



Differences Between Secondary and Post-Secondary Disability Laws

This information sheet provides information on the differences in disability laws as they related to secondary and post-secondary educational settings.

What is the law?

Secondary: Educational requirements are covered under IDEA and ADA/Section 504.

Post-Secondary: Educational requirements are covered under ADA/Section 504 (Subpart E)

What is the intent of the law?

IDEA: Provides a free, appropriate public education in the least restrictive environment to students with disabilities.

Section 504: Ensures that no otherwise qualified person with a disability is denied access to benefits of or is subjected to discrimination in any program or activity provided by any public institution or entity.

Who is covered under the law?

Secondary: All infants, children and youth requiring special education services until age 21 or graduation from high school.

Post-Secondary: All qualified individuals with disabilities who meet the entry age level criteria or particular program entry criteria of the college and who can document the existence of a disability as defined by the ADA.

Who is responsible for identifying and documenting the need?

Secondary: School districts are responsible for identifying, evaluation and planning educational services at no expense to the parent or individual.

Post-Secondary: Students are responsible for self-identification and for obtaining disability documentation from a professional who is qualified to assess their particular disability as defined by the ADA.

Who is responsible for initiating service delivery?

Secondary: School districts are responsible for identifying students with disabilities and providing special instruction, individualized education plans and/or accommodations.

Post-Secondary: Students are responsible for notifying the Office of Disability Services staff of their disability and of the need for accommodations. Accommodations (not special education) are provided on a semester-by-semester basis in order for students with disabilities to have equal access to the institution's programs, services and activities.

Who is responsible for enforcing the law?

Secondary: IDEA is basically a funding statute, enforced by the Office of Special Education and Rehabilitation Services in the U.S. Department of Education. ADA/504 are civil rights statutes, enforced by the Office for Civil Rights (OCR), U.S. Department of Justice, and the Equal Employment Opportunity Commission (EEOC).

Post-Secondary: ADA/504 are civil rights statutes, enforced by the Office for Civil Rights (OCR), U.S. Department of Justice, and the Equal Employment Opportunity Commission (EEOC).

What about self-advocacy?

Secondary: The parent or guardian is the primary advocate. Students with disabilities should learn about their disability, the importance of self-advocacy, the accommodations they need, and ways to become a self-advocate. In Pennsylvania they should start participating in their Individual Education Plan (IEP) meetings starting at age 14.

Post-Secondary: Students must be able to communicate what their disability is, their strengths, weaknesses, and how the disability impacts and functionally limits major life activities, They must be able to identify and justify any requested accommodations.

This information sheet was developed for #ASDNext by the Autism Services, Education, Resources, and Training Collaborative (ASERT).

For more information, please contact ASERT at 877-231-4244 or info@PAautism.org

ASERT is funded by the Bureau of Autism Services, PA Department of Human Services