the Student Is Successful Because of Extensive Supports?

Schools should consider how the student is achieving success.
For example, a student may earn good grades while requiring:

- Frequent adult prompting or redirection.
- Intensive academic or behavioral interventions.
- Extensive parent assistance to complete assignments.
- Modified assignments or expectations.
- Significant organizational assistance.
- Continuous adult support to participate or regulate behavior.

These supports do not automatically establish a need for special education. However, the team should examine whether the student has independently developed the necessary skills or may require SDI.

Success with extensive support does not automatically mean specially designed instruction is unnecessary.

What About MTSS, RTI, or Other Interventions?

General education interventions can be valuable.
However, a district cannot use Multi-Tiered Systems of Support (MTSS), Response to Intervention (RTI), or other interventions to unnecessarily delay or deny an IDEA evaluation when a disability and need for special education are suspected.
A student does not have to fail repeatedly or complete every intervention tier before an evaluation can be requested.
Federal references: 34 CFR §§ 300.111, 300.301, 300.304, 300.306.

2. When Should Parents Request a Section 504 Evaluation?

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law prohibiting disability discrimination in federally funded programs, including public schools.
The Americans with Disabilities Act (ADA) provides additional disability protections.
These are separate laws, although their protections overlap.
Under Section 504, a student may have a disability when a physical or mental impairment substantially limits one or more major life activities.
Major life activities include:

- Learning, reading, writing, concentrating, and thinking.
- Communicating.
- Walking, standing, and other physical activities.
- Eating, sleeping, and breathing.
- Major bodily functions, including neurological, endocrine, digestive, and other functions.

A student may qualify even when academic grades are strong.
When determining whether an impairment substantially limits a major life activity, schools generally must consider the impairment without the positive effects of mitigating measures, such as medication, except ordinary eyeglasses or contact lenses.
Conditions that are episodic or in remission may also qualify if they would substantially limit a major life activity when active.
A student may meet Section 504's definition of disability even if the team determines that the student does not currently require an individualized Section 504 plan or additional educational services. Determining whether a student has a disability and determining what accommodations, modifications, related aids, or services are necessary are separate considerations.

Examples of When a Section 504 Evaluation May Be Appropriate

A student may:

- Have ADHD and need attention or organizational supports.
- Have anxiety affecting participation, attendance, or concentration.
- Have diabetes requiring individualized health supports.
- Have epilepsy requiring seizure-related assistance.
- Have asthma or another condition affecting breathing or stamina.
- Have a physical disability requiring accessibility modifications.

- Have another disability affecting a major life activity.

A diagnosis does not automatically establish eligibility, and a formal medical diagnosis is not always required.
The determination must be individualized.

Section 504 Is Not Limited to Accommodations

A common misconception is that Section 504 plans can only provide accommodations such as extended time or preferential seating.
Section 504 can require regular or special education, accommodations, modifications, and related aids and services when necessary to provide FAPE. A student does not have to qualify for an IEP under IDEA to receive special education services under Section 504. However, when a student is suspected of having an IDEA-qualifying disability and needing specially designed instruction, the district must fulfill its IDEA evaluation obligations rather than using Section 504 as a substitute.
Depending on the student's needs, these may include:

- Nursing or other school health services.
- Counseling or psychological services.
- Speech-language therapy.
- Occupational or physical therapy.
- Assistive technology.
- Adult assistance or a one-to-one aide.
- Modifications to school policies, practices, or procedures.
- Individualized educational services.

A school cannot refuse a necessary service solely because it typically provides that service through special education.
Section 504 requires schools to provide FAPE to qualified students with disabilities, including regular or special education and related aids and services designed to meet their individual educational needs as adequately as the needs of nondisabled students are met.
Federal references: 34 CFR §§ 104.3, 104.33, 104.35.

3. Accommodations, Modifications, and Specially Designed Instruction

Understanding these terms can help parents identify what their child may need.

Educational Accommodations

Accommodations generally change how a student accesses instruction, participates, or demonstrates learning without necessarily changing the learning expectations.
Examples include:

- Extended time.
- Preferential seating.
- Visual schedules.
- Breaks or access to a quiet space.
- Reduced-distraction testing.
- Audio or accessible instructional materials.
- Assistive technology.
- Organizational checklists.
- Alternative ways to demonstrate knowledge.

Accommodations support access but do not necessarily teach a missing skill.
For example, an organizational checklist may help a student complete assignments, but it does not necessarily provide instruction in planning, organization, or independent task completion.

Educational Modifications

Educational modifications generally change what a student is expected to learn, complete, or demonstrate.
Examples may include:

- Adjusted curriculum expectations.
- Modified assignments.
- Reduced complexity of instructional content.
- Individualized learning expectations.
- Alternative performance requirements.

Educational modifications are different from modifications to school policies, practices, or procedures. For example, modifying an attendance policy, allowing an alternative participation procedure, or adjusting a school rule does not necessarily change the curriculum or academic expectations. Similarly, modifying an assignment does not always mean modifying the curriculum. The impact depends on what is changed and whether the student is still expected to demonstrate the same learning standards.
Educational modifications may be provided under Section 504 when individually necessary and consistent with the student's rights and educational needs.
They are not automatically prohibited simply because a student does not have an IEP. However, modifications should not automatically lower expectations, unnecessarily limit access to the general curriculum, or replace appropriate instruction.
Parents should ask how proposed modifications affect learning expectations, grades, course credit, graduation requirements, and future educational opportunities.

Reasonable Accommodation

Reasonable accommodation is a term primarily used in the employment context under the ADA.

It generally refers to adjustments to employment practices, working conditions, or application processes that allow qualified individuals with disabilities to participate or perform essential job functions.

The term is sometimes used informally in K–12 education.

However, the federal Section 504 regulations governing elementary and secondary schools more specifically address regular or special education and related aids and services.

Reasonable Modification

Under Title II of the ADA, public entities generally must make reasonable modifications to policies, practices, or procedures when necessary to avoid disability discrimination, unless the modification would fundamentally alter the nature of the service, program, or activity.

School examples may include:

- Modifying an attendance policy when disability-related absences require individualized consideration.
- Adjusting school procedures to permit necessary disability-related supports.
- Changing participation procedures to provide meaningful access.
- Allowing additional time or alternative procedures where necessary.

Reasonable modifications under the ADA and educational curriculum modifications are not the same legal concept.

The U.S. Department of Education's Office for Civil Rights explains that, in K–12 education, schools do not need to distinguish between the labels *reasonable modification* and *reasonable accommodation* when determining meaningful access. The focus is on what the student needs, not the label.

Specially Designed Instruction

SDI is individualized instruction designed to address disability-related educational needs.

Examples may include:

- Explicit reading instruction.
- Individualized instruction in written expression.
- Teaching executive-functioning strategies.
- Instruction in social communication.
- Teaching emotional regulation and coping skills.
- Teaching behavioral replacement skills.
- Instruction in adaptive functioning and independence.

If a student has a disability-related skill deficit that may require individualized instruction, parents should consider requesting an IDEA evaluation rather than assuming accommodations alone are sufficient.

4. What If the School Says the Student Meets Disability Criteria but Does Not Need an IEP?

Parents sometimes hear that their child meets the criteria for a disability category but does not need special education.
This distinction matters.
Under IDEA, meeting the characteristics of a disability category is not necessarily sufficient for eligibility.
The student must also meet IDEA's requirement concerning the need for special education.
A district may determine that a student does not require SDI and consider Section 504 eligibility instead.
However, that conclusion must be supported by appropriate evaluation data.
Good grades alone do not establish that a student does not need SDI.
The team should consider:

- Academic, developmental, and functional needs.
- Social-emotional and behavioral functioning.
- Communication and executive-functioning skills.
- The amount of support necessary for success.
- Whether the student can independently demonstrate expected skills.
- Whether individualized instruction is necessary.

Parents should ask the district to explain what evaluation data supports the conclusion that SDI is unnecessary.

5. What If Parents Are Unsure Which Evaluation to Request?

Parents are not expected to independently determine eligibility.
For example, a student with ADHD may need accommodations for attention, but may also require instruction in executive-functioning skills.
A student with autism may earn strong grades but need individualized instruction in communication or adaptive functioning.
A student with anxiety may need accommodations, counseling, or instruction in coping and self-regulation skills.
When there is reason to suspect a need for SDI, I generally recommend requesting a comprehensive IDEA evaluation.
Parents may also request consideration under Section 504.
A student does not have to try a 504 plan before being evaluated under IDEA.

6. Can Students Have Both an IEP and a Section 504 Plan?

A student with an IEP is also protected under Section 504.
Under 34 CFR § 104.33(b)(2), implementation of an IEP developed in accordance with IDEA is one means of satisfying Section 504's FAPE requirements.
The U.S. Department of Education has clarified that IDEA-eligible students are not required to have separate Section 504 plans.
A separate Section 504 plan is generally unnecessary when a properly developed and implemented IEP addresses the student's needs.

If a student with a 504 plan becomes eligible for an IEP, necessary accommodations, modifications, related services, and other disability-related supports should be incorporated or appropriately addressed through the IEP process.

What About Medical or Health-Related Needs?

Students with IEPs may also need:

- Diabetes management.
- Seizure-related assistance.
- Medication administration.
- Nursing services.
- Feeding or other health-related assistance.
- Emergency response procedures.
- Other individualized medical supports during school.

These needs must not be overlooked simply because the student has an IEP.
Necessary health-related supports should be addressed and coordinated with the IEP to the extent required for FAPE.
A separate Individualized Healthcare Plan (IHP), emergency care plan, or medical protocol may also be appropriate.
However, an IHP is not automatically a substitute for an IEP or Section 504 plan when the student requires disability-related educational protections and services.

What Is an Individualized Healthcare Plan?

An IHP generally documents school-based healthcare needs, procedures, responsibilities, and medical supports.
An IHP is not itself an IDEA IEP or a Section 504 plan.
A student may have an IHP alone, an IHP coordinated with a Section 504 plan, or an IHP coordinated with an IEP, depending on the student's individual needs.

7. Why Comprehensive Evaluations Matter

Evaluation data help determine eligibility and identify the student's educational needs. They also inform the instruction, services, accommodations, modifications, goals, and supports the student receives.
An incomplete evaluation can lead to an inaccurate eligibility decision or inadequate educational programming.

Areas That May Need Evaluation

Depending on the suspected disability and needs:

- Cognitive functioning.
- Academic achievement.
- Speech-language and functional communication.
- Social-emotional functioning.
- Behavior and functional behavioral assessment.
- Executive functioning.
- Adaptive functioning.
- Occupational therapy and motor skills.

- Sensory-related functioning.
- Health, vision, and hearing.
- Assistive technology and AAC.
- Other suspected areas.

Not every student needs every assessment.
However, IDEA requires evaluations to be sufficiently comprehensive to identify all special education and related-service needs, whether or not commonly associated with the student's disability category.

Multiple Sources of Information

Evaluation and eligibility decisions should consider relevant information from multiple sources, including:

- Parent concerns and observations.
- Teacher input.
- Classroom performance.
- Academic and functional assessments.
- Intervention data.
- Behavioral records.
- Outside evaluations.
- Health-related information.
- Relevant observations and progress data.

A single assessment, grade report, or teacher opinion should not be the sole basis for an IDEA eligibility decision.
The evaluation should identify the student's needs, not simply confirm a predetermined eligibility or placement decision.

8. What Happens After Parents Request an Evaluation?

IDEA Evaluation Process

Parents may initiate a request for an initial IDEA evaluation.
The district must respond by proposing the evaluation and seeking informed parental consent or refusing the request and providing Prior Written Notice (PWN).
Under federal IDEA regulations, initial evaluations generally must be completed within 60 days of receiving parental consent, unless the state has established a different timeframe. Limited exceptions apply.
State laws may establish additional or different timelines.
The written request itself does not automatically start the federal 60-day evaluation timeline.
Consent to evaluate is not consent to begin special education services.

Section 504 Evaluation Process

Section 504 does not establish one specific nationwide evaluation deadline.
Evaluations must occur within a reasonable period, considering applicable requirements and circumstances.
The district must follow Section 504 evaluation and placement procedures.

If the School Refuses

Under IDEA, a district refusing a requested evaluation must provide PWN explaining its decision.
Under Section 504, the district must comply with its applicable notice and procedural-safeguard requirements, which differ from IDEA's PWN requirements.
Parents should request the decision and supporting explanation in writing.

9. Can Schools Require Parents to Wait for Interventions or a Medical Diagnosis?

Not as blanket prerequisites.
Schools may use general education interventions, and medical information may be relevant to an evaluation.
However, a district cannot unnecessarily delay an IDEA evaluation when it suspects a disability and need for special education.
A medical diagnosis is not universally required before evaluating a student.
If the district determines that a medical assessment is necessary to fulfill its evaluation responsibilities, the required assessment must be provided at no cost to the parent.
This does not mean districts must pay for every medical appointment or treatment.

Statements Parents May Hear

- “Your child is passing, so they do not qualify.”
- “We have to finish RTI first.”
- “We need a medical diagnosis.”
- “Let's try a 504 plan before an IEP.”
- “Your child is gifted, so special education is unnecessary.”
- “The teacher does not think an evaluation is needed.”

None of these statements alone resolve the district's evaluation responsibilities.
Parents should make a written request describing the suspected disability-related needs.

10. Can an IEP Be Removed and Replaced With a Section 504 Plan?

A district cannot simply discontinue IDEA eligibility and replace an IEP with a Section 504 plan without following applicable IDEA procedures.
Under 34 CFR § 300.305(e), a district generally must evaluate a student before determining that the student is no longer eligible under IDEA.
Exceptions include termination of eligibility due to graduation with a regular high school diploma or exceeding the applicable age of eligibility.

Does Reevaluation Require New Testing?

Not always.

A reevaluation includes reviewing existing data and determining whether additional assessments are necessary.

If the team determines no additional assessments are needed, the district must notify parents of that determination, explain the reasons, and inform them of their right to request an assessment.

When the parent requests an assessment under 34 CFR § 300.305(d), the district must conduct it.

The district cannot simply eliminate an IEP because the student is passing classes, making progress, or receiving fewer services.

The decision must follow applicable reevaluation and eligibility procedures.

If IDEA eligibility ends, the district should consider whether the student qualifies under Section 504 and what supports are necessary.

A student does not automatically transfer from one plan to the other without the applicable evaluation and decision-making process.

11. What If Parents Disagree With the Evaluation or Eligibility Decision?

Parents may disagree because:

- Not all suspected needs were assessed.
- The district overlooked behavioral, social-emotional, communication, or functional needs.
- Grades were given excessive weight.
- Parent concerns or outside evaluations were not adequately considered.
- The district concluded that SDI was unnecessary despite evidence of skill deficits.
- The district determined that the student no longer qualified for special education.

Independent Educational Evaluations (IEEs)

Under IDEA, parents who disagree with an evaluation obtained by the district may request an IEE at public expense under 34 CFR § 300.502.

The district must, without unnecessary delay, either ensure the IEE is provided at public expense or file for due process to defend its evaluation or the applicable IEE criteria.

Parents are not required to explain their reasons for disagreeing, although the district may ask.

An IEE request is based on disagreement with a district evaluation. Disagreement with eligibility alone does not automatically establish entitlement to a publicly funded IEE.

Parents may also use applicable IDEA dispute-resolution procedures to challenge eligibility or educational decisions.

Parents may also disagree when a district determines that additional assessments are unnecessary or fails to assess areas of suspected need. If the disagreement concerns an evaluation obtained by the district, including an evaluation or reevaluation based on a review of existing data, the parent may request an IEE at public expense under IDEA.

12. Parent Rights: IDEA vs. Section 504

Both laws provide enforceable protections, but IDEA establishes more detailed federal procedural requirements.

IDEA Parent Rights

IDEA includes requirements concerning:

- Parent participation in IEP meetings.
- Required IEP team membership.
- Prior Written Notice.
- Informed parental consent.
- Comprehensive evaluations and reevaluations.
- Measurable annual goals.
- Progress monitoring and reporting.
- Special education and related services.
- Least restrictive environment.
- Independent educational evaluations.
- State complaints, mediation, and due process hearings.

Parents are required members of the IDEA IEP team.

Section 504 Parent Rights

Section 504 includes protections concerning:

- Notice.
- Individualized evaluation and placement.
- Decisions by knowledgeable persons.
- Examination of relevant records.
- Impartial hearings with an opportunity for parental participation and representation.
- Review procedures.
- Protection against disability discrimination.

Federal Section 504 regulations do not establish the same detailed IEP team structure, annual goal requirements, or progress-reporting provisions as IDEA.

They also do not expressly require parents to be members of the Section 504 evaluation and placement decision-making group, although state or district requirements may provide additional rights.

IDEA generally provides more detailed federal procedural safeguards, but Section 504 remains an important and enforceable civil rights law.

An IEP is not automatically the appropriate choice for every student. Eligibility and services must be based on the student's needs.

13. Evaluation, Eligibility, and Educational Programming Are Separate Decisions

Parents should understand that three distinct questions must be addressed.

Evaluation: What disability-related needs does the student have?

Eligibility: Does the student meet IDEA or Section 504 eligibility requirements?

Programming: What instruction, accommodations, modifications, related services, and supports are necessary?

A student may qualify for an IEP but still have an inadequate IEP.

A student may qualify for Section 504 but receive an insufficient plan.
An incomplete evaluation may also result in an incorrect eligibility determination.
The goal is not simply to obtain a plan. The goal is to identify and appropriately address the student's needs.

14. What If a Student's Needs Change?

Parents do not have to wait until the next scheduled annual meeting to raise concerns.
Under IDEA, reevaluations are required when educational or related-services needs warrant reevaluation or when requested by a parent or teacher, subject to applicable frequency rules.
Generally, reevaluations must occur at least once every three years unless the parent and district agree that one is unnecessary, and not more than once annually unless both agree otherwise.
Under Section 504, periodic reevaluations are required, and evaluation is required before a significant change in placement.
Parents can request that the district review new concerns, reconsider needed supports, and determine whether additional evaluation is necessary.

Parent Evaluation Request Templates

The following templates are designed to help parents make written evaluation requests.
Instructions for Parents: Replace the bracketed information with your child's details. Identify the areas where you have concerns and provide specific examples. You do not need to know the names of every assessment or disability category. Describe what your child struggles with, what supports they currently need, and how those difficulties affect their education, participation, or independence. The district remains responsible for determining appropriate assessments based on all suspected areas of disability and educational need.

Where to Send Your Evaluation Request

Send your written evaluation request by email to the appropriate district contact:

- **IDEA evaluation:** The district's special education director or special education administrator.
- **Section 504 evaluation:** The district's Section 504 coordinator.
- **Combined IDEA and Section 504 request:** Both the special education director and Section 504 coordinator.

CC your child's school principal on the email. You may also copy your child's teacher or other relevant school staff.
If you are unsure who handles evaluation requests, check the district's website or contact the district office for the appropriate email address.
Keep a copy of your request and document the date it was sent. Email provides a written record of your request. If the district has a specific evaluation request procedure, follow it while ensuring your request reaches the appropriate personnel.

Template 1: Initial Special Education Evaluation Under IDEA

Subject: Request for Comprehensive Initial Special Education Evaluation – [Student Name]

Dear [Principal/Special Education Director],

I am writing to formally request a comprehensive initial special education evaluation for my child, [Student Name], who is in [grade] at [school], under the Individuals with Disabilities Education Act (IDEA).

I suspect my child may have a disability and require specially designed instruction.

Areas of Concern and Requested Evaluation Areas: I am requesting that the district evaluate my child in the following areas of suspected disability and educational need: [Parent: List your concerns, such as reading, writing, mathematics, speech and language, social communication, emotional regulation, behavior, executive functioning, attention, organization, adaptive functioning, occupational therapy, sensory needs, assistive technology, or health-related needs]. My specific concerns include [Parent: Describe examples of the difficulties your child experiences at school or home]. These difficulties affect my child's education, participation, or independence by [Parent: Explain the impact, including any supports or assistance your child currently requires].

I request that the district evaluate all areas of suspected disability and educational need, including any additional areas identified during the evaluation process, as required under 34 CFR § 300.304.

Please provide the proposed evaluation plan, required notices, and consent forms.

If the district refuses to conduct the requested evaluation, please provide Prior Written Notice under 34 CFR § 300.503 explaining the refusal, the information relied upon, and the reasons for the decision.

Thank you.

Sincerely,

[Parent Name]

[Contact Information]

Template 2: Section 504 Evaluation

Subject: Request for Section 504 Evaluation – [Student Name]

Dear [Principal/Section 504 Coordinator],

I am writing to formally request an evaluation under Section 504 of the Rehabilitation Act for my child, [Student Name], who is in [grade] at [school].

I believe my child may have a physical or mental impairment that substantially limits one or more major life activities.

Areas of Concern and Requested Evaluation Areas: I am requesting that the district evaluate my child's disability-related needs in the following areas: [Parent: Identify concerns such as attention, concentration, learning, communication, emotional regulation, behavior, physical functioning, medical needs, sensory functioning, or other major life activities]. My specific concerns include [Parent: Describe examples of the difficulties your child experiences at school or home]. These difficulties affect my child's access to education, participation in school activities, or daily functioning by [Parent: Explain the impact and describe any supports currently needed].

I request that the district evaluate the suspected disability-related limitations identified above and consider all accommodations, modifications, related aids, and services necessary to provide FAPE and meaningful access to school programs.

Please provide the applicable evaluation procedures and anticipated next steps.

If the district declines to evaluate, please provide its decision and explanation in writing, along with the applicable procedural safeguards.

Thank you.

Sincerely,

[Parent Name]

[Contact Information]

Template 3: IDEA Evaluation and Section 504 Consideration

Subject: Request for Comprehensive Evaluation Under IDEA and Section 504 – [Student Name]

Dear [Principal/Special Education Director/Section 504 Coordinator],

I am formally requesting a comprehensive initial special education evaluation under IDEA for my child, [Student Name], who is in [grade] at [school].

I suspect my child may have a disability and require specially designed instruction. I am also requesting consideration of eligibility and educational needs under Section 504.

Areas of Concern and Requested Evaluation Areas: I am requesting evaluation in the following areas of suspected disability and educational need: [Parent: Identify concerns such as academics, speech-language, social communication, emotional regulation, behavior, executive functioning, attention, organization, adaptive functioning, motor or sensory needs, assistive technology, or health-related needs]. My specific concerns include [Parent: Describe examples of your child's difficulties]. These concerns affect my child's education, participation, or independence by [Parent: Explain the impact, including any accommodations, modifications, interventions, or adult support currently needed].

Please evaluate all areas of suspected disability and educational need under 34 CFR § 300.304, including any additional areas identified during the evaluation process.

If IDEA eligibility is not established, please ensure that Section 504 eligibility and necessary accommodations, modifications, related aids, and services are considered through the appropriate process.

Please provide the proposed IDEA evaluation plan, notices, and consent forms.

If the district refuses the IDEA evaluation, please provide Prior Written Notice under 34 CFR § 300.503.

Thank you.

Sincerely,

[Parent Name]

[Contact Information]

15. Practical Tips for Parents

1. **Put evaluation requests in writing.** Keep a copy and record the date.
2. **Describe specific concerns.** Explain the difficulties rather than relying only on a diagnosis.
3. **Include functional needs.** Address behavior, communication, social-emotional functioning, executive functioning, and independence where relevant.
4. **Describe existing supports.** Explain what assistance is required for the student to succeed.
5. **Request comprehensive evaluations.** Identify all suspected areas of disability and educational need.
6. **Review the proposed evaluation plan.** Ask whether each suspected area will be assessed.
7. **Track timelines.** Review applicable federal, state, and district requirements.
8. **Review the data carefully.** Eligibility decisions should consider more than grades or a single assessment.
9. **Ask about SDI.** If the district proposes Section 504 instead of an IEP, ask what data support the conclusion that SDI is unnecessary.
10. **Review reevaluations before exiting IDEA.** Make sure continuing needs and necessary supports are considered.
11. **Know your disagreement options.** Review IEE and dispute-resolution rights when appropriate.
12. **Focus on programming.** Eligibility alone does not ensure the student's needs are appropriately addressed.

16. Questions Parents Can Ask

- What disability-related educational needs are suspected?
- Does my child potentially require specially designed instruction?
- What data support the conclusion that accommodations alone are sufficient?
- Are all academic, developmental, and functional needs being considered?
- What skills can my child demonstrate independently?
- What supports are necessary for current success?
- What evaluations will address the suspected areas?
- Have parent concerns and outside evaluations been considered?
- If my child has an IEP, are all necessary health-related and functional supports appropriately addressed?
- What reevaluation information supports any proposal to discontinue IDEA eligibility?
- What procedural safeguards apply?
- What are the options if I disagree with the evaluation or eligibility decision?

My Bottom Line

Request an IDEA evaluation when you suspect your child has a disability and may need specially designed instruction.
Request a Section 504 evaluation when you suspect your child has a qualifying disability and may need accommodations, modifications, related aids, services, or other educational supports.
Section 504 is not limited to accommodations, and IDEA eligibility is not limited to students who are failing academically.
A student can be gifted, earn excellent grades, and still need special education.
Accommodations may support access, but they do not necessarily teach missing skills.
Students with IEPs are also protected under Section 504 and do not need a separate Section 504 plan when their IEP appropriately addresses their needs.
Schools must follow applicable reevaluation procedures before determining that a student is no longer IDEA-eligible.
Comprehensive evaluations matter because evaluation data drive eligibility and educational programming.
My priority is not simply helping families obtain an IEP or Section 504 plan. It is ensuring students are appropriately evaluated and receive the instruction, accommodations, modifications, services, and supports they need.

Additional Guides and Resources

For additional comprehensive parent guides, advocacy resources, and information about special education, IEPs, Section 504, evaluations, IEEs, eligibility, and parent rights, visit **The Disability Advocate, LLC** at:

https://thedisabilityadvocate.org/

These resources are designed to help families better understand their rights, navigate the special education process, and advocate for their children's individual educational needs.

Federal Law, Guidance, and Parent Resources

IDEA Regulations

IDEA Disability Categories — 34 CFR § 300.8
https://sites.ed.gov/idea/regs/b/a/300.8
Special Education and SDI — 34 CFR § 300.39
https://sites.ed.gov/idea/regs/b/a/300.39
Child Find — 34 CFR § 300.111
https://sites.ed.gov/idea/regs/b/b/300.111
Parental Consent — 34 CFR § 300.300
https://sites.ed.gov/idea/regs/b/d/300.300
Initial Evaluations — 34 CFR § 300.301
https://sites.ed.gov/idea/regs/b/d/300.301
Reevaluations — 34 CFR § 300.303
https://sites.ed.gov/idea/regs/b/d/300.303
Evaluation Procedures — 34 CFR § 300.304
https://sites.ed.gov/idea/regs/b/d/300.304
Additional Evaluation and Reevaluation Requirements — 34 CFR § 300.305
https://sites.ed.gov/idea/regs/b/d/300.305
Eligibility Determination — 34 CFR § 300.306
https://sites.ed.gov/idea/regs/b/d/300.306
IEP Content — 34 CFR § 300.320
https://sites.ed.gov/idea/regs/b/d/300.320
IEP Team Membership — 34 CFR § 300.321
https://sites.ed.gov/idea/regs/b/d/300.321
Parent Participation — 34 CFR § 300.322
https://sites.ed.gov/idea/regs/b/d/300.322
IEEs — 34 CFR § 300.502
https://sites.ed.gov/idea/regs/b/e/300.502
Prior Written Notice — 34 CFR § 300.503
https://sites.ed.gov/idea/regs/b/e/300.503

Section 504 Regulations and Federal Guidance

Section 504 Definitions — 34 CFR § 104.3
https://www.ecfr.gov/current/title-34/section-104.3
Section 504 FAPE — 34 CFR § 104.33
https://www.ecfr.gov/current/title-34/section-104.33
Section 504 Evaluation and Placement — 34 CFR § 104.35
https://www.ecfr.gov/current/title-34/section-104.35
Section 504 Procedural Safeguards — 34 CFR § 104.36
https://www.ecfr.gov/current/title-34/section-104.36
U.S. Department of Education — Parent and Educator Resource Guide to Section 504 (PDF)
https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-resource-guide-201612.pdf
See especially pages 10–11 for discussion of IDEA and Section 504 protections.
U.S. Department of Education — Frequently Asked Questions: Section 504 FAPE
https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-section-504-free-appropriate-public-education-fape
Includes definitions of reasonable accommodation and reasonable modification, and explanations of Section 504 educational services.
U.S. Department of Education — Frequently Asked Questions: Disability Discrimination
https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-disability-discrimination
Addresses meaningful access, modifications, accommodations, related aids, and services.

Additional Parent-Friendly Resources

Wrightslaw — Key Differences Between Section 504 and IDEA
https://www.wrightslaw.com/howey/504.idea.htm
DREDF — A Comparison of ADA, IDEA, and Section 504
https://dredf.org/a-comparison-of-ada-idea-and-section-504/
Understood — The Difference Between IEPs and 504 Plans
https://www.understood.org/en/articles/the-difference-between-ieps-and-504-plans
Oley Foundation — IHPs, 504 Plans, and IEPs
https://oley.org/page/IHP_IEP_Difference
U.S. Department of Justice — Guide to Disability Rights Laws
https://www.ada.gov/resources/disability-rights-guide/
These resources provide additional explanations and comparisons. Federal regulations and official agency guidance should be used as primary legal references, together with applicable state requirements.

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