

Comparisons of IDEA '04 and Section 504

Section 504 and the ADA, which apply to post high school education, are very different from the Individuals with Disabilities Education Improvement Act (IDEA '04), which covers preschool through grade 12 or through age 21. This means that some adjustments of the perspectives of student, parents, and instructors are necessary when making the transition from high school to college

	High School	College or Post-Secondary School
What is the law?	IDEA '04 (Individuals with Disabilities Education Improvement Act).	Section 504 of the Rehabilitation Act of 1973; ADA (Americans with Disabilities Act of 1980).
What is the intent of the law?	Free appropriate education for all students with disabilities in the least restrictive environment.	Ensure that no otherwise qualified person is discriminated against in federally funded programs.
Who is covered under the law?	All infants, children and youth requiring special education until age 21 or graduation from high school.	All qualified persons who meet entry criteria of the college and can document a disability as defined by ADA.
What is a disability?	IDEA provides a list of disabilities and includes specific learning disabilities.	Any physical or mental impairment that substantially limits one or more major life activities.
Who is responsible for identifying and documenting needs?	School districts are responsible for identifying, evaluating students, and planning educational programs.	Students are responsible for self-identifying to the college and providing documentation of their disability.
Who is responsible for initiating service delivery?	School districts are responsible for providing special instruction, individualized instruction plans, and/or accommodations.	Students are responsible for requesting disability services and/or accommodations. These are provided at no cost to the individual or family.
How are services documented?	Focused on the creation of an individual Education Program (IEP) that will help the student participate in the general curriculum as much as possible.	Few colleges have "plans". Most outline accommodations without regard to goals or progress.
How is the curriculum affected?	Often involves significant modifications of the curriculum and of assessments. For example, student may learn only the major concepts of a unit, may be able to take shortened tests, or be exempt from certain assignments.	Instructors are not required, nor encouraged, to fundamentally alter the content or goals of their courses, though they may be required to make changes that do not affect essential content or goals.
What related services are mandated?	School districts must provide rehabilitation counseling, medical services, personal aides, social work and other services as needed in the school day.	Colleges provide physical, academic, and program access. Related services of a personal nature are the responsibility of the individual or family.
What about self-advocacy?	The parent or guardian in the primary advocate. Students learn about their disability, the accommodations they need, and ways to become a self-advocate.	Students are expected to be their own advocates.
Who is responsible for enforcing the law?	IDEA is basically a funding statute, enforced by the Office of Special Education and Rehabilitation Services in the U.S. Department of Education.	ADA and Section 504 are civil right statutes, enforced by the Office for Civil Rights (OCR), the Department of Justice, and the Equal Employment Opportunity Commission (EEOC).