

TEXAS  **STATE**

DISABILITY SERVICES®

Comparison of IDEA, Section 504, and the ADA

Question	IDEA	Section 504	ADA
To whom does the law apply?	Applies to public schools (preschool – high school)	Applies to any program (including colleges) or activity that is receiving federal financial assistance	Extends Section 504 to apply to public or private employment, transportation, accommodations, and telecommunications regardless of whether federal funding is received
What is the purpose of the law?	Requires public schools to provide free, appropriate, public education (FAPE) in the least restrictive environment	Ensures that persons with disabilities have, to the maximum extent possible, the opportunity to be fully integrated into mainstream American life	Ensures that all persons with disabilities have broader coverage than Section 504 in all aspects of discrimination law
Who is covered under the law?	Only those who are educationally disabled, in that they require special education services, ages 3-21 years	All qualified persons with disabilities regardless of whether special education services are required in public elementary, secondary, or postsecondary settings	All qualified persons with disabilities and qualified nondisabled persons related to or associated with a person with a disability
Who has responsibility to identify individuals with disability rights under this law?	The school district has responsibility to find children with disabilities between birth and age 21. Once found, the district has the additional responsibility to evaluate the child at no expense to the parent.	The individual with the disability must self-identify and provide appropriate documentation. The individual must pay the cost of the evaluation.	Same as Section 504

Please turn over for page 2.

TEXAS  **STATE**

DISABILITY SERVICES®

<p>How is “disability” defined in the law?</p>	<p>The IDEA identifies 15 specific disabilities.</p>	<p>Section 504 does not list specific disabilities but establishes the criteria of “any physical or mental impairment that substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having an impairment.”</p>	<p>The ADA uses the same criteria as Section 504. HIV and contagious and noncontagious diseases are included.</p>
<p>How are services provided to individuals with disabilities under this law?</p>	<p>Necessary special education and related services are defined by the student’s multi-disciplinary team and written in a document called the Individualized Education Program (IEP).</p>	<p>Services, auxiliary aids, and academic adjustments may be provided in the regular education setting.</p>	<p>Services, auxiliary aids, and accommodations are provided for through the institution’s ADA Coordinator based on documentation provided by the student. Accommodations may not cause employers an “undue hardship.”</p>
<p>Who enforces this law?</p>	<p>Due process procedures provided for within the IDEA that allows for fair hearing of complaints and an appeals process through Federal Courts. The Office of Special Education and Rehabilitative Services promulgates regulations governing the enforcement of the IDEA.</p>	<p>The Office for Civil Rights (OCR), U.S. Department of Education</p>	<p>Primarily the U.S. Department of Justice, the Equal Employment Opportunity Commission and Federal Communications Commission</p>

Please turn over for page 3.

TEXAS  **STATE**
 _____[®]
DISABILITY SERVICES

<p>If an institution with responsibility for providing a service is found to have failed in that responsibility, what remedy is provided for under the law?</p>	<p>If a public school fails to provide a free appropriate education program (as determined by an impartial judge), reimbursement by district of school-related expenses may be available to parents of children with disabilities to ensure a FAPE.</p>	<p>An individual may sue an institution if the institution receives federal financial assistance</p>	<p>Same as Section 504. Attorney fees and litigation expenses are also recoverable. Monetary damage awards of up to \$50,000 may be assessed.</p>
<p>How are services funded under this law?</p>	<p>Some federal funds are available to cover the costs of compliance with IDEA regulations. School districts typically combine local, state, and federal funds to cover the full cost of implementing IDEA regulations.</p>	<p>No federal funding is available to the school or college implement Civil Rights statute.</p>	<p>No federal funding is available to the school or college implement Civil Rights statute.</p>

Adapted from: Brunckerhoff, L. C., Shaw, S. F., and McGuire, J. H., 1993. Promoting Postsecondary Education for Students with Learning Disabilities: A handbook for practitioners. Austin, TX: Pro Ed.