

Disability Laws: High School vs. College

The federal mandates set forth in the Individuals with Disabilities Education Act (IDEA) do not apply beyond high school. In the post-secondary educational system, the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act apply, but in a different way than it did in high school. Colleges must provide access to curriculum and services, but a high school 504 plan may not be appropriate on a college level. Therefore, **accommodations students received in K-12 may not be granted in college.** The differences in the laws are summarized below:

Purpose

- IDEA: provides funding to states to ensure a free, appropriate education for children with disabilities.
- ADA: provides a national mandate to eliminate discrimination against individuals with disabilities.
- 504: protects the rights of individuals with disabilities to participate in programs and activities that receive deferral financial assistance.

Entities covered

- IDEA: governs any educational entity that receives funding support from the state.
- ADA: governs any entity that provides services to the public.
- 504: governs any entity that receives funding support under the Rehabilitation Act.

Whom it affects

- IDEA: specifies individuals with one or more of the following conditions: autism, deafness, blindness or visual impairment, hearing impairment, developmental delays, orthopedic impairment, emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and other health impairment.
- ADA: names an individual whose rights are protected as being a “qualified person with a disability.” These individuals are defined as having physical or mental impairments that substantially limit a major life activity, have a record of an impairment, or are regarded as disabled by others.
- 504: names an individual whose rights are protected as being a “qualified person with a disability.” These individuals are defined as having physical or mental impairments that substantially limit a major life activity, or are regarded as disabled by others.

Based on these differences, documentation that was useful in determining appropriate service in a high school may not validate the need for services in college, based on the student's current level of functioning. Therefore, a K-12 plan, such as an Individualized Educational Program (IEP) or a 504 plan, may be insufficient documentation on which to base classroom accommodations in college. While an IEP or 504 can be included as part of a more comprehensive assessment battery, **updated testing may be required.**