

Section 504 Services vs. Preschool Special Education Services

A Fact Sheet for Families and Pre-K Programs

504 services and preschool special education services both support children with disabilities and medical needs at no cost to parents. They are similar in some ways but quite different in others.

This fact sheet compares the services side-by-side in order to help families and pre-K programs understand the differences and best support children.

	Section 504 Services	Preschool Special Education Services
Basic Description	A 504 Plan is a blueprint for how a child will have access to learning at school. It provides services and changes to the learning environment to meet the needs of the child as adequately as other students.	An Individualized Education Program (IEP) is a blueprint for a child's special education experience at school. It discusses a child's abilities and outlines any services, accommodations, and modifications that will help the child make reasonable progress towards his or her individual annual goals.
Law	Section 504 of The Rehabilitation Act is a federal civil rights law that protects students with disabilities against discrimination by requiring programs to provide eligible students reasonable and appropriate accommodations, so they may participate fully in school.	The Individuals with Disabilities Education Act (IDEA) is a federal law that entitles eligible children with disabilities to receive a free appropriate public education. Under the IDEA, students suspected of having disabilities that affect learning may be evaluated for eligibility for special education services. If the child is found eligible, special education services, accommodations, and modifications will be targeted to enable the child to make progress in school.
Eligibility	<p>Under Section 504, a student is considered to have a disability if the following criteria is met:</p> <ul style="list-style-type: none"> • A student has a physical or mental impairment • The impairment substantially limits one or more major life activities <p>Physical or Mental Impairments: Physical or mental impairments may include, but are is not limited to, physical disabilities or conditions, psychological disorders, and specific learning disabilities.</p> <ul style="list-style-type: none"> • Temporary impairments may qualify a student for accommodations under Section 504 depending on the nature, duration, and severity of the impairment (e.g. a broken limb). • Episodic impairments may qualify a student for accommodations under Section 504 if they substantially limit a major life activity when active (e.g. asthma). <p>Major Life Activities: Major life activities may include, but are not limited to, caring for oneself, walking, seeing, hearing,</p>	<p>A preschool child will be found eligible for special education services if there is a significant delay when compared with accepted developmental milestones in one or more functional areas:</p> <ul style="list-style-type: none"> • Cognitive (thinking and learning); • Language and communication (understanding and using language); • Adaptive (self-help skills such as toileting, eating, and dressing); • Social-emotional (behaviors such as getting along with others and expressing feelings); and/or • Motor development (physical development, including delays or disorders regarding vision, hearing, and movement). <p>A preschool child will also be found eligible for special education services if he or she meets the criteria of one of the following disabilities:</p> <ul style="list-style-type: none"> • Autism; • Deafness; • Deaf-Blindness; • Hearing Impairment; • Orthopedic Impairment; • Other Health Impairment;

	Section 504 Services	Preschool Special Education Services
	speaking, breathing, eating, sleeping, standing, lifting, bending, thinking, communicating and learning.	<ul style="list-style-type: none"> • Traumatic Brain Injury; • Visual Impairment; AND Requires approved preschool special education services and programs.
Examples of Services	Examples of Section 504 services and accommodations include: <ul style="list-style-type: none"> • Use of an elevator, ramp, or wheelchair lift • Getting medicine at school (e.g. insulin) and/or medical supports (e.g. nebulizer) • A paraprofessional for health or behavior • Nursing services • Removing particular allergens • Modified participation in gross motor play • Assistive technology (e.g. computer access, FM unit) 	Examples of preschool special education services include: <ul style="list-style-type: none"> • Related Services (physical therapy, occupational therapy, speech/ language therapy) • Special Education Itinerant Teacher (SEIT) • Special Class in an Integrated Setting (students with and without IEPs) • Special Class (6-12 students with IEPs) • A paraprofessional for health or behavior • Assistive technology (e.g. communication device, FM unit)
Contacts	<p>For questions and support about meeting a child’s medical needs, contact the DOE’s Division of Early Childhood Education (DECE) at EarlyChildhoodPolicy@schools.nyc.gov. DECE works directly with families regarding a child’s medical needs. DECE can also provide pre-K programs with additional information about requirements, forms, and process steps.</p> <p>For information and assistance regarding compliance of Section 504, contact the U.S Department of Education’s Office for Civil Rights by phone (646-428-3800), fax (646-428-3843) or email (OCR.NewYork@ed.gov), or contact the NYC Commission on Human Rights by phone (718-722-3131).</p>	<p>The Committee on Preschool Special Education (CPSE) is responsible for coordinating the special education process for children ages 3 to 5. There are 10 CPSEs in different areas of the city that work with families in the district where the family lives. Each CPSE is part of a larger Committee on Special Education (CSE) office. CSE/CPSE contact information is available here.</p> <p>Families can also email the DOE’s Special Education Office at specialeducation@schools.nyc.gov.</p>
Additional Resources	<ul style="list-style-type: none"> • The DOE’s Chancellor’s Regulation A-710: Section 504 Policy and Procedures for Students • Advocates for Children of New York 504 Guide • United States Department of Education Office for Civil Rights FAQ on 504 • Wrightslaw on Section 504 	<ul style="list-style-type: none"> • The DOE’s Family Guide to Preschool Special Education Services • The DOE’s family webpage on preschool special education • The DOE’s resource library for pre-K programs on preschool special education