

Knowing the law

Requirements of the Individuals with Disabilities Education Act Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act

Questions	K-12 IDEA, 504, ADA	College/University 504, ADA
What do the laws require?	No discrimination based on disability. Free, appropriate public education in the least restrictive environment.	No discrimination based on disability. Modifications, aids and services (accommodations) to ensure equal educational opportunities.
Who does this apply to?	Public elementary and secondary schools; certain private schools that receive money from the federal government.	Private and public colleges/universities that receive money from the federal government.
How is disability defined?	IDEA: Students with disabilities in specified categories who require special education services. Not all students with disabilities are eligible.	504/ADA: Physical or mental impairment that substantially limits one or more major life activities, record of such an impairment or regarded as having an impairment.
Who is covered?	Generally, students ages 3-21 or until graduation.	Applicants and students who meet college's or university's academic and technical standards.
What services are provided?	IDEA: Special education and related services (including services that can be provided in regular classroom).	504/ADA: Regular or special education and related aids and services.
Who pays for the services provided?	IDEA: Funding statute: schools receive federal funds to provide services.	504/ADA: Nondiscrimination statutes: no additional funds to provide services.

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Who is responsible for evaluation or documentation of disability?	School district is responsible for identifying and evaluating students with disabilities.	Applicant/student must self-identify as having disability and must provide adequate documentation of disability and its impact.
	Parents generally must consent to evaluations and placement decisions.	Student, not parent, has responsibility for advocacy.
	Evaluations are the responsibility of the school and are performed at no expense to the student/parent.	Evaluation/documentation of disability is student's responsibility and at student's expense.
Who decides what services will be provided?	IDEA: Individual Education Plan (IEP) is developed with parents, teachers and other specialists involved. Exit statement includes academic and functional performance summary and recommendations to achieve student postsecondary goals	504/ADA: Decisions to be made by team of persons knowledgeable about student, disability and placement options. Usually reflected in 504 Plan.
Who decides where the student will learn?	Placement must be in the least restrictive environment; may be special classrooms, resource or regular classroom.	Disability Services Coordinator and student work together to identify needs and develop accommodations.
		Courses are with students without disabilities.

Adapted from Virginia Higher Education Leadership Partners, (2005). *Requirements of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA)*. Unpublished document. Virginia Commonwealth University.