

**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</i> (VESID)</p>	<p>504/ADA: are civil rights statutes overseen by the <i>Office of Civil Rights</i> (OCR), and the US Department of Justice in conjunction with the <i>Equal Employment Opportunity Commission</i> (EEOC).</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</i> (FERPA) 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.

T-66

POST-SECONDARY SCHOOL INFORMATION CHECKLIST

Name of School _____

Location _____

Size: Number of Students _____ Number of Faculty _____

Cost: Tuition _____ Room & Board _____

Other _____

Circle the descriptors that best describe the school:

Type:	public technical single-sex	private 2-year co-ed	religious 4-year minority	university
Schedule:	semester	quarter	4-1-4	summer session
Housing:	dorms singles single-sex special interest small	apartments doubles quiet spacious	off-campus suites co-ed noisy run-down	fraternity/sorority disability-accessible attractive

Comments: _____

Dining:	dining hall generous portions high quality food easy access	snack bar/grill adequate portions adequate quality food out-of-the-way location	pub/coffee house meager portions low quality food
---------	--	--	---

Comments: _____

Library:	large long hours study facilities special collections	medium limited hours	small weekend hours typewriter/computers
----------	--	-------------------------	--

Comments: _____

Academics:	high pressure large classes tutorials major required language required entry requirements to declare major unique requirements: _____	moderate pressure small classes minor required math required	relaxed seminars core curriculum required thesis required
------------	---	---	--

Student Body:

% male _____	% female _____		
homogeneous	heterogeneous		
friendly	loners	clic-ish	
preppy	grunge	hippy	athletic ethnic
conservative	moderate	liberal	radical

Comments: _____

Social Life:

sports-oriented	cultural	party	clubs
ethnic	religious	fraternity/sorority	dorm
not much action	lots of clean fun	wild parties/activities	
team sports	intramurals	gymnasium	stadium
radio station	TV station	newspaper	other publications
minority clubs	special interest clubs		religious clubs

Comments: _____

Financial Aid:

scholarships	loans	work-study
--------------	-------	------------

Comments: _____

Special Services:

health	counseling	religious
career	employment	
tutoring	disability-based	remedial
computer labs	bookstore	security
transportation		

Comments: _____

Overall Impression:

Student body -	great	okay	not for me
Facilities -	great	okay	not for me
Academics -	great	okay	not for me
Social Life -	great	okay	not for me
Willingness to accommodate			
my disability -	great	okay	not for me
Services I will need -	great	okay	not for me
This postsecondary			
School is -	great	okay	not for me

Post-Secondary School Preference Sheet

What do you want in a post-secondary school?

Once you have established your goals and identified your strengths and weaknesses, you are ready to begin choosing a postsecondary school. There are a number of factors you need to consider and decisions you need to make. To help you decide what you want in a post-secondary school, circle your preference (or preferences) for each item below and then answer the questions.

Size of Post-Secondary School:

small

medium

large

Location of School:

near home

in-state

far away

in large city

in small city/town

rural

Type of Post-Secondary School:

technical school

two-year school

four-year college/university

technical

liberal arts

career/professional

public

private

religious-affiliated

high academic
standards

moderate academic
standards

less rigorous academic
standards

Student Body:

single sex

co-educational

homogeneous

heterogeneous

on-campus housing

off-campus housing

commuter school

Social Activities:

athletic

cultural/fine arts

fraternity/sororities

clubs

on-campus social
activities

off-campus social
activities

Programs for Students with Disabilities:

organized special programs

tutoring-remedial classes

modifications if needed

few students w/disabilities

many students w/disabilities

In what departments/majors are you most interested?

Do you prefer small, medium, or large class sizes?

What social activities are important to you?

What special services are important to you?

What type of housing/dining facilities are important to you?

What type of classes do you prefer?

What type of students do you like to be with?

Some Things to Look for or Ask About on a College Visit

What To Look for on the Campus Tour

1. Size of campus in general:
2. Tutorial services available:
3. Location of tutorial services:
4. Size of general education classes:
5. Size of classes in major area:
6. % of students who live on campus:
7. Access to teachers... is it easy? How do I meet with them?

Other:

What to Ask the Admissions Counselor

1. ACT/GPA needed to be accepted:
2. Remedial/study skill classes:
 - When are they required?
 - What determines when one is able to move up to college level classes?

What to ask the Disabilities Services Coordinator?

1. Name of learning differences facility:
2. Name of coordinator:
3. Specific services available to students with disabilities:
4. What Information is needed to document need of services?
5. What do you have to do to get accommodations in classes?
6. How do your teachers know you need accommodations?