



Navigating Legal Frameworks

for Students with Disabilities:
Rehabilitation Act, ADA, Transition
Plans, and IDEA

Agenda



Historical Context



Laws



Intersections



Transition Plans



Best Practices

Historical Context



Rehabilitation Act of 1973

Section 504 is the section we will focus on, requiring compliance with all Programs, Services and activities.

IDEA (1975)

The Individuals with Disabilities Education Act (IDEA) is a federal law that ensures children with disabilities receive a Free Appropriate Public Education (FAPE) tailored to their individual needs.

ADA (1990)

ADA is a civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal, and later sexual orientation and gender identity.

Historical Context

Tracing legal avenues from civil rights roots to modern compliance."

Federal Accessibility Standards and Guidelines

1968 – Architectural Barriers Act (ABA)



1975 – The Individuals with Disabilities Education Act



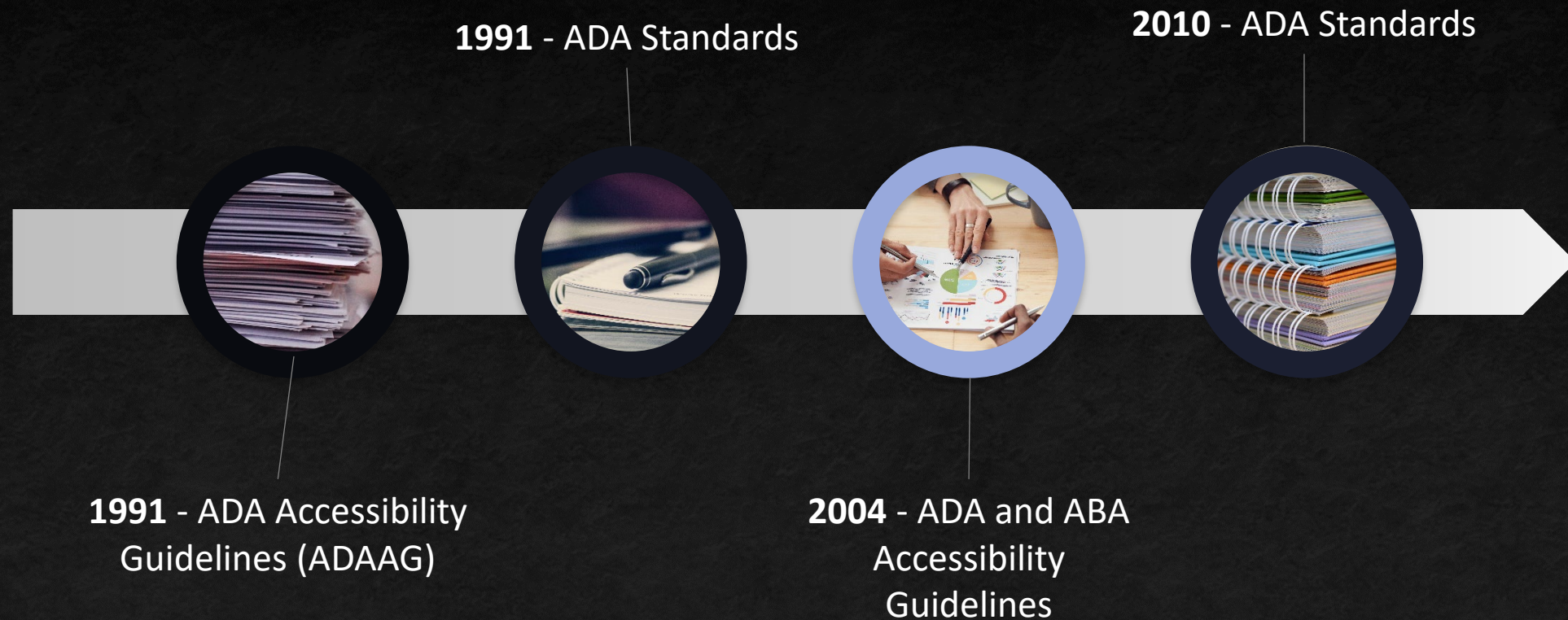
1973 – The Rehabilitation Act of 1973, Section 504



1990 – The Americans with Disabilities Act (ADA)



Federal Accessibility Standards and Guidelines



Historical Context

- Re-1970s: Segregation, institutionalization common
- Civil Rights Movement influence (1960s)
- Shift to integration & protections



Laws

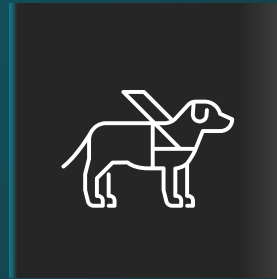


Rehabilitation Act of 1973



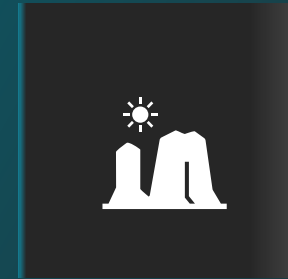
Section 504:

No discrimination
in federally funded
programs



Section 504:

Reasonable
accommodations
(e.g., ramps, aides)



Section 504:

Free Appropriate
Public Education
(FAPE) precursor



Rehabilitation Act of 1973

- Evaluations of facilities for 504 Plans, similar to ADA Transition Plan requirements
- Non-discrimination in extracurricular activities
- Wide understanding: Applies beyond classrooms to facilities.

Definitions

Programs: Programs or opportunities provided to those served by an entity for educational, recreational, artistic, or regulatory purposes

Services: Actions provided by an entity to their public intending to improve quality of life or provide direction. This includes things like meal service, bus service, etc.

Activities: Events or opportunities provided by the entity for those they serve such as festivals, celebrations, runs/walks, or dedications



The ADA

- 1990 law; broader than Rehab Act.
- Calls for an ADA Self-Evaluation and Transition Plan.
- With 5 Titles, it expands protections to all public education and employment in the educational industry.

Five Titles of the ADA

Title I Employment

Title II State and Local Governments (28 CFR Part 35)

Title III Places of Public Accommodation

Title IV Telecommunication

Title V Misc., including requirements for the U.S.
Access Board to develop design guidelines

ADA Key Provisions

Accessibility standards both for physical facilities and digital assets

Requires compliance with design standards for new construction and removal of barriers for existing facilities.

Transition Plans are required for public facilities and must be “current and comprehensive”.

Up to 20% of each construction project is required to be spent on



The IDEA Act

- 1975 (as EHA); Designed to ensure children with disabilities have access to a "free appropriate public education" (FAPE) and are educated with their non-disabled peers to the maximum extent possible.
- It was originally called the Education for All Handicapped Children Act and was later renamed the Individuals with Disabilities Education Act (IDEA)

IDEA Key Provisions

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IDEA Key Provisions

- The law established that students with disabilities have a right to an education tailored to their specific needs through special education and related services.
- The law has been revised and updated several times over the years, with the most recent major update in 2004.
- IDEA requires public school systems to develop appropriate Individualized Education Programs (IEP's) for each child. The specific special education and related services outlined in each IEP reflect the individualized needs of each student.

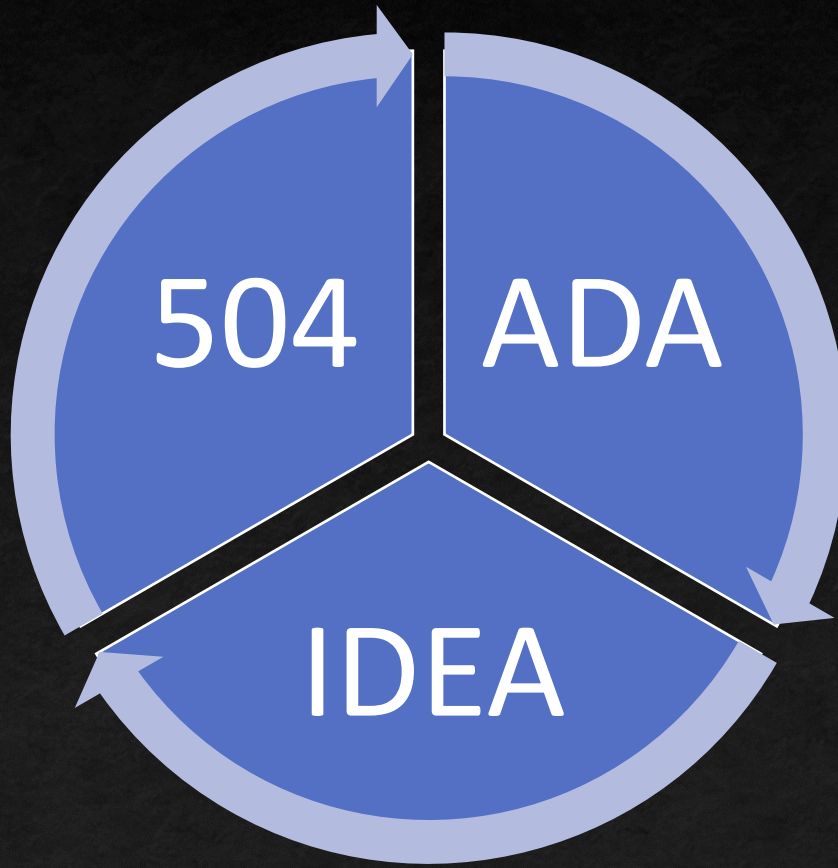
IDEA Key Provisions

- IDEA also mandates that particular procedures be followed in the development of the IEP. Each student's IEP must be developed by a team of knowledgeable persons and must be at least reviewed annually.
- The team includes the child's teacher; the parents, subject to certain limited exceptions; the child, if determined appropriate; an agency representative who is qualified to provide or supervise the provision of special education; and other individuals at the parents' or agency's discretion.

Intersections



Intersection of Laws



- All ensure non-discrimination & access
- Rehab/ADA: Facilities & accommodations
- IDEA: Specialized instruction

Intersection of Laws – Example 1

Equitable Access to Education

- Rehab/IDEA: 504 Plans + IEPs



Intersection of Laws – Example 2

Support Services:

- ADA/IDEA: Transition to post-secondary
- Aux aids, modifications



Intersection of Laws – Example 3



Accommodations:

- All laws: Physical (ramps), instructional (braille)
- Transportation



Best Practices

- Universal Design for Learning (UDL) integration
- Proactive vs. reactive compliance
- Ensure you have a current and comprehensive ADA Self-Evaluation and Transition Plan include:
 - All facilities, all sporting/recreation areas, all sidewalks and pedestrian elements, Title I requirements, all programs, services, activities, policies and practices



Best Practices

- Designate an ADA Coordinator. Ensure everyone knows who it is
- Provide Public Notice
- Develop an ADA Page on the website
- Establish a grievance process with tracking
- Prioritize barrier removal process and track remediation efforts
- Annual review
- ADA Training for Staff

Public Outreach

Develop a Community Based ADA Advisory Board

- 3 Reasons why:
 - Specific input/needs
 - Less likely to seek counsel
 - Satisfies Title II requirement
- Meet once or twice a year
- Invite them to all events/activities hosted by the school



Resources

- ADA.gov
- ED.gov/IDEA
- OCR.ed.gov
- Access-Board.gov
- NCAonline.org
- Accessology.com

Accessology Too, LLC

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QUESTIONS