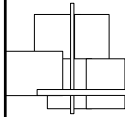


Students with Disabilities: There are No IEPs in College National Network of DBTACs

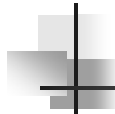
April 15, 2008



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1

Laws Applicable to Schools and Colleges



- Individuals with Disabilities Education Act
- Section 504 of the Rehabilitation Act of 1973
- Title II of the Americans with Disabilities Act of 1990

2



We Will Talk About the Differences

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



The Use of the Term "College"

- 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

- Section 504 applies to recipients of federal financial assistance
- Title II applies to public entities, including public elementary and secondary schools and state colleges
- Both laws provide that a qualified individual with a disability may not be:
 - Excluded from participation
 - Denied benefits
 - Otherwise be subjected to discrimination

5

General Provisions – IDEA, Section 504, and Title II

- IDEA—federal law that funds special education programs in elementary and secondary school. IDEA attaches specific conditions to the receipt of IDEA funding.
- Section 504 and the ADA are antidiscrimination laws and do not provide any type of funding.

6



Student with a Disability – § 504/Title II

- 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.




Basic Principles: pre-K to 12

- School district must try to identify and locate students with disabilities 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 Principles: Pre-K to 12

- 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 504/II Principles: Colleges


- 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

- College and student should use an “interactive process” to determine appropriate accommodations that meet the student’s individual needs.
- Accommodations must be provided in a timely manner.


11



Basic Section 504 Principles: Colleges

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

12



Qualified Student With a Disability: Colleges

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

13



Admission

- 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 accommodations.

14



Academic Adjustments

- 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

15



What Is Not Required

- 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.


16



Auxiliary Aids

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.

17



Examples of Possible Auxiliary Aids

- Taped texts
- Notetakers
- Interpreters
- Readers
- Adapted classroom equipment for students with manual impairments
- Braille or electronic versions of written materials

18



What Is Not Required

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

19



What Is Not Required

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

20



Accessible Communications & Auxiliary Aids (ADA)

- 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.

21



Testing/Course Examinations

- 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 is measuring).
- Examples of possible modifications:
 - print vs. tape for student with LD
 - extended time
 - reader for a blind student

22



Differences Between the Two Settings

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

23



Identification & Notice

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 accommodations

24



Evaluation & Documentation

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

25



FAPE & Academic Adjustments

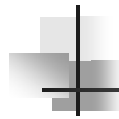
School Districts

must provide FAPE for qualified student with a disability

Colleges

must make accommodations necessary to ensure requirements do not discriminate and must ensure students with disabilities are not discriminated against due to absence of auxiliary aids

26



Fair Hearings & Grievances

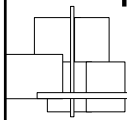
School Districts

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)

27



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

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

28



Follow The Procedures

- 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

29



Documentation: Purpose

- 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

30



Documentation

- Assessment (at student's expense) should clearly identify disability and functional limitations and need for academic adjustment or auxiliary aid or service.
- 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


31



Timing

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


32



Appropriateness of Accommodations

- 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 a student with a disability.


33



Appropriateness of Accommodation

- 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.

34



Range of Services

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

35



Communication is Essential

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

36



Final Thoughts

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


37



Resources

- Office for Civil Rights, DC Office, U.S. Dept. of Education – 202 786 0500, www.ed.gov/ocr
- Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities: www.ed.gov/ocr/transition.html
- Auxiliary Aids and Services for Students with Disabilities: www.ed.gov/ocr/docs/auxaids.html

38



Resources, continued

- Transition of Students With Disabilities To Postsecondary Education: A Guide for High School Educators:
www.ed.gov/transitionguide.html

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