

### *Do Special Education and disability laws apply to colleges and universities?*

The following federal laws, Section 504 of the *Rehabilitation Act of 1973* (Section 504) and the *Americans with Disabilities Act* (IDEA), prohibit discrimination on the basis of disability. Practically every school district and post-secondary school in the United States is subject to one or both of these laws, which have similar requirements.

Although Section 504 and IDEA apply to both school districts and post-secondary schools, the responsibilities of post-secondary schools (i.e., colleges) differ significantly from those of school districts. Section 504 and IDEA protect elementary, secondary, and post-secondary students from discrimination. Nevertheless, several of the requirements that apply through high school are different from the requirements that apply beyond high school.

### **What are the Different Requirements Beyond High School?**

**No FAPE Requirement:** For instance, Section 504 requires a school district to provide a free appropriate public education (FAPE) to each child with a disability in the district's jurisdiction. Whatever the disability, a school district must identify an individual's educational needs and provide any regular or special education and related aids and services necessary to meet those needs as well as it is meeting the needs of students without disabilities.

Unlike in high school, however, a college or other post-secondary institution is not required to provide FAPE. Rather, the post-secondary school is required to provide appropriate academic adjustments as necessary to ensure that it does not discriminate on the basis of disability. In addition, if the post-secondary school provides housing to non-disabled students, it must provide comparable, convenient, and accessible housing to students with disabilities at the same cost.

**Disclosure of Disability is Always Voluntary, but...** An individual is not required to inform the university of a disability, but if you want the school to provide an academic adjustment, you must identify yourself as having a disability. Likewise, you should let the school know about your disability if you want to ensure that you are assigned to accessible facilities. In any event, your disclosure of a disability is always voluntary.

**Academic Adjustment:** The appropriate academic adjustment must be determined based on your disability and individual needs. Academic adjustments may include auxiliary aids and services, as well as modifications to academic requirements as necessary to ensure equal educational opportunity. **Examples of adjustments are:**

1. Arranging for priority registration;
2. Reducing a course load
3. Substituting one course for another
4. Providing note takers, recording devices, sign language interpreters, extended time for testing,
5. If telephones are provided in dorm rooms, a TTY in your dorm room
6. Equipping school computers with screen-reading, voice recognition, or other adaptive software or hardware.

Postsecondary schools do not need to:

- **Provide Modifications:** In providing an academic adjustment, your postsecondary school is not required to lower or substantially modify essential requirements. For example, although your school may be required to provide extended testing time, it is not required to change the substantive content of the test.
- **Alter the Nature of a Service:** In addition, your postsecondary school does not have to make adjustments that would fundamentally alter the nature of a service, program, or activity, or that would result in an undue financial or administrative burden.

- **Provide Personal Support and Devices:** Finally, your postsecondary school does not have to provide personal attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature, such as tutoring and typing.

If you want an academic adjustment, you must inform the school that you have a disability and need an academic adjustment. Unlike your school district, your postsecondary school is not required to identify you as having a disability or to assess your needs. Your postsecondary school may require you to follow reasonable procedures to request an academic adjustment. You are responsible for knowing and following those procedures.

In their publications providing general information, postsecondary schools usually include information on the procedures and contacts for requesting an academic adjustment. Such publications include recruitment materials, catalogs, and student handbooks, and are often available on school websites. Many schools also have staff whose purpose is to assist students with disabilities. If you are unable to locate the procedures, ask a school official, such as an admissions officer or counselor.

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