

Legal Differences Between High School and College for Students with Disabilities

Understanding the differences between being a student who receives services under special programs in high school and being a college student with a disability requires an understanding of the federal laws that govern each institution.

From infancy to the age of 21, children with disabilities are protected under the Individuals with Disabilities Education Act (IDEA) of 1973. Postsecondary students are covered under the Americans with Disabilities Act (ADA) of 1990. Simply put, IDEA provides *equal entitlement*; ADA provides *equal access*. The following chart will compare the two laws.

| | IDEA | ADA |
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| Intent of law | <ul style="list-style-type: none"> • Free and appropriate public education • Least restrictive environment • Identification of children needing special education • Providing education and related services | Insures 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 |
| Who is covered | Infants to 21 years or upon graduation from high school | All <i>otherwise qualified</i> * individuals who, with or without reasonable accommodations, meet the college's standard admissions requirements and the demands of the standard academic curriculum. |
| Definition of disability | There are 13 disability classifications defined. | No listing of classifications of disabilities. A person is defined as having a disability if he/she has: <ol style="list-style-type: none"> 1. any physical or mental impairment which substantially limits one or more <i>major life functions</i>* 2. a history of such a impairment exists 3. is regarded as having such an impairment |

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| <p>Responsibility for identifying and documenting need</p> | <p>School districts are responsible for</p> <ul style="list-style-type: none"> • identifying students with disabilities and • providing educational and related services • at no cost to the family | <p>Students are responsible for</p> <ul style="list-style-type: none"> • Self-identification • Providing documentation of disability • Assisting in process of determining accommodations • Notifying the Disability Support Services staff of their disability <p>Cost is assumed by the student , not the post-secondary institution</p> |
| <p>Advocacy</p> | <p>The parent or guardian is the primary advocate. At age 14, students are invited to participate in the development of their Individual Education Plan</p> | <p>Students must advocate for themselves.</p> <p>The Family Educational Rights Privacy Act (FERPA) guarantees student confidentiality. <u>Conversations with parents regarding confidential information without the student's written consent is illegal.</u></p> |

Qualified individual with a disability is an individual with a disability who satisfies the requisite skill, experience... and who, with or without, reasonable accommodation, can perform the essential functions.

Major life activities means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.