

# **A Comparison of the Legal Rights and Responsibilities in both High School and College for Students with Disabilities**

The legal rights and responsibilities for students with disabilities in high school are different from those in college. The information below outlines those differences.

## **What is the law?**

**High School:** IDEA (Individuals with Disabilities Education Act) 504 (Section 504 of the Rehabilitation Act of 1973)  
ADA (Americans with Disabilities Act of 1992)

IDEA – To provide a free, appropriate, public education in the least restrictive environment to eligible students with disabilities, including special education and related services.

**College:** 504 (Section 504 of the Rehabilitation Act of 1973, particular references in Subpart E) ADA (Americans with Disabilities Act of 1992)

## **What is the intent of the law?**

**High School:** 504/ADA – 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.

**College:** To ensure that no otherwise qualified person with a disability will be denied access to, or the benefits of, or be subjected to discrimination by any program or activity provided by any public institution or entity. (504/ADA)

## **Who is covered under the law?**

**High School:** All infants, children and youth requiring special education services, until age 21 or graduation from high school. A list

of disabilities is provided in IDEA, and includes specific learning disabilities.

**College:** All qualified persons with disabilities who meet the entry age level criteria or particular program entry criteria of the college and who can document the existence of a disability as defined by the ADA.

### **What is a disability?**

**High School:** 504/ADA has no such list, but considers a person with a disability to have any physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having an impairment

**College:** Any physical or mental impairment that substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having an impairment (504/ADA); ADA also includes HIV status and contagious and non-contagious diseases.

### **Who is responsible for identifying and documenting need?**

**High School:** School districts are responsible for identifying, evaluating, and planning educational services at no expense to parent or individual.

**College:** 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 institution.

### **Who is responsible for initiating service delivery?**

**High School:** School districts are responsible for identifying students with disabilities and providing special instruction, individualized educational plans, and/or accommodations

**College:** Students are responsible for notifying the Office of Services for Students with Disabilities 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 college's programs and activities.

### **Who is responsible for enforcing the law?**

**High School:** IDEA is basically a funding statute, enforced by the Office of Special Education and Rehabilitation Services in the U.S. Department of 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).

**College:** This is basically a civil rights statute so the Office of Civil Rights in the U.S. Department of Education (504), and primarily the U.S. Department of Justice, in conjunction with the Equal Employment Opportunity commission (ADA).

### **What about Self-Advocacy?**

**High School:** The parent or guardian is the primary advocate. Students with disabilities learn about their disability, the importance of advocacy, the types of accommodations they need, and ways to become a self-advocate.

**College:** Students must be able to communicate what their disability is, their strengths and weaknesses, how the disability impacts and functionally limits major life activities, and identify any requested accommodations.

There are many differences between college and high school (the laws by which they are governed, the classroom setup, the courses and instructor's expectations, and the overall requirements). We believe that with knowledge, awareness and encouragement we can empower students and ensure their academic success before they arrive to college.