

Legal Rights and Responsibility for Students with Disabilities Secondary vs. Postsecondary Education

Whose responsibility is it?

ISSUE	SECONDARY SECTION 504/IDEA	POSTSECONDARY SECTION 504/ADA
Identification	School	Student
Assessment	School	Student
Programming	School / Parent	Student / College
Advocacy	School / Parent	Student
Decision Making	Placement Team	Student
Transition Planning	Placement Team	Student

Source: Brinckerhoff, L.B., Shaw, S.F., & McGuire, JM

What are the differences between secondary and postsecondary disability laws?

QUESTION	SECONDARY	POSTSECONDARY
What is the intent of the law?	IDEA: To provide a free, appropriate public education in the least restrictive environment to students with disabilities. 504: 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.	To ensure that no otherwise qualified person with a disability will be denied access to, or benefits of, or be subjected to discrimination by any program or activity provided by any public institution or entity.
Who is covered under the law?	All infants, children, and youth requiring special education services until age 21 or graduation from high school.	All qualified individuals with disabilities who meet the entry level criteria of the college and who can document the existence of a disability as defined by the ADA.
Who is responsible for identifying and documenting the need?	School districts are responsible for identifying, evaluation, and planning educational services at no expense to the parent or individual.	Students are responsible for self-identification and for obtaining disability documentation from a professional who is qualified to assess their particular disability. The student, not the institution, assumes the cost of the evaluation.
Who is responsible for initiating service delivery?	School districts are responsible for identifying students with disabilities and providing special instruction, individualized education plans, and/or accommodations.	Students are responsible for notifying the Disability Support Services staff 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 institution's programs, services, and activities.

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