

# Students with Disabilities: High School to College



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U.S. Department of Education  
Office for Civil Rights



# Laws Enforced by OCR

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- Section 504 of the Rehabilitation Act of 1973 (disability)
- Title II of the Americans with Disabilities Act of 1990 (disability)
- Title VI of the Civil Rights Act of 1964 (race, color, national origin)



# Laws Enforced by OCR, cont'd

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- Title IX of the Education Amendments of 1972 (sex)
- Age Discrimination Act of 1975 (age)
- Boy Scouts of America Equal Access Act (patriotic youth groups)



# We Will Talk About the Differences

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- The legal obligations of colleges versus high schools under 504/Title II
- Practical advice for ensuring a smooth transition from high school to college



# The Use of the Term “College”

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- While this presentation uses the term “college,” the same principles apply to all postsecondary institutions, including:
  - Four-year, degree-granting institutions
  - Two year community colleges
  - Vocational education schools

# General Provisions – Section 504 and Title II



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- Section 504 applies to recipients of Federal financial assistance
- Title II of the ADA applies to public entities, including public elementary and secondary schools and state colleges and universities
- Both statutes provide that qualified individuals with a disability may not, on the basis of disability, be:
  - Excluded from participation
  - Denied the benefits
  - Otherwise subjected to discrimination

# General Provisions –

## Section 504, IDEA and Title II

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- IDEA—federal statute that funds special education programs. IDEA attaches specific conditions to the receipt of IDEA funding.
- The Office of Special Education and Rehabilitative Services (OSERS), also a component of the U.S. Department of Education, administers IDEA. Each state educational agency is responsible for administering IDEA within the state and distributing the funds for special education programs.
- Section 504 and the ADA are antidiscrimination laws and do not provide any type of funding.



# Student with a Disability

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- Has a physical or mental impairment which substantially limits one or more major life activities, or
- Has a record of such impairment, or
- Is regarded as having such impairment.





# ADA Amendments Act of 2008

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- Effective Jan. 1, 2009.
- Amends ADA and conforms definition of disability in Section 504 with Amendments Act.
- Retains the elements of the term “disability,” but changes the meaning of
  - “substantially limits a major life activity” and
  - being “regarded as” having an impairment.
- Requires “disability” to be construed broadly.



# Basic Section 504 Principles: Preschool, Elementary, and Secondary Schools

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- School district must undertake to identify and locate qualified disabled students in its jurisdiction.
- District must provide a free, appropriate public education (FAPE) to qualified students with disabilities.
- Appropriate education is the provision of regular or special education and related aids and services designed to meet a student's individual education needs as adequately as the needs of nondisabled persons are met.



# Basic Section 504 Principles: Preschool, Elementary, and Secondary Schools

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- District must evaluate students who need or are believed to need special education or related services before taking any action to initially place the person in regular or special education and before making any subsequent significant change in placement.



# Basic Section 504 Principles: Colleges

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- College may not discriminate on the basis of disability.
- College must make academic adjustments necessary to ensure requirements do not discriminate.
- College must ensure students with disabilities are not discriminated against due to absence of auxiliary aids for students with impaired sensory, manual, or speaking skills.



# Basic Section 504 Principles: Colleges

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- College and student should use an “interactive process” to determine appropriate academic adjustments and auxiliary aids and services that meet the student’s individual needs.
- Academic adjustments and auxiliary aids and services must be provided in a timely manner.



# Basic Section 504 Principles: Colleges

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- If a college student wants an academic adjustment or auxiliary aids and services, the student has the responsibility to notify the college of his or her disability and need for the academic adjustment or auxiliary aids and services.
- Colleges do not have an affirmative duty to identify, evaluate, or develop a plan that provides FAPE.



# Qualified Student With a Disability: Colleges

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- A qualified student with a disability is a student with a disability who meets the academic and technical standards requisite for admission or participation in the college's education program.



# Admission

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- Colleges may not deny admission, on the basis of disability, to qualified students with disabilities.
- Students with disabilities do not have to disclose their disability before admission, or after admission unless they want academic adjustments or auxiliary aids or services.





# Academic Adjustments

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- College must make modifications to academic requirements necessary to ensure requirements do not discriminate on the basis of disability against a qualified person with a disability.
- Examples of possible modifications are:
  - change in length of time to complete a program
  - substitution of courses
  - adaptation of manner in which courses are conducted



# What Is Not Required

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- College is not required to change academic requirements that are essential to
  - The instruction being pursued by the student; or
  - Any directly related licensing requirement.
- College is not required to alter the fundamental nature of its program.
- OCR gives appropriate deference to the academic discretion of a college.



# Auxiliary Aids

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Colleges must take such steps as are necessary to ensure that no student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.



# Examples of Possible Auxiliary Aids

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- Taped texts
- Notetakers
- Interpreters
- Readers
- Adapted classroom equipment
- Braille versions of written materials



# What Is Not Required

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- College is not required to provide auxiliary aids or services that it can demonstrate would result in
  - A fundamental alteration in the nature of its program; or
  - Undue financial or administrative burdens.



# What Is Not Required

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- Colleges are not required to provide devices or services of a personal nature.
- Examples:
  - Attendants
  - Individually prescribed devices
  - Readers for personal use or study



# Accessible Communications & Auxiliary Aids (ADA)

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- Communications must be “as effective as” communications with non-disabled persons.
- Public entity must furnish “appropriate” auxiliary aids and services where necessary for equal opportunity.
- Public entity must give “primary consideration” to requests of person with disability but is not required to honor preference if effective alternative is available.



# Testing/Course Examinations

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- Test format and administration should measure a student's achievement, not the student's impaired sensory, manual, or speaking skills (except where such skills are the factors the test purports to measure).
- Examples of possible modifications:
  - tape vs. print
  - extended time
  - reader



# Differences Between the Two Settings



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What are the differences between the obligations of *school districts* versus *colleges* with respect to students with disabilities?



# Identification & Notice

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## School Districts

must undertake to identify students with disabilities

## Colleges

if a student wants an academic adjustment or auxiliary aid and service, the student with a disability must notify the college that he or she has a disability and needs academic adjustments or auxiliary aids and services



# Evaluation & Documentation

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## School Districts

must conduct evaluation of student who, because of disability, needs or is believed to need special education or related services prior to initial placement and any subsequent significant change in placement

## Colleges

students can be required to supply documentation demonstrating current disability and need for academic adjustment or auxiliary aid or service



# FAPE & Academic Adjustments

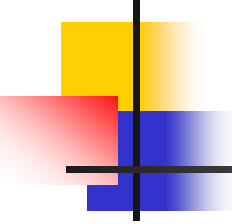
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## School Districts

must provide FAPE  
for qualified student  
with a disability

## Colleges

must make academic  
adjustments necessary  
to ensure requirements  
do not discriminate and  
must ensure students  
with disabilities are not  
discriminated against  
due to absence of  
auxiliary aids for  
students with impaired  
sensory, manual, or  
speaking skills



# Fair Hearings & Grievances

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## School Districts

parents of high school students who disagree with a school's actions are entitled to due process procedures, including a hearing, or may file an OCR complaint

## Colleges

students who disagree with the services offered by the college may file an internal grievance or an external complaint (with OCR or another appropriate agency)



# Section 504/ADA Coordinator and Grievance Procedures

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If a student believes he/she is being discriminated against on the basis of disability, the student may:

- Contact the person who coordinates the school's compliance with Section 504 or the ADA.
- Consult the school's grievance procedures.
- Contact OCR.

# Practical Suggestions for Ensuring a Smooth Transition from High School to College



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How can parents, students, schools and colleges best work together to ensure a smooth transition from high school to college?



# Follow The Procedures

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- Colleges may have policies & procedures for disabled student services
- It is the student's responsibility to follow the procedures
- Communicate and work cooperatively
- Put request in writing
- Provide a copy of documentation of disability and need for academic adjustment or auxiliary aid or service



# Documentation: Purpose



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- Purposes of documentation:
  - Diagnostic, to establish a disability
  - Prescriptive, to help college work with student to identify appropriate accommodations
  - Show relationship between disability and need for accommodations



# Documentation

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- Assessment (at student's expense) should clearly identify disability and functional limitations and need for academic adjustment or auxiliary aids or services.
- Documentation should be submitted in time for college to respond to request.
- College may set reasonable standards for documentation and generally may specify how much documentation is needed.



# Timing

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- Make requests early
- Resources may be difficult to obtain (e.g., books on tape, sign language interpreter)



# Appropriateness of Auxiliary Aids

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- College is not required to ensure students have the most sophisticated auxiliary aids available.
- College does not necessarily have to provide the requested service, only ensure that an appropriate service is provided.
- Aids provided must meet the needs of the student with a disability.



# Appropriateness of Auxiliary Aids

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- College is not required to produce identical result or level of achievement.
- College must afford equal opportunity to:
  - obtain the same result,
  - gain the same benefit, or
  - reach the same level of achievement.



# Range of Services

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- Different services for different disabilities
- Different services depending upon the nature and extent of disability (functional limitations)
- Different services for different academic programs



# Communication is Essential

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- Communication between the college and student with a disability is essential
  - At the beginning—to ensure appropriate academic adjustments and auxiliary aids and services are provided
  - Throughout the student's college career—to alert the college if there are problems and to make appropriate changes



# Final Thoughts

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- College students with disabilities must be given an equal opportunity to benefit from the program.
- The law ensures opportunity; it doesn't ensure success.





# Resources

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- Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities,  
<http://www.ed.gov/ocr/transition.html>
- Auxiliary Aids and Services for Students with Disabilities,  
<http://www.ed.gov/ocr/docs/auxaids.html>



# Contact Us:

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[Insert office information]