

# education issues

## *Comparison of the Individuals with Disabilities Education Act (IDEA '04), Section 504 of the Rehabilitation Act (Section 504), The Americans with Disabilities Act (ADA),*

| <b>IDEA 04</b>   | <b>SECTION 504</b>  |
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| <p><b>Requirements in the Law</b></p> <ul style="list-style-type: none"> <li>• Ensure that all children with disabilities have available to them a free/appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living.</li> </ul>      | <p><b>Requirements in the Law</b></p> <ul style="list-style-type: none"> <li>• Requires any agency, school or institution receiving federal financial assistance to provide persons with disabilities to the greatest extent possible, an opportunity to be fully integrated into the mainstream.</li> </ul>      |
| <p><b>Definitions in the Law</b></p> <ul style="list-style-type: none"> <li>• Specific disability categories are defined in the law; covers children with educational disabilities that require special services from specially trained teachers.</li> <li>• Not all children with disabilities are eligible.</li> </ul>   | <p><b>Definitions in the Law</b></p> <ul style="list-style-type: none"> <li>• Defines persons with disabilities who have a physical or mental impairment which limits one or more major life activities; have a record of such an impairment; or are regarded as having an impairment.</li> </ul>                 |
| <p><b>Who is Covered</b></p> <ul style="list-style-type: none"> <li>• Covers children with educational disabilities who require special education services ages 3-21 or until graduation. States have the flexibility to also serve infants and toddlers.</li> </ul>   | <p><b>Who is Covered</b></p> <ul style="list-style-type: none"> <li>• Protects all persons with a disability from discrimination in educational setting based solely on disability.</li> </ul>  |
| <p><b>Services Provided</b></p> <ul style="list-style-type: none"> <li>• Offers educational services that are remedial to children and available to all mainstream students (e.g., PE, art, field trips).</li> </ul>   | <p><b>Services Provided</b></p> <ul style="list-style-type: none"> <li>• Eliminates barriers that would prevent a student from full participation in programs or services offered to the general school population.</li> </ul>  |
| <p><b>Funding</b></p> <ul style="list-style-type: none"> <li>• Schools receive federal funding to provide remedial services for children in elementary and secondary schools.</li> </ul>   | <p><b>Funding</b></p> <ul style="list-style-type: none"> <li>• Requires that schools not discriminate based on student's disability and must provide appropriate accommodations, but schools receive no additional financial support to provide support services or auxiliary aids.</li> </ul>                    |
| <p><b>Evaluation /Documentation</b></p> <ul style="list-style-type: none"> <li>• School district is responsible for identifying and evaluation children with disabilities.</li> <li>• Evaluations are the responsibility of the school and are performed at no expense to child/parent.</li> <li>• Parents must consent to evaluations and placement decisions.</li> </ul> | <p><b>Evaluation /Documentation</b></p> <ul style="list-style-type: none"> <li>• Same for elementary, secondary schools and students in college.</li> <li>• Same for elementary, secondary schools and students in college.</li> <li>• Same for elementary, secondary schools and students in college.</li> </ul> |
| <p><b>IFSP &amp; IEP Accommodations</b></p> <ul style="list-style-type: none"> <li>• Individualized Family Service Plan (IFSP) and Individualized Education Program (IEP) are developed with parents, teachers and other specialists.</li> </ul>   | <p><b>IFSP &amp; IEP Accommodations</b></p> <p>504 Plan developed with parents, teachers, school personnel involved (for elementary or secondary students), and same for college or postsecondary students.</p>   |
| <p><b>Classroom Placement</b></p> <ul style="list-style-type: none"> <li>• Placement must be in the least restrictive environment (LRE). This may be special classrooms, resource, or regular classroom. (Elementary and Secondary children)</li> </ul>  | <p><b>Classroom Placement</b></p> <p>Placement is in regular classroom with support services to eliminate barriers to the educational experience (for elementary, secondary &amp; college students).</p>  |

## ***and The Elementary and Secondary Education Act (also known as No Child Left Behind Act of 2001)***

*Developed by the Postsecondary Education Consortium at the University of Tennessee, a member of PEPNet, through an agreement with U.S. Department of Education, Special Education and Rehabilitative Services.*

| <b>ADA</b>  | <b>ESEA (NCLB '01)</b>   |
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| <p><b>Requirements in the Law</b></p> <ul style="list-style-type: none"> <li>• Extends coverage of Section 504 to employment, public and private educational institutions, transportation providers and telecommunications, regardless of presence of any federal funding.</li> </ul>   | <p><b>Requirements in the Law</b></p> <ul style="list-style-type: none"> <li>• Targets improving the academic achievement of the disadvantaged, including students with disabilities.</li> </ul>   |
| <p><b>Definitions in the Law</b></p> <ul style="list-style-type: none"> <li>• Definition of disability essentially same as Section 504 and extends coverage to persons without disabilities who may be related to or associated with a person with a disability; includes HIV status, contagious and non-contagious diseases.</li> </ul>                                | <p><b>Definitions in the law</b></p> <ul style="list-style-type: none"> <li>• Same as under IDEA 04; Specific disability categories are defined in the law; covers children with educational disabilities that require special services from specially trained teachers.</li> <li>• Not all children with disabilities are eligible.</li> </ul>  |
| <p><b>Who is Covered</b></p> <ul style="list-style-type: none"> <li>• Protects all persons with a disability from discrimination in educational setting based solely on disability.</li> </ul>  | <p><b>Who is Covered</b></p> <ul style="list-style-type: none"> <li>• Covers students with educational disabilities who require special educational services ages 3-21 or until graduation. States have flexibility to serve infants and toddlers.</li> </ul>  |
| <p><b>Services Provided</b></p> <ul style="list-style-type: none"> <li>• Eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population.</li> </ul>   | <p><b>Services Provided</b></p> <ul style="list-style-type: none"> <li>• Requires that schools provide students with a free/appropriate education with measurable outcomes. Students with disabilities much perform at the same standard as those set for non-disabled students.</li> </ul>  |
| <p><b>Funding</b></p> <ul style="list-style-type: none"> <li>• Requires that schools not discriminate based on student's disability and must provide appropriate accommodations, but schools receive no additional financial support to provide support services or auxiliary aids.</li> </ul>  | <p><b>Funding</b></p> <ul style="list-style-type: none"> <li>• Funding is available to schools under Title 1 of the law. Schools which receive these funds must comply with NCLB and IDEA 04.</li> <li>• Appropriate accommodations must be given to students during assessments as well as in class.</li> </ul>   |
| <p><b>Evaluation/Documentation</b></p> <ul style="list-style-type: none"> <li>• Students must self-identify as having a disability and must provide adequate documentation of disability.</li> <li>• Evaluations/documentation of disability or student responsibility.</li> <li>• Student has responsibility for advocacy, negotiating accommodations plan.</li> </ul> | <p><b>Evaluation/Documentation</b></p> <ul style="list-style-type: none"> <li>• School district is responsible for identifying and evaluation students with disabilities.</li> <li>• Evaluations are the responsibility of the school and are performed at no expense to child/parent.</li> <li>• Districts must carry out performance evaluations, regardless of parental consent.</li> </ul> |
| <p><b>IFSP &amp; IEP Accommodations</b></p> <ul style="list-style-type: none"> <li>• Accomodations plan developed with student and Disabilities Services Coordinator on campus.</li> </ul>  | <p><b>IFSP &amp; IEP Accommodations</b></p> <ul style="list-style-type: none"> <li>• Individualized Family Service Plan (IFSP) and Individualized Education Program (IEP) are developed with parents, teachers and other specialists.</li> </ul>   |
| <p><b>Classroom Placement</b></p> <ul style="list-style-type: none"> <li>• All courses are mainstream with accommodations provided to students who qualify under ADA.</li> </ul>  | <p><b>Classroom Placement</b></p> <ul style="list-style-type: none"> <li>• Placement must be in the least restrictive environment (LRE). This may be special classrooms, resource or regular classroom. (Elementary and Secondary children)</li> </ul>   |