

K-12 vs College

Know the Differences

K-12 IDEA '04	K-12 504 Plan	College
Student records are accessible to student and parents	Student records are accessible to student and parents	Any enrolled college student's records are only accessible to the student. Information cannot be released to anyone, including the parent, without a written release by the student
Special consideration for behavior problems	Students must follow high school behavior code	Students are held to the Student Code of Conduct; No special consideration
District identifies disability	Parent provides documentation of disability	Student is responsible to provide documentation of disability and need for reasonable accommodations
Success is “more of a right”	No guarantee for student success	There is no guarantee for student academic success; student is responsible for own academic success
Special education classes are provided	Regular class curriculum with modification	No special education classes. Disability support office's role is to accommodate student in college level classes
Free evaluation of disability	Parent is responsible for providing evaluation of disability	Student is responsible for disability evaluation
District develops Individual Education Plan (IEP)	Services determined by 504 Plan	Student initiates request for <i>reasonable</i> accommodations. There are no IEPs or 504s in postsecondary education
District ensures that the IEP is implemented	District/parent/student responsible	Student is responsible for own academic progress
Entitled services identified on the IEP	Services determined by 504 Plan	Providing <i>reasonable</i> accommodations is not an automatic process; each college determines eligibility and what reasonable accommodations will be provided based on the disability documentation provided and ADA laws
Fundamental modifications to program of study permitted as identified on IEP	Fundamental modifications to program of study permitted as identified in 504 Plan	No fundamental modifications allowed: Accommodations may not result in a fundamental alteration to a course or academic program; nor impose an undue burden on an institution
Teacher can advocate for student	Parent/student advocate	Student advocates for self
Personal services: e.g., transportation, personal attendant, nurse, in class aide	No personal services provided	No personal services provided

FERPA (Family Educational Rights and Privacy Act of 1974): All students over the age of 18 are free to access their own student records, request changes to their student records, and "to have some control over the disclosure of personally identifiable information from these records." **When a student enters a post-secondary institution, at any age, rights under FERPA transfer to the student.** Parents are not allowed to access their child's student records, as protected under FERPA. This includes but is not limited to, "scheduling appointments" with campus disability services, as doing so may result in needing to confirm or deny the student's participation in such program.

FEDERAL LAWS

HIGH SCHOOL

Student with disabilities, attending K-12, mainly have rights under three Federal laws.

1. *Individuals with Disabilities Act of 2004 (IDEA)*
 2. *Subpart D of Section 504 of the Rehabilitation Act*
 3. *Americans with Disabilities Act (ADA)*
- **IDEA (Individuals with Disabilities Education Act of 2004): THIS IS AN EDUCATION LAW.** Federal legislation that states the civil rights of students in K-12 only.
 - **504 Plan:** 504 plans are used to outline accommodations and services for students with disabilities in K-12 only. This is typically outside of the special education process.
 - **IEP (Individual with Disabilities Education Act of 2004):** An IEP defines the individualized objectives of a child who has been found to have a disability and is reviewed annually. The IEP only applies in K-12.

COLLEGE

Students with disabilities, attending colleges or universities, mainly have rights under two Federal laws.

1. *Americans with Disabilities Act (ADA)*
 2. *Subpart E of Section 504 of the Rehabilitation Act*
- **IDEA** is an educational law and **does not apply to colleges and universities**. Under ADA, colleges and universities are only required to provide **access** to institutionally offered programs.
 - **Section 504** and the **Americans with Disabilities Act** are Federal Civil Rights Laws. **Support under subpart D is not included in subpart E**. Subpart E has far fewer requirements that the college/university must follow. Colleges/universities are **not bound by K-12 504 Plan, documented accommodations**.
 - **IEP's** are not recognized in determining accommodations at the college/university level. While an IEP may be used to establish a diagnosis of disability, **any and all accommodations outlined in an IEP are only applicable to K-12 institutions**.

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