

Shining with ADHD by The Childhood Collective

Episode #165: 504 Plan vs. IEP: Which One Does My ADHD Child Need?

Lori: And the reason for that is there's something in the law that says that there has to be educational impairment. And lots of people, like I said, interpret the law, interpret that as academic impairment. They are not the same thing.

Katie: Hi there. We are The Childhood Collective, and we have helped thousands of overwhelmed parents find joy and confidence in raising their child with ADHD. I'm Katie, a speech language pathologist.

Lori: And I'm Lori.

Mallory: And I'm Mallory. And we're both child psychologists.

Lori: As busy mamas ourselves, we are on a mission to support ADHD parents on this beautiful and chaotic parenting journey.

Mallory: If you are looking for honest ADHD parenting stories, a dose of empathy with a side of humor and practical tools, you are in the right place.

Katie: Let's help your family shine with ADHD.

Mallory: So, I was having a conversation with a friend lately, she has two kids both with ADHD, and she asked me if an IEP or a 504 plan is better for ADHD kids at school. And my friends totally love it when I give them this answer and I give them this answer a lot. But my answer was, it depends.

Katie: Totally. And wouldn't ADHD parenting just be a lot easier if there were, like, black and white answers to everything?

Lori: I know.

Katie: But sadly, that's just really not how it usually goes.

Lori: No, but I do get this question a lot in my private practice. So, I do comprehensive psychological evaluations and when a child gets a diagnosis of ADHD, a lot of times the

parents will ask me, what should I ask for at the school? Which plan is best? And again, we kind of have this conversation. Typically, I will recommend a certain thing, and sometimes, again, it doesn't really matter what I say because it's a team decision. But I'll kind of give them an idea and we'll talk a little bit about what I feel like is maybe the best plan to support them.

Mallory: And obviously, parents, including myself, we all want what's best for our child. But when it comes to IEPs and 504 plans, what's really best depends on your child and their needs. One is not necessarily better than the other. All things, but considering your child, one probably is better than the other.

Katie: Right. So, today what we want to do is explain to you the difference between IEPs, which stands for Individualized Education Plan, and 504 plans, so that you can start to get an idea of which might be best for your child.

Lori: And before we jump into this, just a little disclaimer, we are speaking today about United States specific law and policies here. I know we have lots of families from other countries that listen to our podcast. We love you. We are so excited to have you listening. I know things are going to be a little bit different though for this podcast if you're in another country. But obviously in many countries, you are going to have learning plans, especially in places like Canada, Australia, the UK. But the advice might be a little bit different for your situation if you aren't located in the United States.

Mallory: And I have one other little disclaimer before we start. I just want to mention that I took an entire semester long class on IEPs versus 504 plans when I was in graduate school. School terminology, law policy, it's all really complicated, so we're going to try to not make it complicated. But if this feels complicated, it's no reflection on you. Like this, it's you know, there's like nitty gritty details. Anyways, I just want you to know it's not a reflection on you. This is a complicated topic. But we know because we've talked to so many families about this, what you need to know to get your child help. So, we're kind of breaking it down into what we've learned families need to know.

Lori: Yeah. And ultimately, to piggyback on that, the law there's a lot of gray areas in the law, and so we get so many questions from people. I posted something on Instagram about evaluations, and people are like, well, the school told me this and the school told me that.

Again, there's many different ways to interpret the law. And so if you're getting responses from the school that maybe doesn't match what we're saying, there's a lot of gray area. There just is. So, we're going to kind of try to make it a little more clear for you, but it is a little bit gray at times.

Katie: So now that we've properly scared you and made it sound like it might not apply, it's very boring and complicated. I also want to mention that this is going to be really fun and we are so entertaining. So, we're also going to make this just as exciting as we possibly can.

Lori: I love laws and data and stats. I'm just super excited.

Katie: Okay, well, I'm really glad to hear that. That is the energy we need right now. So, let's start out with just a couple technicalities just to make sure that we're all on the same page. So, I mentioned an IEP that is an Individualized Education Program. We're going to be calling that an IEP throughout today's episode, but what is it? So, an IEP is a legal, written special education plan that is completely individualized to your child. You and the school staff, which is your child's educational team, which you are a part of, decide what your child's needs are for their learning and behavior to help them be successful in school. This could include special instruction or specialized services like speech therapy. And we're going to contrast that today with what's called a section 504 plan, which we commonly refer to as a 504 or a 504 plan. This is a legal plan that includes accommodations and supports to help your child be successful in the general education classroom.

Lori: Okay. So, if you're already feeling a little scared and a little overwhelmed listening...

Katie: How could they though, I made that fun!

Lori: I know, right? Don't worry. Don't worry if it doesn't make a lot of sense, we're going to break this down a little bit more. But again, technically speaking, an IEP and a 504 plan both technically hold the same legal weight. The school has to follow these plans if there is one in place. So, one is not more legal than the other. They just come from different laws and policies, and they do kind of different sorts of things. And one more quick clarification, because I get this question a lot, is, does my child need both? And if your child's only going to have one or the other, you never have both at the same time. So if you have an IEP, it's going to include the accommodations that you would have that would be in a 504 plan. So

you only need an IEP or you only need a 504 plan. So that's what we're kind of helping you decide, is one versus the other.

Mallory: Yeah, that's great. We do get that question a lot because, again, as parents, we want the world for our child, we want what's best for them, so why not get both, right?

Lori: Right.

Mallory: So, let's start by talking about 504 plans and what they do. Like Katie said, a 504 plan includes accommodations to help your child, the student, access the same general curriculum as their peers. So, let's talk about accommodations. So, accommodations, again, is what's the of the 504 plan. Accommodations are changes to how your child learns the material while still meeting standard grade level expectations. So, accommodations can include things like preferred seating, use of audio books, use of fidget or sensory tools, being given extra work time for tests, maybe extended testing time, extra help using a planner to stay organized. These are all things that help your child just access that general standard curriculum in their general education classroom.

Katie: So, let's give an example of a child who's really struggling to stay focused during class. So, some of the accommodations that might be recommended would be things like giving your child a seat that is what we call preferential seating. So, they might be closer to the teacher, they might be seated away from the more distracting kids, or maybe a window. Also giving your child a different location for testing. Again, where it might be quieter, less distractions. Or scheduling your child's more challenging subjects in the morning when we know that a lot of kids with ADHD tend to do better. So those are just some examples for kids that might struggle with focusing in class.

Mallory: Yeah. So none of these things are changing what your child is learning. They're not changing in a big way like how your child is being taught. They're just like environmental changes basically for your child to just access that general curriculum. So, let's take another example. So maybe your child is an energizer bunny, like mine, and they need a lot of extra movement throughout their day because that helps them focus, that helps them stay regulated. Some accommodations for a learner like that might be allowing extra movement in a workplace. So kind of like as long as you stay in this general area, you can be standing, you can be sitting, you can be moving around a little bit while the teacher is teaching or you're

working on your worksheet, whatever it is. Providing flexible seating options. So kind of going along with, that other one, like use, of a yoga ball or a wobble seat, or rather than having crisscross applesauce on the carpet, there's a chair you can sit in. So just flexible seating options, different options for your child. In some cases, some kids benefit from using fidgets. Again, we have to draw a line here though like it has to actually be helping your child focus, not distracting them, can't be distracting their peers. So a use of discreet fidgets is another accommodation that some kids benefit from if they do kind of need a little bit of extra movement to help with their focus and regulation throughout the day.

Lori: Yeah, I think fidgets are one of those things. I have them for kids when I'm doing testing and there are some kids, it definitely is helpful for them and some that it is distracting. So, you do have to play around with that a little bit. But these are all great examples. Like Mal said that with the accommodations, we're not changing what your child is taught, the teacher's teaching all the same information. We're not changing how your child is graded; they get graded on the same things. But we are changing the environment to kind of help them have equal access to the curriculum, to the teaching, so that it's fairer for them. So, if you want some additional ideas and things like that for accommodations, we actually have a free school accommodations guide. We'll link in the show notes. So again, those are strategies and accommodations we found to be helpful and give you an idea of what might go into a 504 plan, to help your child thrive at school.

Katie: Okay, so now let's shift to IEPs. So, an IEP can include all of those things, those accommodations that are a part of a 504 plan. But an IEP includes more. Remember, more is not necessarily better. We really want to find the just right level of support for your child. And many kids with ADHD are served very well with just a 504 plan.

Lori: So, an IEP includes something that we call modifications, which are basically changes that we're making to your child's curriculum, how they're being taught. So sometimes we call this specialized instruction. And that's really one of the key things that we want parents and schools to think about is, does your child require a specialized instruction? And that's kind of the key difference with the IEP versus the 504 plan. So specialized instruction could look like they're behind in reading, writing, or math, and they require small group teaching and a different style of teaching, multisensory teaching or an evidence-based reading program to help them learn and start to learn how to read. Because that particular curriculum, for

instance, a child with dyslexia, needs a different type of teaching to make progress in their reading, not just more of the same instructions. So that's where we would look at a specialized instruction for a child who is behind academically. They might need a different kind of homework. So maybe the homework that all the other kids are doing, let's say in writing, is too hard for them. So instead of writing a whole paragraph or an essay, they're only to write a sentence and it might be on a different topic. They might have an alternate test. So some kids might get essays, whereas they get multiple choice tests because it's harder for them to access that information that way. They might be graded on different standards. They might get speech therapy or occupational therapy to work on other related skills or services. So those are all examples of situations in which we would be looking at more of an IEP for a child.

Mallory: And maybe let's give them a few more examples of what specialized instruction or extra support services could look like. So maybe your child needs extra help with handwriting. Like they're struggling with the fine motor task of handwriting. So they get pulled once, twice a week to work with a special education teacher, an occupational therapist, outside of the regular classroom usually, to participate in evidence-based handwriting instruction. So again, that's something that's beyond the scope of the general curriculum, so it's a modification to what's being taught.

Katie: Yes. Another example might be a child who's struggling with articulation. Maybe they can't say their 'r' sounds or their 'l' sounds, or maybe they're struggling with language, or you find that they're stuttering. They might be getting pulled out a few times a week to work one-on-one or in a small group with a speech language pathologist. And they would actually have specific speech and language goals that that SLP is targeting and taking data to figure out if that intervention is working.

Lori: Yep. Or maybe your child's struggling with math. So they might get pulled daily to work on small group math with a special education teacher. And that might happen four times a week or that could happen a couple of times a week, and they might be given graded differently or get given different math tests that are more at their skill level. So those are just a few examples of that.

Mallory: So those are all modifications that would come under an IEP, would not be something that could be included in a 504 plan. But again, all of those accommodations that

we already talked about as part of a 504 plan would then also be included in an IEP. So, the 504 plan is for accommodations. The IEP is for accommodations as well, but also these modifications, the specialized instruction, something beyond the general curriculum. And again, not all kids with ADHD are going to have a need for that specialized instruction, but some do.

Lori: Yeah.

Katie: So, circling back to the first question, which one is better? In many ways, an IEP is more robust than a 504 plan. However, not every child is in need of the modifications and services that can come with an IEP. 504 plan accommodations might serve your child with ADHD very well.

Mallory: Maybe we should do a case example and then let our listeners kind of think about what would be better, a 504 or IEP for the student. Let's try it out. Okay, let's take the student, Selena. Selena is getting good grades, but she's disrupting the class a lot, according to the teacher. And she's getting a lot of behavioral referrals. She's getting sent to the office. Her parents are getting phone calls home. So, she's getting a lot of these, like, written behavioral referrals.

Lori: Fights at recess. There's maybe, you know, getting out of her seat all the time, pushing other kids.

Mallory: And even though she has good grades, she has a lot of missing work. So, she's struggling, she's struggling a lot of ways. So, she has these strong academics, but kind of the behavior and these executive functioning skills are holding her back and are impacting her educational progress.

Lori: So grades are good, but the parents are getting frustrated because not only does she have homework, but then she also has all of her in class work to finish that she didn't get done in the classroom.

Mallory: And recess is getting taken away. Poor Selena!

Lori: I know. So sad, but...

Katie: Is this the fun part of the episode, guys? We might have to rethink the strategy.

Lori: Yeah, I know. Selena, unfortunately, is like, a situation that comes up a lot, and you guys are probably gonna relate to that.

Mallory: Yeah. So, the question here is, 504 or IEP? What would serve this student better?

Lori: Yeah. We want you to think a minute. Just take a second and think, like, what would you do in this situation?

Mallory: So, I think, clearly, Selena could benefit from some accommodations, right. This is the low hanging fruit. She could use some accommodations that she could get through a 504 or an IEP, right. Some things that might help her be a little less disruptive in class, maybe focus a little better in class. Like we talked about maybe some preferential seating, more frequent teacher check-ins to make sure she's on-track.

Lori: Some clear behavioral expectations at recess, some more supervision and monitoring at recess, giving her positive feedback when she's successful at recess could be helpful. Those are all accommodations.

Mallory: Okay. But does Selena need specialized instruction? Does she need those modifications that would come with an IEP?

Lori: So, I think this is when I said earlier that the law is very gray, we wanted to bring this example up because this is a gray situation where you could say one versus the other. And I would guess that half of the people out there might have said 504 and one might have said IEP. But when we're making this decision, we're kind of looking at, does Selena need some specialized instruction? And what I often see in these examples are kids who are constantly getting referred. The teachers are overwhelmed. There's tons of behaviors. And the schools will come back, or school staff will come back and say, well, she doesn't qualify for an IEP because her grades are good, she's doing well academically. And the reason for that is there's something in the law that says that there has to be educational impairment. And lots of people, like I said, interpret the law, interpret that as academic impairment. They are not the same thing. Educational impairment is it's impacting her education, her learning, her success at school. And it really is in this situation when she's getting so many referrals. So, in this

case, I really would be personally looking at an IEP for her just because she does need some specialized instruction in the, you know, alternate positive behaviors. How do we teach her these skills? How do we teach her some of these executive functioning skills? And that could be done through a speech therapist, an occupational therapist, a special education teacher. So that she's learning some of those social, behavioral executive functioning skills that she needs to be successful at school. And we bring this up because, again, this is where it gets kind of gray and you can see that.

Mallory: Absolutely. But this is a situation that probably a lot of our listeners have been in, where they are being told that academics are fine, so you don't need an IEP. Or even in some cases, academics are fine, you don't need an IEP or a 504 plan. But it's just not accurate. We're looking at the whole child. We're not just looking at their grades. We're looking at how are they impacted at school when it comes to not just learning, but also behavior and social skills. But again, like you said, Lori, it's a gray area. A lot of these are not black and white. And it comes down to a team decision. And we want to empower you parents to remember that you're part of that school team. You get a voice and so it's really important that you have an understanding of these things so you can go in competently and advocate for your child's needs at school.

Lori: And when you understand it it's gray, that's when you, as a parent, if you don't feel like that's the right plan, can really speed speak up in a very educated way to argue why you think that. Because, again, it's gray. It is not a clear-cut situation. So, if people are acting like it is, it usually isn't. So again, there are so many other differences between IEPs and 504 plans that we didn't get into today, including how we monitor our kids progress, whether we create goals, how do we monitor those goals? what do we do if we disagree, the team disagrees? All of those situations. So, if you're in this right now and you're like, oh my goodness, it's like they're reading my mind, this is what we're going through and you're really struggling, we really do a deep dive into all of those specifics in our online course *Shining at School*, so make sure to check that out there.

Mallory: Absolutely. So, your key takeaway for today is that 504 plans and IEPs are incredibly valuable tools for supporting ADHD students. And while one is not better than the other, there is one that's probably better for your unique child.

Katie: Thanks for listening to Shining with ADHD by your hosts, Lori, Katie, and Mallory of The Childhood Collective.

Mallory: If you enjoyed this episode, please leave us a review and hit subscribe so you can be the first to know when a new episode airs.

Lori: If you are looking for links and resources mentioned in this episode, you can always find those in the show notes. See you next time!