

## Principal Legislation Promoting the Educational Rights of Individuals with Disabilities

<b>Legislation</b>	1973 Rehabilitation Act, Section 504	1990 Americans with Disabilities Act (ADA)	Individuals with Disabilities Education Act (IDEA), as amended in 1997 (PL 105-17)
<b>Description of legislation</b>	Guarantees that no “otherwise qualified handicapped individual” shall be excluded from participation in any program or activity (“college, university or other post-secondary institution, or a public system of higher education”) that receives federal financial assistance.	Protects individuals with disabilities from discrimination in employment, public accommodations, transportation, state and local government services, and telecommunication relay services.	Guarantees free, appropriate public education for students with disabilities.
<b>Who is covered?</b>	Individuals who (1) have a physical or mental impairment that substantially limits one or more major life activities, (2) have a record of such an impairment, or (3) are regarded as having such an impairment.	Individuals who (1) have a physical or mental impairment that substantially limits one or more major life activities, (2) have a record of such an impairment, or (3) are regarded as having such an impairment.	Children aged 3 through 21 who need special education and related services because of a disabling condition. The disabling conditions include autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment including blindness. States may also (in agreement with local education agencies) use the category of “developmental delay” to serve children aged 3 through 9. Infants and toddlers from birth through age 2 may be eligible for early intervention services, delivered in accordance with an individualized family service plan (Henderson 2001).
<b>Educational obligations</b>	Every student with a documented disability has a right to an appropriate education — one that is comparable to that provided to students without disabilities.	Provides reasonable accommodations to ensure that disabled individuals can perform all essential functions of their jobs. In the school environment, this includes community-based training and job training/placement (Henderson 2001). Exceptions may be made in those situations where the accommodation would fundamentally alter the nature of the program, cause undue hardship on the school, or jeopardize the health or safety of others.	IDEA-97 retains the major provisions of earlier federal laws, including the assurance of a free, appropriate public education in the least restrictive environment, and the guarantee of due-process procedures and safeguards (Knoblauch & McLane 1999). A team of professionals and parents develops and reviews, at least annually, an Individualized Educational Plan tailored to the needs of each disabled child. IDEA mandates certain elements that must be included in every IEP.
<b>Funding and/or services provided</b>	Section 504 does not provide funding; state and local jurisdictions have that responsibility. Students may be eligible for one or more of the following services: (1) equal access to courses, programs, services, jobs, activities, and facilities available through the college or university; (2) reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids determined on a case-by-case basis; (3) appropriate confidentiality regarding all information pertaining to their disabilities; and (4) information reasonably available in accessible formats.	ADA does not provide direct funding. Limited tax credits may be available for removing architectural or transportation barriers, however (Henderson 2001). Educational services may include the assigning of note takers or readers, access to scanners, screen-read software with voice synthesizers or large-print software, interpreting services, Phonic Ear assistive listening systems, extended time on tests, etc.	Provides federal funds to assist state and local agencies in meeting IDEA requirements. Provides transportation, as well as developmental, corrective, and other support services necessary to allow disabled children to benefit from special education programs (Knoblauch & McLane 1999). These services may include (but are not limited to) physical therapy, occupational therapy, medical services for diagnostic or evaluative purposes, school health services, recreation, counseling services, early identification and assessment of disabilities, social work services in schools, speech pathology, and parent counseling and training.

Source of table: Wilder, Esther Isabelle and William H. Walters. 2005. *Voices from the Heartland: The Needs and Rights of Individuals with Disabilities*. Brookline: Brookline Books.