

**THE DIFFERENCES IN LEGAL RIGHTS AND RESPONSIBILITIES
IN SECONDARY AND POSTSECONDARY EDUCATION**

	K-12 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, particular reference to Subpart E 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 otherwise 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 otherwise 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 children and youth requiring special education services until age 21 or graduation from high school.</p>	<p>504/ADA: All qualified persons with disabilities who, with or without reasonable accommodations, meet the college's admissions requirements and the specific entry level criteria for the specific program and who can document the existence of a disability as defined by 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: (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>	<p>504/ADA: A person with a disability is defined as anyone who has: (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. ADA also includes HIV status and contagious and non-contagious diseases.</p>

<p>Who is responsible for identifying and documenting need?</p>	<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 self-identification and for obtaining disability documentation from a professional who is qualified to assess their particular disability; cost of the evaluation must be assumed by the student, not the post-secondary institution.</p>
<p>Who is responsible for initiating service delivery?</p>	<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 notifying the Disability Support Services staff of their disability and of their need for reasonable accommodations. Accommodations (not special education) are provided on a case-by-case, as-needed basis in order for students with disabilities to have equal access to the institution's programs and activities.</p>
<p>Who is responsible for enforcing the law?</p>	<p>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 NYS Department of Education Office of <i>Vocational and Educational Services for Individuals with Disabilities (VESID)</i></p>	<p>504/ADA: are civil rights statutes overseen by the <i>Office of Civil Rights (OCR)</i>, and the US Department of Justice in conjunction with the <i>Equal Employment Opportunity Commission (EEOC)</i>.</p>
<p>What about advocacy?</p>	<p>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.</p>	<p>Students must be able to self-identify and discuss their disability and needs in order to work with the Disability Support staff to implement reasonable accommodations. The <i>Family Educational Rights Privacy Act (FERPA)</i> guarantees student confidentiality. Conversations with parents regarding confidential information without written consent from the student are illegal.</p>

(Modified from materials prepared by Kay McVey, PROJECT CONNECT, Henderson State University)

Many people have expressed concern over recent Supreme Court decisions limiting and defining the Americans with Disabilities Act and worry about how these decisions will impact students with disabilities in college. It is important to remember that for postsecondary education, Section 504 is the foundation for determining who is an eligible person with a disability and what range of accommodations and/or services that individual may require. It is important to understand what Section 504 and its related regulations do and do not say:



Checklist For College Planning

WHEN TO BEGIN	WHAT TO DO	HOW TO DO IT
<input type="checkbox"/> Freshman and sophomore years	Become familiar with college entrance requirements and continue career exploration activities. Which courses in your high school curriculum satisfy college requirements? Do you have a plan for extracurricular involvement?	Work with parents, teachers, and counselors to create a four-year high school curriculum plan to satisfy your goals. Try job shadowing. Get involved at school and in your community.
<input type="checkbox"/> September-March of junior year	Think about your reasons for going to college. What are your goals? What learning opportunities are most important? Do your college plans include career plans?	Talk with your parents, counselors, teachers, and friends. Investigate possible career options and degree level required.
<input type="checkbox"/> January-March of junior Year	Identify important factors in choosing a college. Two-year or four-year? Location? Cost? Kind of atmosphere? Variety of study programs available? Entrance test requirement?	Focus on your goals and career interests. Consult college guidebooks. Explore colleges on the Internet. Prepare for your college admission test.
<input type="checkbox"/> March-August of junior Year	List colleges you are considering and collect information. Have you included all possible choices? What information do you need? How can you get it?	Attend college fairs and college night programs. Prepare for and visit colleges. Take appropriate college admission test.
<input type="checkbox"/> August-December of senior year	Compare the colleges on your list. Have you weighed pros and cons carefully? Which colleges will meet your needs?	Continue visiting colleges. Organize information into detailed, useful comparisons.
<input type="checkbox"/> September-December of senior year	Apply to your "choice" colleges. Do you have all the necessary forms? Are you sure of the application deadlines?	Obtain application forms. Observe deadlines. Submit transcript and test scores (retest if necessary).
<input type="checkbox"/> January-February of senior year	Apply for financial aid. Have you investigated all possible sources of aid? When should you apply?	Consult financial aid office. Secure forms and note deadlines. Complete the FAFSA after January 1.
<input type="checkbox"/> November-May of senior year	Make some final decisions. What additional preparation might be helpful? Should you consider summer school? Do you feel comfortable with your final choice?	Confer with parents and counselors. Confirm your decision, and decline other admission offers. Show initiative.

Resources to Help You Explore and Prepare

College Search and Application – Log on to www.act.org and check under Quick Tools! The College Search, College Application, and Financial Aid Estimator buttons will lead you to a wealth of information. You will find data on virtually every postsecondary institution in the country, a free financial aid estimator, and electronic admissions applications for over 500 colleges and universities.

ACT Test Preparation – Do your best on the ACT Assessment by preparing early! Consider using **ACTive Prep®**, the only "official" electronic ACT test preparation program. You can order this CD-ROM software through ACT's website (www.act.org/activeprep/), call ACT Customer Services at 319-337-1429, or request it when you register for the ACT.

ACT
INFORMATION FOR LIFE'S TRANSITIONS

College Comparison Worksheet ACT

COLLEGE NAME:			
LOCATION <ul style="list-style-type: none"> ● distance from home 			
SIZE <ul style="list-style-type: none"> ● enrollment ● physical size of campus 			
ENVIRONMENT <ul style="list-style-type: none"> ● type of school (2 yr., 4 yr.) ● school setting (urban, rural) ● location & size of nearest city ● co-ed, male, female ● religious affiliation 			
ADMISSION REQUIREMENTS <ul style="list-style-type: none"> ● deadline ● tests required ● average test scores, GPA, rank ● notification 			
ACADEMICS <ul style="list-style-type: none"> ● your major offered ● special requirements ● accreditation ● student-facility ratio ● typical class size 			
COLLEGE EXPENSES <ul style="list-style-type: none"> ● tuition, room & board ● estimated total budget ● application fee, deposits 			
FINANCIAL AID <ul style="list-style-type: none"> ● deadline ● required forms ● % receiving aid ● scholarships 			
HOUSING <ul style="list-style-type: none"> ● residence hall requirement ● food plan 			
FACILITIES <ul style="list-style-type: none"> ● academic ● recreational ● other 			
ACTIVITIES <ul style="list-style-type: none"> ● clubs, organizations ● greek life ● athletics, intramurals ● other 			
CAMPUS VISITS <ul style="list-style-type: none"> ● when ● special opportunities 			



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QUESTIONS TO ASK DURING THE COLLEGE SEARCH

Finding the right college is very important for every student. Finding the right match for a student with a learning disability is particularly important. It is critical that a student with a learning disability choose a postsecondary setting that will help that individual maximize his or her potential.

It is important to start the college search looking at the same factors that all students consider. Size, geographic location, selection of majors, admissions requirements, cost, resources, athletics and social activities, are important features of a college experience. Once these things are considered it is time to ask the following questions:

1. Is there a separate admissions process for LD students?
2. What documentation is required? Are accommodation determinations based on the high school IEP recommendations?
3. Is there a separate LD program?
4. Are there selective criteria for admission to the LD program?
5. Is there a separate fee for enhanced LD services?
6. How many LD students do you serve?
7. What is your retention rate for all freshmen? For LD students?
8. What is your graduation rate for all students? For LD students?
9. Does your institution offer remedial and/or developmental courses for credit towards graduation?
10. Does your institution offer substitutions for foreign language or math courses? If so, what documentation is required? What is the process?
11. Do you ever offer waivers? Under what circumstances?
12. Do you have staff members trained in the area of learning disabilities?

13. What is the LD counselor/student ratio?

14. How long does a student wait to get in to see a counselor (a day, a week..)?

15. How do you handle emergencies? Are there walk-in hours?

16. How are testing accommodations handled? If I qualify to take my exams with extended time how much time can I have? Where do I take the test? What if my exam is in the evening and your office is closed? If I need a distraction free space will I always get it?

17. What services do you offer?

- | | | |
|--|---|--|
| <input type="checkbox"/> taperecorders | <input type="checkbox"/> alternative forms of testing | <input type="checkbox"/> notetaker |
| <input type="checkbox"/> option to tape lectures | <input type="checkbox"/> extended time on exams | <input type="checkbox"/> reading machines |
| <input type="checkbox"/> typing services | <input type="checkbox"/> taped textbooks | <input type="checkbox"/> computer availability |
| <input type="checkbox"/> distraction free space | <input type="checkbox"/> support groups | <input type="checkbox"/> calculator use during exams |
| <input type="checkbox"/> priority registration | <input type="checkbox"/> study groups | |

18. Do you offer tutoring? If so, is it offered by:

- | | | |
|--|---|---|
| <input type="checkbox"/> LD Specialist | <input type="checkbox"/> Faculty Member | <input type="checkbox"/> Graduate Assistant |
| <input type="checkbox"/> Peer Tutor | <input type="checkbox"/> Paraprofessional | |

19. Are tutors trained to work with LD students?

20. Is there a fee for tutoring?

21. Do you offer career planning? Can graduates use career services?

22. Does the academic adviser work in tandem with the LD specialist?

23. Do you offer study skills and/or learning strategies courses? Are they offered for credit?

24. What is the climate on your campus for LD students?

25. Do you expect the services that you are telling me about today to ALL be here in the Fall?

26. Are there regular workshops for faculty members about working with LD students?

27. How many complaints do you get from students about faculty or staff members in a year?
How are they handled?

28. Does your campus have an ADA/504 Compliance Officer?

29. Have any lawsuits or OCR complaints been filed against your campus?