

IDEA, ADA, IEP'S, and Section 504 Plans: What Happens in College?

Many students and families find it difficult to understand how different disability laws affect the provision of services at college. Below are three very important laws to understand.

The IDEA

The IDEA stands for The Individuals with Disabilities Education Act. The IDEA is a federal law that governs early intervention, special education and related services for disabled schoolchildren ages 3-21 (or until high school graduation). The IDEA requires public schools to create an Individualized Education Plan (IEP) for each disabled child. IEPs are developed by the educational team for the child and seek to tailor the child's educational program to meet his or her individualized needs, which may include participation in a special education program. The IEP is designed to promote student success in the K-12 system.

Section 504

Section 504 of the Rehabilitation Act of 1973 is a law that protects individuals from discrimination based on their disability in connection with any public or private program or activity receiving federal financial assistance. The Act is divided into seven Subparts. Subpart D applies to K-12 schools and Subpart E applies to postsecondary institutions. A 504 Plan is developed when a K-12 student needs certain accommodations and modifications to either the physical space in the school or the learning environment (but not a special education program, as that would be part of an IEP under the IDEA). Subpart E states that postsecondary students must be granted the opportunity to compete with their non-disabled peers.

The ADA

The ADA stands for The Americans with Disabilities Act of 1990. The ADA is a federal civil rights law designed to provide equal opportunity for qualified individuals with disabilities, including students. The ADA prohibits discrimination on the basis of a qualified disability and ensures that qualified disabled students can have equal access and opportunity for participation in the programs, services and activities offered by a recipient of federal financial assistance. The ADA was amended in 2008 by, among other things, expanding the definition of disability and what it means to be regarded as disabled under the statute.

Important Points

It is very important to understand that IEPs and 504 Plans may not suffice as adequate documentation to accompany a student to a postsecondary institution since both are required under sections of the laws that do not apply once the student attends college. Although students are covered under Section 504 once they get to college, it is a different Subpart, as discussed above. IEP's and 504 Plans are sometimes helpful to colleges but are often insufficient as a sole form of documentation.

The key point to remember is that, generally, the purpose of the IDEA is to ensure that students are successful in the K-12 system whereas the ADA and Section 504 only ensure access, because success in college is up to the student.

	High Schools	Colleges/Universities	UHD
Applicable Laws	<p><i>Individuals with Disabilities Education Act (IDEA)</i></p> <p><i>Section 504, Rehabilitation Act of 1973</i></p>	<p><i>-Americans with Disabilities Act (ADA), as amended</i></p> <p><i>-Section 504 of the Rehabilitation Act of 1973</i></p> <p><i>-Dept. of Housing and Urban Development Regulations</i></p> <p><i>-FERPA (Family Educational Rights and Privacy Act)</i></p>	<p>All of the information in the College section is applicable; additional pieces of information are below.</p>
Goal	Enable student success	Provide equal access	Disability Services provides equal access; other services for all students available to enhance success
Documentation	<p><i>Individual Education Plan (IEP)</i></p> <p><i>Section 504 plan</i></p> <p>School conducts evaluations as needed.</p>	<p>-Student self-report</p> <p>-Director's observations and interactions</p> <p>-Current evaluations from applicable professional including diagnosis, testing results, and other points may be required.</p> <p>-Student must get evaluation at own expense.</p>	<p>Documentation guidelines based on Association on Higher Education and Disability (AHEAD) guidance (http://www.ahead.org).</p> <p>IEPs and 504s from high school may be used as additional information.</p>
Parental Role	<p>School is required to include parents in process.</p> <p>Parents have access to student records.</p> <p>Parents advocate for student.</p>	<p>College officials are precluded from including parents once student is enrolled (regardless of age).</p> <p>Parents do not have access to students' records in most cases.</p> <p>Students advocate for themselves.</p>	<p>Parents urged to have the student communicate with college employees from application to enrollment.</p> <p>Once enrolled, parents do not have access to any records unless student signs written consent.</p>
Student Role	<p>Student is identified and supported by parents/teachers.</p> <p>Implementing accommodations is school's responsibility.</p>	<p>Students <i>self-identify</i> to disabilities services or other designated staff (even if parents contact the office first).</p> <p>Seeking and implementing accommodations is the student's responsibility.</p>	<p>Student chooses whether or not to self-identify and/or use services.</p> <p>Once a student comes forward, Disability Services staff will explain policies, procedures, and guidelines to student.</p>

<p>Teachers/ Professors/ Curriculum /Grades</p>	<p>Modifications to curriculum and/or changes to the pace may be made. (Not for college credit classes, however.)</p> <p>Multi-sensory approaches used.</p> <p>Frequent testing, and graded assignments used.</p> <p>Attendance taken and reported.</p> <p>Grades may be modified based on curriculum.</p>	<p>Modifying essential components of courses and/or curriculum is not an option.</p> <p>Multi-sensory approaches may or may not be used. The frequency of tests and assignments varies. The types of evaluations vary significantly.</p> <p>Attendance may or may not be taken; student is responsible for attending class.</p> <p>Grades based upon the objectives and standards listed in the course syllabus.</p>	<p>Students are required to write in most classes.</p> <p>Group work and class participation is a frequent expectation.</p> <p>Classroom attendance is considered an essential component of the curriculum. Students who miss class frequently, regardless of the reason, may encounter situations where faculty will not take the late work and may fail the student for lack of participation.</p>
<p>Course Selections and Require- ments</p>	<p>Courses selected by counselor; requirements may be modified to accommodate disability.</p>	<p>Student is responsible for knowing requirements and with the guidance of an advisor, selecting courses.</p> <p>Course substitutions for requirements may occur in specific situations.</p>	<p>Students must articulate any concerns or issues with particular requirements to their advisor. Most often the advisor can guide students to courses which minimize the impact of the disability.</p>
<p>Process</p>		<p>When a student (or parent of a student) discloses a disability to an employee (excluding Health and Counseling Services), the information is to be communicated to Disability Services (or the faculty-staff member refers the student disability services).</p>	<p>If Disability Services receives information regarding a disability from any source, the Director then tries to contact the student to let the student know of available resources, policies, procedures, and guidelines.</p>

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