

	K-12 Education	Postsecondary Education	Practical Application
What is the Law?	IDEA: Individuals With Disabilities Education Act 504: Section 504 of the Rehabilitation Act of 1973. ADA: Americans With Disabilities Act of 1990.	504: Section 504 of the Rehabilitation Act of 1973 , particular reference to Subpart E ADA: Americans With Disabilities Act of 1990.	Section 504(e) and ADA are not about special education services, they are about nondiscrimination and access for eligible individuals with disabilities.
What is the intent of the law?	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 subject to discrimination solely on the basis of disability.	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.	The IDEA meets the specific special education needs of the student and modifies the program accordingly. Section 504(e) and ADA allow eligible individuals with disabilities the same access to programs, activities and services as their nondisabled peers.
Who is covered under the law?	IDEA: All children and youth requiring special education services until age 21 or graduation from high school.	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.	Not every student who received special education services under the IDEA will be a qualified individual with a disability under Section 504(e) or the ADA. And once admitted, not every request for accommodation will be deemed to be reasonable.
Who is responsible for identifying and documenting the need?	LEA (district/charter) is responsible for identifying and evaluating potential students with disabilities. When such a determination is made, the LEA plans educational services for classified students at no expense to the family.	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 postsecondary institution.	Just because documentation is sent on behalf of students, does not mean the students will receive services without the student coming in to specifically request them.

The Differences in Legal Rights and Responsibilities in Secondary and Postsecondary Education

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Who is responsible for initiating service delivery?	The LEA (district/charter) is responsible for identifying students with disabilities and providing special education programs and services, including related services, and transition services as delineated in an IEP or 504	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 for students with disabilities to have equal access to the institution's programs and activities.	Students must request accommodations in a timely manner. Resource rooms are not a typical service in college.
Who is responsible for enforcing the law?	IDEA is an entitlement law, enforced by the Office of Special Education and Rehabilitation Services in the U.S. Department of Education. Local enforcement is the responsibility of the state board of education.	504/ADA: These are civil rights statutes overseen by the Office for Civil Rights, and the U.S. Department of Justice in conjunction with the Equal Employment Opportunity Commission.	
What about advocacy?	The parent or guardian is the primary advocate. Students with disabilities from age 14 on must be invited to participate in the individualized education program process. If the student does not attend, the district must ensure that the student's preferences and interests are considered.	Students must be able to self-identify and discuss their disability and needs to work with the disability support staff to implement reasonable accommodations. The Family Educational Rights Privacy Act guarantees student confidentiality. Conversations with parents regarding confidential information without written consent from the student are illegal.	Students must become selfadvocates at the college level.