

## **Laws: Different Laws Apply**

IDEA (Individuals with Disabilities Education Act) and Section 504 of the Rehabilitation Act of 1973 are very different, and this has led to miscommunication between college and high school staff. Under IDEA, high school special education program procedures may apply primarily to a precise list of disabilities such as “specific learning disability.” In post-secondary institutions, accommodations must be made on a case-by-case basis according to a current functional impairment. In high school, students who use wheelchairs may be considered under a subpart of Section 504 of the Rehabilitation Act and be referred to as their “504” students. However, Section 504 does not create a requirement for IEPs in either high school or post-secondary institutions. Misunderstanding comes from the assumption that a “504 Plan” or an IEP developed at a high school will be binding on a college or university. It does not. At the post secondary level, student responsibilities change as follows:

### **Students have a responsibility to:**

- **Self-identify** or disclose the disability to the designated office for disability services if they want to receive accommodations. At Indian River State College, this office is called Student Disability Services.
- **Obtain** and **Provide** documentation such as psycho-educational test results, or physician’s report. The documentation should verify the disability, describe the extent of the impairment, and provide information that supports the need for specific accommodations.
- **Take** specific action to request those accommodations for their disabilities.
- **Act** as independent adults; use appropriate self-advocacy strategies.
- **Contact** their instructors to activate accommodations for each class.
- **Arrange** for and obtain their own personal attendants, individual tutoring and specifically fitted or designed assistive technologies.

**Privacy** – Students in colleges and universities are considered adults, with privacy and confidentiality protections. College staff cannot talk with parents and guardians about a student’s academic activities as was typical in K-12, unless the student has given consent by signing a Release of Information form.

**Eligibility** – Special education services in high school are diagnosis driven (i.e., the students must be diagnosed as having one of eleven specified conditions). Eligibility for reasonable accommodations in post-secondary institutions is driven by severity of impact on a major life activity.

**Preparedness** – College students must structure and plan their own study time; colleges do not arrange study periods or provide for time to do homework during classes. Professors and classes may differ regarding attendance requirements, scheduling assignment due dates and exams. The student must study each professor’s syllabus for each class to determine the requirements and what will be expected.

## FEDERAL LEGISLATION COMPARISON

	<b>IDEA</b>	<b>Section 504</b>	<b>ADA</b>
<b>Requirements in the Law</b>	Provides a free, appropriate, public education in the least restrictive environment.	Requires any agency, school or institution receiving federal financial assistance to provide persons with disabilities, to the greatest extent possible, an opportunity to be fully integrated into the mainstream.	Extends coverage of section 504 to employment, public and private educational institutions, transportation providers, and telecommunications, regardless of presence of any federal funding.
<b>Definitions in the Law</b>	Specific disability categories are defined in the law; covers students with educational disabilities that require special services from specially trained teachers. Not all students with disabilities are eligible.	Defines persons with disabilities who: <ul style="list-style-type: none"> <li>▪ have a physical or mental impairment that limits one or more major life activities;</li> <li>▪ have a record of such an impairment;</li> <li>▪ or are regarded as having an impairment.</li> </ul>	Definition of disability essentially same as Section 504 and extends coverage to persons without disabilities who may be related to or associated with a person with a disability; Includes HIV status, contagious and non-contagious diseases.
<b>Who is Covered</b>	Covers students with educational disabilities that require special education services ages 3-21 or until graduation.	Protects all persons with a disability from discrimination in educational setting based solely on disability.	Protects all persons with a disability from discrimination in educational setting based solely on disability.
<b>Services Provided</b>	Offers educational services that are remedial in addition to services available to all mainstream students (e.g., PE, Art, field trips)	Eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population.	Eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population.

<b>Funding</b>	Schools receive federal funding to provide remedial services.	Requires that schools not discriminate based on student's disability and must provide appropriate accommodations, but schools receive no additional financial support to provide support services or auxiliary aids.	Requires that schools not discriminate based on student's disability and must provide appropriate accommodations, but schools receive no additional financial support to provide support services or auxiliary aids.
<b>Evaluation/ Documentation</b>	<p>School district is responsible for identifying and evaluating students with disabilities.</p> <p>Evaluations are the responsibility of the school and are performed at no expense to student/parent.</p> <p>Parents must consent to evaluations and placement decisions.</p>	<p>Same for elementary and secondary schools. Same for students in college.</p> <p>Same for elementary and secondary schools. Same for students in college.</p> <p>Same for elementary and secondary schools. Same for students in college.</p>	<p>Students must self-identify as having a disability and must provide adequate documentation of disability.</p> <p>Evaluations/ documentation of disability are student's responsibility and expense.</p> <p>Student has responsibility for advocacy, negotiating accommodations plan.</p>
<b>IEP/ Accommodations</b>	Individual Education Plan (IEP) developed with parents, teachers and other specialists involved.	<p>504 Plan developed with parents, teachers and school personnel involved (for elementary/secondary students).</p> <p>Same for students in college.</p>	Accommodation plan developed with student, Disabilities Services Coordinator on campus.
<b>Classroom Placement</b>	Placement must be in the least restrictive environment; may be special classrooms, resource, or regular classroom. (Elementary and secondary students)	Placement is in regular classroom with support services to eliminate barriers to the educational experience. (Elementary, secondary & college students).	All courses are mainstream with accommodations provided to students who qualify

Note: Adapted from Jacksonville State University