

IDEA, IEP'S, and Section 504 Plans: Differences between K12 and College

Many students and families find it difficult to understand how different disability laws affect the provision of services at college. Below are three very important laws to understand.

The IDEA

The IDEA stands for The Individuals with Disabilities Education Act. The IDEA is a federal law that governs special education service delivery for schoolchildren ages 3-21 (or until high school graduation). The Individualized Education Plan (IEP) is developed by the educational team for each child and indicates how a child's education will be individualized in order to best serve him or her. The IDEA ensures that the student is successful in the K-12 system.

Section 504

Section 504 of the Rehabilitation Act of 1973 is a law that protects individuals from discrimination based on their disability. The Act is divided into seven Subparts. Subpart D applies to K-12 schools and Subpart E applies to postsecondary institutions. A 504 Plan is developed when a K-12 student needs certain accommodations and modifications to either the physical space in the school or the learning environment – however, a 504 Plan indicates that there is no need for special education (if there was a need for special education, the student would have been given an IEP discussed above). Subpart E states that postsecondary students must be granted the opportunity to complete with their non-disabled peers.

The ADA

The ADA stands for The Americans with Disabilities Act of 1990. The ADA is a federal civil rights law designed to provide equal opportunity for people with disabilities. The ADA ensures equal access and opportunity and also protects individuals with disabilities from discrimination.

Important Points

It is very important to understand that IEP's and 504 Plan's do not suffice as adequate documentation to accompany a student to a postsecondary institution since both are required under laws that do not apply once the student attends college. Although students are covered under Section 504 once they get to college, it is a different Subpart, as discussed above. IEP's and 504 Plans are sometimes helpful to colleges but are often insufficient as a sole form of documentation.

The key point to remember is that the purpose of the IDEA is to ensure that students

are successful in the K-12 system whereas the ADA and Section 504 only ensure access, because success in college is up to the student!

Overall, the responsibilities of the student and of the school are very different at the post-secondary level. Here are some key points:

Identification

- ◇ At the high school level, the school is responsible for identifying students with disabilities, testing those students, and providing services.
 - ◇ At the college level, the student must locate the office that provides services for students with disabilities, identify him- or herself to the office, request accommodations, and provide documentation to support the need for accommodations. Any student who needs additional or updated information to support accommodation requests, or who has never been identified before college, is responsible for paying for any testing.
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Services

- ◇ At the high school level, students are typically assigned time to attend the resource room where strategy instruction is taught with a teacher who is specifically trained in working with students with disabilities.
 - ◇ In college, unless the student chooses a school with a specialized program that provides such services, the student must make his/her own appointments at a learning center, where services are generally the same for all students (i.e. no special kind of instruction is typically offered for students with disabilities) and the staff does not typically have special training or background in working with students with disabilities.
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Communication

- ◇ At the high school level, part of a student's plan may include mandated follow-up by school staff to inform parents of the student's academic performance, completion of homework, etc.
 - ◇ A college may not, by law, contact parents about a student's academic performance unless the student gives the college permission to do so. Parents wishing to know how their student is doing must ask the student directly or get the student to give permission to the college to release such information.
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Accommodation arrangements

- ◇ At the high school level, a formal plan (IEP or 504 plan) makes it the school's responsibility to arrange for the student to receive accommodations.
 - ◇ At the post-secondary level, the student must, once approved, request his or her accommodations in each instance that they are needed. For example, the student must provide a purchased copy of a text in order to have it converted to an alternative format. For testing accommodations, the student must provide the appropriate office with the dates and times of his or her exams and may be required to have more participation in the arrangements for such accommodations. Colleges are not responsible for knowing a student's schedule and arranging accommodations without some form of initiation from the student.
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Objective of accommodations

- ◇ At the high school level, accommodations and services are usually designed to maximize a student's potential.
 - ◇ At the post-secondary level, accommodations are granted to create a "level playing field," rather than to help a student reach his or her greatest potential. Often, the reason certain accommodation requests are rejected is that they go beyond the scope of this goal.
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Instruction and Tests

- ◇ At the high school level, teachers modify curriculum and alter assignments as outlined in IEP. The IEP or 504 plan may include modifications to test format or grading.
- ◇ At the post-secondary level, Colleges are required by law to provide qualified individuals with disabilities equal access to their programs and activities. Such access might include academic adjustments, auxiliary aids, and services that do not constitute an undue burden or fundamental alteration of the program or activity. For example, an academic adjustment such as reduced assignments probably would not be provided because postsecondary schools do not need to provide academic adjustments that would fundamentally change the educational standards of coursework, or alter the course requirements.
- ◇ At the post-secondary level. Grading and test format changes are not available though accommodations in HOW test are given (e.g., extended time) may be available when supported by disability documentation.

Parental Role

- ◇ At the high school level, parent has access to student records and can participate in the accommodation process. Parent advocates for the student.
- ◇ At the post-secondary level, parent does not have access to student records and students are expected to advocate for themselves.

Source: Some of the text is adapted from 2008 Rutgers University and University of North Carolina at Pembroke

Disability Support Services - Frequently Asked Questions (FAQ)

Do I have to disclose my disability to anyone?

You are not required to disclose your disability to the college. However, if you want to receive academic accommodations, and/or auxiliary aids you must identify yourself to the Disability Support Services Office and provide documentation of disability.

Accommodations do not apply retroactively and grades will not be changed for work completed before DSS eligibility was established.

Do standards of appropriate behavior apply to students with disabilities?

Yes, all students are expected to abide by the LWTC Student Code of Conduct. The ADA does not require the college to accept threatening or disruptive behavior from college students, even if the disability itself may be indirectly responsible.

Is the process different from high school?

Yes. The laws that apply to K-12 are different than those applicable to post-secondary institutions. K-12 schools must identify and provide remediation to students with disabilities. Post-secondary schools are only required to provide equal access and accommodations may be different at the college level. In general, the burden of responsibility shifts from the K-12 school to the individual college student. College students must contact Disability Support Services, prove eligibility, and make their needs known.

Is there a charge for Disability Support Services?

Students are not charged for academic accommodations necessary because of a disability.

When should I submit my documentation?

The sooner, the better, as documentation may need review, clarification, or additional information. Students are encouraged to initiate the process as early as possible after they are admitted to LWTC.

Is it ever too late to request accommodations?

A student may begin the documentation process to request accommodations at any time. However, as stated previously, accommodations will not be provided retroactively and grades will not be changed after a student is approved for accommodations. Students will have to abide by certain timelines depending on the type of accommodation needed. Not all accommodations can be implemented immediately.

I received different or more accommodations at my last school than LWTC is allowing me. Why is there a difference?

High schools often offer services and accommodations meant to help ensure a student's success. At college, the governing laws simply require that an institution not discriminate against a student with a disability and provide access to curriculum. There are no IEP's or 504 Plans in college therefore services may be quite different from high school.

Services may also differ between colleges. Different colleges have different philosophies on accommodations. If you have been denied an accommodation you received at a previous school, here are some possible reasons:

- ◇ Documentation does not meet the college's guidelines
- ◇ The accommodation is in conflict with the academic policies of the college or school
- ◇ The accommodation would fundamentally alter the program, course, or activity
- ◇ Documentation does not support the requested accommodation
- ◇ Providing the accommodation would pose a direct threat to the student or others
- ◇ Providing the accommodation would constitute an undue financial or administrative burden to the college

Do I have to use all of my accommodations in every class?

No, not all accommodations are necessary or appropriate in every class. If you choose not to use an accommodation in a particular class, you will not be given the chance to make up the work with accommodations at a later date

Can I request an accommodation directly from my instructor without first meeting with Disability Support Services?

No, all accommodations must first be approved by Disability Support Services. Individual instructors have no obligation to accommodate you until you are approved by DSS.

Who informs my instructors about my accommodations?

You do. You are responsible for sharing your accommodations agreement with your instructors.

Summary of How College Services Differ from K12 Special Education Services

Students with disabilities are entitled to accommodations in school, be it K-12 (public) or post-secondary education. However the nature and delivery of those accommodations, as well as the distribution of responsibility, differ significantly between high school and college. The following table illustrates some of these differences.

High School	College
IDEA and Section 504 are the laws that mandate "free and appropriate public education" for all K-12 students, no matter what the ability level; education at this level is a right	The ADA and Section 504 guarantee equal access to post-secondary education by requiring "reasonable accommodations" to college students who are "otherwise qualified" as a student; education at this level is a privilege
The only qualification for public education is age; students with disabilities may qualify for special education	"Otherwise qualified" students must meet all entrance and academic progress requirements with or without reasonable accommodation; there is no "special education" in college
In order to meet the "free and appropriate public education" requirements, educational standards may be compromised by making such accommodations as shortening assignments, allowing students to use notes, books or other resources on tests when other students may not, or taking untimed tests	No accommodation at the post-secondary level may reduce standards or in any way compromise the integrity of the course; accommodations must be deemed reasonable, and agreed upon by the student, the DS provider and the instructor; e.g. extended time for tests may be a reasonable accommodation, but untimed tests is not reasonable
Accommodations are driven by the Multi Disciplinary Team, consisting of teachers, counselors, school psychologists, parents and the student, which develops an IEP or 504 Plan	There is no team, no plan, no notification of instructors except by the student, and parents are not involved in any way
Various levels of placement are available with varying levels of integration into the regular classroom; the student's "team" determines which placement is the "least restrictive environment" (required by IDEA)	Full integration with or without reasonable accommodations is the only option

<p>A student's plan, academic history and needs are shared with all teachers before s/he enters the class</p>	<p>Instructors will only be contacted by the college at the request of the student, and this request must be made for each instructor, for each course and renewed each quarter; students may decline accommodations they do not need or want</p>
<p>Some graduation requirements may be waived if the student's disability specifically interferes with his/her ability to successfully complete that subject or class</p>	<p>Many colleges and/or programs have a process in place to determine eligibility for course substitutions when a student's disability affects that subject (e.g. foreign language), but waivers are not an option</p>
<p>Public schools must provide assessment services, physical, speech or other therapy, or personal care services needed while the student is in school</p>	<p>Personal care, medical, psychological and/or therapeutic services and other non-academic needs are the responsibility of the student</p>
<p>Teachers may be provided with educational information about a student's disability, or they may be expected to learn as much as they can about their student's disability</p>	<p>The only information instructors are given by the college is what accommodations are appropriate, and then, only when requested by the student to do so; students may choose to disclose information about their disability, but instructors may not ask students about their condition, nor are they expected to gather information or "be informed"</p>
<p>The primary responsibility for identification, assessment (as appropriate) and determination of disability and for requesting accommodations is on the school</p>	<p>The primary responsibility for identification, assessment and determination of disability and for requesting accommodations is on the student</p>

For more information about Disability Support Services at Lake Washington Institute of Technology contact:

Email: dss@lwtc.edu

Phone: 425.739.8300

Web page: <http://lwtchost.ctc.edu/dept/disabilitysvcs>

Located in West 207