

Secondary vs. Post-secondary Disability Law and Services

Secondary	Post-secondary
Under IDEA, children with disabilities are absolutely <i>entitled</i> to a “Free and Appropriate Public Education.”	<i>Equal access</i> to education is the order of the day – no one is <i>entitled</i> to anything, but rather students have <i>civil rights</i> and they must advocate for themselves in order to enjoy those rights.
Section 504 in the public schools includes “Free and Appropriate Public Education” language, and accommodations may include a shortening of assignments, or the use of notes on tests, when other students cannot use them.	Section 504 is the first civil rights legislation that applied to colleges. It upholds the institution’s right to maintain the academic standards, and no accommodations may be permitted to reduce that standard for any student. Thus there is no “free and appropriate” education, and shortening assignments and using notes when other students do not are not considered “reasonable accommodations.”
Plans, either the IEP or a 504 Plan, drove all services and accommodations, and involved the teachers, counselors, and absolutely required a parent’s signature.	There is no plan, and instructors are not contacted, except by the student. In fact, parents may not receive even a student’s grades without the student giving written permission.
“Placement” is determined by the child’s “team,” and outlined in the plan, and must, by law, be in the least restrictive environment.	Placement integration is assumed, and is the order of the day. We adjust the environment through accommodations, but we don’t deliberate and select the environment for the student in advance.
Students were qualified for public education simply by being of the appropriate age, and because they had a disability.	“Otherwise qualified,” in college, means that the student must meet all entrance and academic requirements, whether they receive accommodations or not.
Everybody knew about a student’s placement, and practically everybody signed the plan. Each teacher would know about a student even before he or she entered the classroom, and have a good idea what the student’s needs were.	Disability Support Services never contacts a professor without express permission from the student. Thus, the student must initiate all actions regarding accommodation with each professor, for each course, every semester. In addition, students have the civil right to <i>refuse</i> accommodations they don’t need or want; and if they do not request an accommodation it is assumed they do not want it.

Public schools, for the most part, are responsible for appropriate assessment of a student's disability.	Higher education does not have to assess the student, but can expect that the student will provide proof of their disability within accepted guidelines.
Some subjects may have been waived for a student before graduation, if they were specifically related to the student's disability.	Substitutions for specific graduation requirements may be requested by following a rigorous petition process, but "waivers" for requirements are <i>never</i> granted. Substitutions are also granted typically after the student has <i>both</i> provided adequate verification to Disability Services of their disability <i>and</i> unsuccessfully attempted the courses in question with the appropriate accommodations recommended by Disability Services.
Labels are a way to categorize people.	Student has a right to disclose to whom and when they choose, but must own their disability in order to enjoy a level playing field.
Assessment, physical or other therapy, or personal care provided by school while in school.	Student is responsible for personal services -- personal care, medical and related requirements, just as if they would if they were living independently and not attending school.
Students often receive "Un-timed tests" if they have a disability.	"Un-timed tests" are not reasonable, but time extensions may be reasonable, typically time-and-a-half but no more than double time.
Teachers may be expected to learn all they can about the disability of a student in one of their classes.	Professors need know only that which applies to the accommodations the student requests.