

**Differences between Secondary Education and  
Post-secondary Education Regarding Individuals with Disabilities**

**Differences between Disability Laws:**

**The Individuals with Disabilities Improvement Act 2004 (IDEIA 2004);**

**Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Americans with  
Disabilities Act of 1990**

	<b>Secondary Education</b>	<b>Post-Secondary Education</b>
<b>Laws that apply</b>	<b>IDEIA 2004 and Section 504</b> Applies to public and private schools (preschool – high school)	<b>Section 504:</b> Applies to any program or activity that receives Federal financial assistance (including postsecondary education) <b>ADA Section III</b> (specifically for private institutions)
<b>The purpose of the law</b>	<b>IDEIA 2004:</b> An education law that requires public & private schools to provide free, appropriate, public education (FAPE) in the least restrictive environment & that emphasizes special education & related services designed to meet their unique needs & prepare them for further education, employment, & independent living. <b>Section 504:</b> Prohibits the denial of public education participation, or enjoyment of the benefits offered by public school programs because of a child's disability. Also includes a requirement of a FAPE. Nondiscrimination protection extends to IDEA students as well under Section 504.	<b>Section 504:</b> A civil rights law that was written to eliminate discrimination on the basis of handicap (disability) in any program or activity receiving Federal financial assistance. <b>ADA:</b> A civil rights guarantee law which provides persons with disabilities in the United States protection from discrimination for individuals on the basis of disability. 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.
<b>Programming</b>	School/Parent	Student/College
<b>Advocacy</b>	School/Parent	Student
<b>Decision Making</b>	Placement Team	Student
<b>Transition Planning</b>	Placement Team	Student

## What are the differences between secondary and postsecondary disability laws?

QUESTION	SECONDARY	POST-SECONDARY
<p><b>What is the intent of the law?</b></p>	<p>IDEA: To provide a free, appropriate public education in the least restrictive environment to students with disabilities. 504: To ensure that no otherwise qualified person with a disability is denied access to, benefits of, or is subjected to discrimination in any program or activity provided by any public institution or entity.</p>	<p>To ensure that no otherwise qualified person with a disability will be denied access to, or benefits of, or be subjected to discrimination by any program or activity provided by any public institution or entity.</p>
<p><b>Who is covered under the law?</b></p>	<p>All infants, children, and youth requiring special education services until age 21 or graduation from high school.</p>	<p>All qualified individuals with disabilities who meet the entry age level criteria of the college and who can document the existence of a disability as defined by the ADA.</p>
<p><b>Who is responsible for identifying and documenting the need?</b></p>	<p>School districts are responsible for identifying, evaluation, and planning educational services at no expense to the parent or individual.</p>	<p>Students are responsible for self-identification and for obtaining disability documentation from a professional who is qualified to assess their particular disability. The student, not the institution, assumes the cost of the evaluation.</p>
<p><b>Who is responsible for initiating service delivery?</b></p>	<p>School districts are responsible for identifying students with disabilities and providing special instruction, individualized education plans, and/or accommodations.</p>	<p>Students are responsible for notifying the Disability Support Services staff of their disability and of their need for accommodations. Accommodations (not special education) are provided on a semester by semester basis in order for students with disabilities to have equal access to the institution's programs, services, and activities.</p>
<p><b>Who is responsible for enforcing the law?</b></p>	<p>IDEA is basically a funding statute, enforced by the Office of Special Education and Rehabilitation Services in the U.S. Department of</p>	<p>Section 504 (Subpart E) is a civil rights statute enforced by the Office for Civil Rights (OCR), U.S. Department of Justice, and the</p>

	Education. ADA/504 are civil rights statutes, enforced by the Office for Civil Rights (OCR), U.S. Department of Justice, and the Equal Employment Opportunity Commission (EEOC).	Equal Employment Opportunity Commission (EEOC).
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Source: Kay McVey, Faculty Development Specialist PROJECT CONNECT, Henderson State University

## **Differences between Secondary school and Post-Secondary school**

There is a marked difference between accommodations in secondary school, and accommodations in post-secondary school, please review these differences and plan your transition to college accordingly

### **Students with Disabilities Preparing for Post-secondary Education: Know your rights and responsibilities**

<http://www.ed.gov/ocr/transition.html>

### **Auxiliary Aids and Services for Postsecondary Students with Disabilities: Higher Education's Obligations Under Section 504 and Title II of the ADA**

<http://www.ed.gov/about/offices/list/ocr/docs/auxaids.html>

**The Western New York Consortium of Colleges outlines the legal differences between high school and college in a helpful, concise manner at [http://www.ccdanet.org/ecp/legal\\_issues/legal\\_issues\\_pg/2/](http://www.ccdanet.org/ecp/legal_issues/legal_issues_pg/2/)**

**College is also different from high school academically. Think about taking tips from the DO-IT Center by reading their "College Survival Skills" at**

<http://www.washington.edu/doit/Brochures/Academics/survival.html>