

Differences in the Law for Students with Disabilities: High School and College/University

Students who have received services and support under the Individuals with Disabilities Education Act (IDEA) often struggle when they transition from high school to college. These students are not always aware that the accommodations and support services they received in K-12 as part of their Individualized Education Programs (IEPs) or 504 plans are not guaranteed in college. In high school, a diagnosed disability means that students are entitled to accommodations as well as special support services. However, at the post-secondary level, a diagnosed disability does not guarantee accommodations; the severity of the disability and its functional impact are also considered before deciding whether accommodations will be approved. In high school, the principal goal is to modify the educational environment to ensure that students succeed; in college, it is to provide equal access to opportunity.

| | IDE(I)A (K-12) | Section 504 (College/University) | ADA (College/University) |
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| Requirements in the Law | Provides a free, appropriate, public education in the least restrictive environment. | Requires any agency, school, or institution receiving federal financial assistance to provide persons with disabilities to the greatest extent possible, an opportunity to be fully integrated into the mainstream. | A civil rights law. Extends coverage of Section 504 to employment, public and private educational institutions, transportation providers and telecommunications, regardless of presence of any federal funding. |
| Definitions in the Law | Specific disability categories are defined in the law; covers students with educational disabilities that require special services from specially-trained teachers. Not all students are eligible. | Defines persons with disabilities who have a physical or mental impairment which limits one or more major life activities, have a record of such an impairment, or are regarded as having an impairment. | Definition of disability essentially the same as Section 504 and extends coverage to persons without disabilities who may be related to or associated with a person with a disability. |
| Who is Covered? | Covers students with educational disabilities that require special educational services ages 3-21 or until graduation. | Protects all persons with a disability from discrimination in the educational setting based solely on disability. | Protects all persons with a disability from discrimination in the educational setting based solely on disability. |
| Services Provided | Offers educational services that are remedial in addition to services available to all mainstream students. | Eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population. | Eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population. |
| Bottom Line | Guarantees every eligible student success (passing on to the next grade or next class). | Guarantees access and equal opportunity (success is the student's responsibility). | Guarantees access and equal opportunity (success is the student's responsibility). |

What Laws Inform Disability Services at the High School and College Levels?

Applicable Laws and Disability Accommodations in Secondary Education (High School)

Disability accommodations for high school students are covered under the Individuals with Disabilities Education Act (IDEIA, 2004), which is an “entitlement” law that guarantees IEPs for student with disabilities. Under this law, schools are required to identify students with disabilities and provide them with accommodations and other support services that will promote successful learning. Depending on students’ disability-related needs, “Aggressive measures” are often introduced, including significant changes to course or curriculum requirements, to ensure student success in specially designed educational programs. In short, public schools are required to provide a free education in the least restrictive educational environment. Many IEPs include modifications and accommodations not guaranteed or typically provided at post-secondary institutions:

- Shorter assignments
- Study guides, outlines, and summaries of important information
- Grades for only completed work
- Waived assignment deadlines (i.e., students submit assignment when completed)
- One-on-one meetings for 10 to 20 minutes each day
- Support for planning and organizing study schedules and homework
- Modified curriculum
- Requirement waivers

Applicable Laws and Disability Accommodation in College/University

Disability accommodations for college students are covered under the Americans with Disability Act (ADA), the ADA Amendments Act, and Section 504 (subpart E) of the Rehabilitation Act. These are civil rights statutes, enforced by the U.S. Department of Justice and the Equal Employment Opportunity Commission (EEOC), that require post-secondary institutions to make their programs and activities accessible to all qualified students. However, colleges and universities do not, among other things, prepare IEPs, reduce or waive essential curriculum or program requirements, or guarantee success for students with or without disabilities.

What Are High Schools Expected to Do?

- Provide a free and appropriate education
- Identify students with disabilities, classify their disabilities according to understood diagnostic categories, and provide assessment of their disabilities at no cost to the family
- Identify a support group—composed of parents, teachers, and counselors—who advocate for students and ensure that all decisions are made by a team.
- Develop Individualized Educational Plans (IEPs) or 504 plans each year
- Structure students’ weekly schedules
- Modify education programs, including course and curriculum requirements

- Monitor IEPs or 504 plans and make necessary adjustments if students are not succeeding
- Keep parents informed about the progress students are making toward achieving their IEP goals
- Provide non-academic services (e.g., personal aids, coaches, and social work support)

What Are Colleges/Universities Required to Do?

- Protect students' rights to privacy and confidentiality
- Provide equitable access to the same educational opportunities and programs offered to students without disabilities
- Inform students about the procedure for requesting accommodations
- Review verifying documentation and determine what accommodations may be necessary if a physical or mental disability significantly limits one or more major life activities.
- Provide reasonable accommodations at no cost to students/parents/guardians
- Recommend but not guarantee accommodations for students participating in off-campus/study abroad programs

What Are Colleges/Universities Not Required to Do?

- Identify students with disabilities or provide assessments of their disabilities
- Prepare Individualized Education Plans (IEPs) or equivalent support programs
- Reduce or waive fundamental requirements of a course, major, or educational program
- Provide tutoring beyond what is available to all university students
- Guarantee student success (i.e., students reaching their full potential)
- Monitor students' academic performance
- Provide parents with student records or other information
- Provide personal attendants or assistants (who, by definition, help students with everyday activities or functions)

What are Students Expected to Do?

- Initiate the accommodation process by meeting with the Accessibility Services Office
- Provide appropriate documentation of their disability (e.g., a doctor's report or psycho-educational test results) in a timely manner
- Discuss classroom, testing, and other accommodation needs with instructors
- Act as responsible adults and advocate for themselves by, among other things,
 - a) Registering with the Accessibility Services Office
 - b) Reviewing academic requirements and registering for courses
 - c) Planning weekly schedules
 - d) Arranging for their own tutors and other kinds of academic support
 - e) Providing textbook lists to the Accessibility Services Office, and
 - f) Scheduling testing accommodations

What Are Some of the Challenges Faced by (First-Year) Students with Disabilities?

Self-Advocacy

At the post-secondary level, students are expected to advocate for themselves and arrange for their accommodations, though they are often not prepared to assume these responsibilities. In K-12, parents are the principal advocates, and the school is primarily responsible for arranging accommodations. Teachers will approach students if they need assistance or suspect a (hidden) disability. While these students are told about the importance of self-advocacy, they may have had few or no opportunities to advocate for themselves prior to attending college.

Disability Disclosure

At the post-secondary level, students have the right to disclose (or self-identify) when they choose and to whom. In K-12 education, public schools are responsible for identifying students with disabilities and providing this information to others who are part of the IEP support team. Many first-year students may have limited experience with self-disclosing and may be reluctant to discuss their disabilities with others, particularly instructors, advisors, and other members of the campus community whom they have recently met. On occasions when it is appropriate to talk about their accommodation needs, they may have difficulty describing the disability and explaining how it impacts or functionally limits one or more major life activities.

Executive Functioning and Educational Planning

“Executive functioning” is a mental process people use to execute daily tasks that require organizing, planning, and managing time. Executive functioning problems are associated with learning disabilities, ADHD, and depression. Students with one or more of these disabilities may struggle with, among other things, initiating tasks, planning projects, managing time, and creating and following schedules. The disability support students receive through their IEPs may contribute to the challenges listed above because students have few opportunities to advocate for themselves and build executive functioning skills over time.

For more support in this time of transition, please review [this document](#), and [this document](#), and/or reach out to the Accessibility Services Office.