

The Differences in Legal Rights and Responsibilities in Secondary and Postsecondary Education

In order to understand the differences between being a student in special education in high school and being a college student with a disability, you have to have a basic understanding of the legislation that dictates how each of those educational settings operates. The following chart will help you compare the laws:

	Secondary Education	Postsecondary Education
What is the law?	<p>IDEA: Individuals with Disabilities Education Act 504: Section 504 of the Rehabilitation Act of 1973 ADA: Americans with Disabilities Act of 1990</p>	<p>504: Section 504 of the Rehabilitation Act of 1973 ADA: Americans with Disabilities Act of 1990</p>
What is the intent of the law?	<p>IDEA: To provide a free, appropriate public education in the least restrictive environment to identified students with disabilities, including special education and related services. 504/ADA: To ensure that no other-wise qualified person with a disability is denied access to, benefits of, or is subject to discrimination solely on the basis of disability.</p>	<p>504/ADA: To ensure that no other-wise qualified person with a disability is denied access to, benefits of, or is subject to discrimination solely on the basis of disability.</p>
Who is covered under the law?	<p>IDEA: All infants, children and youth requiring special education services until age 21 or graduation from high school.</p>	<p>504/ADA: All qualified persons with or without reasonable accommodations who meet a college's admissions requirements and meet the same level criteria for the specific program. Institutions must document the existence of a disability under Section 504.</p>
What is a disability?	<p>IDEA: A list of 13 disability classification areas are defined in IDEA and include specific learning disabilities. 504/ADA: have no such list. A person with a disability is defined as anyone who has:</p> <ol style="list-style-type: none"> 1. any physical or mental impairment which substantially limits one or more major life functions; 2. a history of such an impairment 3. or is regarded as having such an impairment. 	<p>504/ADA: A person with a disability is defined as anyone who has:</p> <ol style="list-style-type: none"> 1. any physical or mental impairment which substantially limits one or more major life functions 2. a history of such an impairment 3. is regarded as having such an impairment. <p>ADA: also includes HIV status and other contagious diseases.</p>
Who is responsible for identifying and documenting need?	<p>School districts are responsible for identifying and evaluating potential students with disabilities. When such a determination is made, the district plans educational services for classified students at no expense to the family.</p>	<p>Students are responsible for obtaining disability documentation. The person who is qualified to assess the student's need for the evaluation must be a staff member of the post-secondary institution.</p>
Who is responsible for initiating service delivery?	<p>School districts are responsible for identifying students with disabilities and providing special education programs and services, including related services, and transition services as delineated in an Individualized Education Program.</p>	<p>Students are responsible for obtaining reasonable accommodations. Support Services staff of the institution (not special education) are responsible for providing reasonable accommodations.</p>

delineated in an Individualized Education Program.

Who is responsible for enforcing the law?

IDEA is an entitlement law, enforced by the Office of Special Education and Rehabilitation Services in the US Department of Education. Local enforcement is the responsibility of the individual state Departments of Education.

needed basis in order for st
equal access to the instituti

504/ADA: are civil rights s
of Civil Rights (OCR), and
in conjunction with the **Eq**
Opportunity Commission

What about advocacy?

The parent or guardian is the primary advocate. Students with disabilities from age 14 on must be invited to participate in the IEP process. If the student does not attend, the district must ensure that the student's preferences and interests are considered.

Students must be able to se
disability and needs in orde
Support staff to implement
The **Family Educational I**
guarantees student confide
parents regarding confiden
written consent from the st

Reprinted with permission from *Effective College Planning* by WNY Collegiate Consortium of Disability Advocates.

The complete resource guide is available at www.cccdnet.org/ecp_index.htm.