Transition from High School to College

Laws: Different Laws Apply

IDEA (Individuals with Disabilities Act) and Section 504 of the Rehabilitation Act of 1973 are very different, leading to miscommunication between colleges and high school staff who have studied only the statutes applying to their institution. In high schools, for example, under IDEA, special education program procedures may apply primarily to Learning Disabilities. High school students who are in wheelchairs, may fall under a subpart of Section 504 of the Rehabilitation Act and be referred to as their “504” clients. They will develop IEPs (Individualized Education Plans) for these students simply because that is the procedure they have been required to follow under their IDEA mandated program. However, Section 504 does not create a requirement for IEPs in either high school or post-secondary institutions.

The misunderstanding comes from the practice of assuming that the “504 Plan” developed at a high school will be binding on a college or university, since different aspects of Section 504 apply to high schools and colleges.

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<td>--Individuals with Disabilities Education Act (IDEA)</td>
<td>--Section 504 of the Rehabilitation Act of 1973</td>
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<td>--Section 504 of the Rehabilitation Act Of 1973 (see subpart D)</td>
<td>-- Americans with Disabilities Act</td>
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Differences:

In high school the school has the responsibilities that include the following:

- Identify the students with disabilities
- Provide assessment of learning disabilities
- Classify disabilities according to specific diagnostic categories
- Involve parents or guardians in placement decisions
- Provide certain non-academic services
- Place students in programs where they can benefit by placement committee with parent participation and approval
- Structure a large part of student’s weekly schedule
- Modify educational programs
- Prepare IEPs
- Provide a free and appropriate education
- Provide appropriate services by the school nurse
The post-secondary level institutional role changes as follows:

- Protect a student’s right to privacy and confidentiality
- Provide access to programs and services which are offered to persons without disabilities
- Inform students of office location and procedures for requesting accommodations
- Accept and evaluate verifying documentation
- Determine that mental or physical impairment causes a substantial limitation of a major life activity based on student-provided verifying documents
- Determine whether students are otherwise qualified for participation in the program or service, with or without accommodations, and if so, whether a reasonable accommodation is possible
- Make reasonable accommodations for students who meet the above qualifying criteria
- Make reasonable adjustments in teaching methods which do not alter the essential content of a course or program
- Assure that off-campus and contracted program facilities also comply with Section 404(Subpart E) and ADA
- Inform student of their rights and responsibilities.

**Students have the responsibility to:**

- Self-identify or disclose their disability to the designated office for disability services.
- Provide verifying documentation to that designated office.
- Obtain assessment and test results and provide them to that office.
- Act as independent adults
- Arrange their own weekly schedules
- Contact their instructors to activate and adopt accommodations for each class
- Arrange for and obtain their own personal attendants, tutoring and individually fitted or designed assistive technologies.

**Post-Secondary Institutions are not required to:**

- Reduce or waive any of the essential requirements of a course or program
- Conduct testing and assessment of learning, psychological or medical disabilities
- Provide personal attendants
- Provide personal or private tutors (but tutoring services normally available to persons without disabilities must be accessible to persons with disabilities who are otherwise qualified for those services.)
- Prepare “Individual Education Plans” (IEPs)

***** Remember Privacy Issues: Students in colleges and universities are considered adults, with privacy and confidentiality protections. College staff cannot talk with parents or guardians about a student’s academic activities as was typical in K-12. Students must sign a waiver if they want to extend the right for DSS to discuss with parents.

Eligibility for special education services K-12 is diagnosis driven. Eligibility for reasonable accommodations in post-secondary institutions also requires diagnosis but is driven by the severity of impact on a major life activity. This is why documentation for a post-secondary institution has to provide more information than just a diagnosis and must address the issue of severity of impact.