

Course Goals:

Welcome to Becoming a Self-Advocate! In this course you will learn about:

- ❖ Disability terms
- ❖ Finding out about your disability and accommodation needs
- ❖ Finding careers of interest
- ❖ Learning laws and your legal rights
- ❖ Setting goals
- ❖ Planning for school and work

When you are done, you will better know how to do well in school and work!

Keep in Mind!

This course is designed to let you read at your own pace. You can always go back and review the material if you need a refresher.

Chapter 4: Federal and State Laws for People with Disabilities

Welcome Back! Remember me, Ms. Jordan? In the next slide you will meet my colleague, Ms. Jackson. What is your name?

Overview:

In order for you to be a self-advocate, you must first understand the different laws about disability rights.

Learning Objectives:

- ❖ Become familiar with the laws:
 - ✓ Americans with Disabilities Act (ADA)
 - ✓ Individuals with Disabilities Education Act (IDEA)
 - ✓ Section 504 of the Rehabilitation Act
 - ✓ Section 508 of the Rehabilitation Act
 - ✓ Family Educational Rights and Privacy Act (FERPA)
- ❖ Compare IDEA and ADA

What are some important terms you should understand related to the law?

Law Related Terms

Educational Evaluation: An *educational evaluation* is done in the school to find out what disabilities a student has or does not have. The evaluation is done to find out if the student is eligible for special education and other services. It is done to find out the right education program for the student.

Modifications: Making *modifications* means changing, lowering or reducing learning expectations.

Access: *Access* is the right to obtain, make use of or take advantage of something (such as services or membership).

Undue Burden: An *undue burden* is something that is very hard or costs a lot of money for an agency or organization.

Discrimination: *Discrimination* is unfair treatment of a person or group on the basis of prejudice.

Section 504: *Section 504* is a civil rights law that does not allow discrimination against individuals with disabilities. Section 504 ensures that a student with a disability has equal access to an education.

Affirmative Action: *Affirmative Action* refers to policies that take race, ethnicity, gender or disability into consideration in an attempt to promote equal opportunity.

ADA Amendment of 2008: The *Americans with Disabilities Act (ADA)* was amended in 2008 to include a more broad definition of a person with a disability.

Okay, now that you know some basic terms, it's time to go into more detail about your rights and responsibilities under these laws. Be sure to take notes as you go – we're going to use this information to play jeopardy a little later.

Individuals with Disabilities: Rights and Responsibilities:

The Laws

Family Educational Rights and Privacy Act (1974) – FERPA:

- ❖ Allows **students** to access their own educational records (**not parents**).
- ❖ Allows **postsecondary teachers** to view students' educational records.
- ❖ Teachers **don't** have permission to view disability-related records though.

Individuals with Disabilities Act – IDEA 2004:

- ❖ Makes sure **all** children with disabilities have access to a free appropriate public education (FAPE).
- ❖ Requires schools to prepare students for education, employment and independent living – after high school.
- ❖ Requires schools provide services to meet individuals unique needs.

What is meant by a Free Appropriate Public Education (FAPE)? What related services might be included?

Under IDEA public schools must:

- ❖ Protect student's rights to a free and appropriate education.
- ❖ Guarantee the rights of education until a student graduates, meets the goals of IEP (Individual Educational Plan) or turns 21 years of age.
- ❖ Provide for evaluation and developing an IEP.
- ❖ Provides services and documents students' use of the service

In order to be eligible under IDEA:

- ❖ Students must have a disability – auditory impairment, autism, deaf-blind, emotional disturbance, mental retardation, multiple impairments, orthopedic impairment, other health-related impairments, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment or blindness.

AND

- ❖ **MUST** need special education and related services in order to get an educational benefit from school.

Americans with Disabilities Act (ADA) of 2008:

- ❖ Public programs and services cannot discriminate against or exclude individuals with disabilities because they have a disability.

Rehabilitation Act – Section 504 & Section 508:

- ❖ Section 504 – schools **cannot exclude** individuals with disabilities from participating in programs that receive federal financial assistance.
- ❖ Section 508 – federal department / agencies are required to provide similar access to computer information and data for individuals with and without disabilities.

ADA and Rehabilitation Act:

Postsecondary schools must:

- ❖ Protect rights to an accessible education
- ❖ **Provide access**, not the education

In order to be Eligible under ADA/Section 504:

- ❖ Anyone with a physical or mental impairment that substantially limits one or more major life activities: such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- ❖ A person is considered to be a person with a disability if he/she has a disability, has a record of disability or is regarded as having a disability.

How is IDEA different from ADA? We will compare how IDEA works in K-12 settings to how ADA works in postsecondary settings.

Differences between K-12 system and college system:

K-12 - IDEA – Section 504	College – ADA – Section 504
District identifies student(s)	Students requests and self-discloses
District makes assessment	Student provides documentation
District establishes eligibility	Students identifies educational limitations
District develops an IEP	Student requests support and/or special classes
District provides support and/or special classes	Student is responsible for own goals and progress
Districts ensure the IEP is implemented and goals are met	Student advocates for self
Parents and special education professionals may advocate for student	Accommodations may not alter fundamental nature of credit courses, degree requirement or certificate programs
Fundamental alternation is allowed to the program of study and instructional methods	Student provides attendant care
Student may receive certificate of completion instead of diploma	Student provides own transportation
District may provide personal attendant services	
District provides transportation to and from school	

Wow, that was a lot of information. Don't worry, you can always go back and review. Plus, there is a great resource provided by the Wisconsin Department of Public Instruction (DPI) that reviews some of the information for you.

Link to Opening Doors to Postsecondary Education and Training Handbook:

<https://dpi.wi.gov/sites/default/files/imce/sped/pdf/tranopndrs.pdf>

Answers to both the review and Appendix A questions are located on pages 10-12.

Let's Review:

IDEA

1. What does IDEA stand for?
2. What is IEP?
3. What are the ages in which students can be covered under IDEA?
4. What two things must exist in order for a student to qualify for services under IDEA?

ADA

1. What does ADA stand for?
2. **Yes or No.** Are postsecondary institutions or job sites required for an IEP?
3. What are the requirements in order to be covered under ADA?
4. Under ADA, who must provide the documentation for an individual's disability?

504/508

1. Sections 504 & 508 are part of what larger act?
2. To whom do Sections 504/508 apply?
3. What does Section 508 specifically pertain to?
4. What would public agencies, which receive federal financial assistance, have to provide under Section 508?

Compare K-12 to College

1. At the high school level, the school is responsible for identifying accommodations and services necessary for student achievement. In postsecondary institutions or on the job, who is responsible?
2. If an employee/student believes that he/she has been discriminated against, what federal agency can be contacted in order to investigate the case?
3. **True or False.** Postsecondary institutions must provide grade reports to parents.
4. If an employee/student needs a personal attendant at the postsecondary level or on the job, who must provide the service?

Great job!

Now I want to see you put some of these ideas to use. Using Appendix A (attached at the end of the document) of the "Opening Doors" booklet, answer the following questions:

1. The individuals with Disabilities Education Act (IDEA) requires K-12 schools to provide students with disabilities service based upon their _____?
2. IEP stands for?
3. When do the services (entitlements) to IDEA end for the school and the student?
 - a) When the student reaches age 21
 - b) When the requirements for high school graduation are met and the student receives a high school diploma
 - c) Either a or b
 - d) Both a and b
4. What does postsecondary mean?
5. ADA stands for?
6. Section 504/ADA state five (5) requirements that colleges or universities must meet when serving students with disabilities. In your own words, state the five (5) requirements. Don't forget, you can reference Appendix A.
7. When you are a student in high school, what are your three (3) responsibilities as a student with a disability?
8. Once you turn 18 and/or graduate from high school, which of the following are your responsibilities? Select **all** that are correct.
 - a) Understand your disability and provide current documentation.
 - b) Advocate on your own behalf.
 - c) Contact support/disability services personnel at the college/university.
 - d) Notify instructors regarding necessary accommodations.
 - e) Arrange for those support services not available in the postsecondary setting.

9. Which of the following are individual accommodations that a postsecondary institution may provide?
 - a) Special needs counseling.
 - b) Assistive technology.
 - c) Easier versions of tests and homework.
 - d) Audio textbooks.
 - e) Note-takers, readers and interpreters.
10. How many 4-year institutions does the University of Wisconsin System have?
11. How many 2-year institutions does the University of Wisconsin System have?
12. How many private colleges and universities are in Wisconsin?
13. How many technical colleges are in Wisconsin?

Great Work!

You're almost done with Chapter 4 of Becoming a Self-Advocate. Before you move on, take a few moments to reflect on what you have learned during this chapter. And of course, you can return to the transcript at any time if you want to review it again. Keep up the good work!

Congratulations:

You have now completed Chapter 4 of Becoming a Self-Advocate. Be sure to complete the corresponding Chapter4 survey located on the survey page.

Click the link below when you are ready to complete the chapter 4 survey:

<https://svrirtc.instructure.com/courses/680365/assignments/5718760>

Click on the link below to return to home page:

<https://svrirtc.instructure.com/courses/250296>

Answer Key

Review

IDEA

1. Individuals with Disabilities Education Act.
2. Individual Education Plan.
3. 3-21.
4. The student must have a disability AND must need special education and related services in order to get an educational benefit from school.

ADA

1. Americans with Disabilities Act.
2. No, IEPs exist only at the K-12 level.
3. Anyone with a physical or mental impairment that substantially limits one or more major life activities.
4. The individual.

Sections 504/508

1. The Rehabilitation Act.
2. Public school districts, postsecondary institutions and employers.
3. The use of accessible electronic and information technology.
4. When it would cause undue burden (would cost too much to change)

Compare K-12 to College

1. The individual.
2. The Office of Civil Rights (OCR).
3. False.
4. The student / employee.

Opening Doors – Appendix A

1. IEP (Individualized Education Plan)
2. Individualized Education Plan
3. The correct answer is c). Either a or b.
4. Any private or public university or college.
5. Americans with Disabilities Act.
6. A) Cannot discriminate in college recruitment, admission or after admission based on solely a student's disability, B) are required to make individualized, reasonable accommodations at no charge, C) must make modifications "as necessary" to ensure academic requirements are not discriminatory, D) inform students of available services, academic adjustments and the name of the coordinator of support services, and 5) must provide written information on how to access services or request accommodations.
7. A) Participate in transition planning by attending IEP meetings, beginning at age 14 or younger, if appropriate. B) talk to their IEP team to discuss interests and preference and address postsecondary educational planning. C) learn self-advocacy skills. D) upon turning 18, students with disabilities are legally in charge of their own future (unless appointed a legal guardian). Although laws (504/ADA) also protect them, they have responsibilities as they enter postsecondary education.
8. **All** of the items are your responsibility once you turn 18. Understand your disability and provide current documentation, advocate on your own behalf, contact support/disability services personnel at the college/university, notify instructors regarding necessary accommodations and arrange for those support services not available in the postsecondary setting.
9. **All but c)** are correct. Special needs counseling, assistive technology, audio textbooks, and note-takers, readers and interpreter.
10. Thirteen (13)

11. Thirteen (13)

12. Twenty-One (21)

13. Sixteen (16)

Excellent!

OPENING DOORS TO

Postsecondary Education & Training

WISCONSIN
DEPARTMENT
OF PUBLIC
INSTRUCTION

TONY EVERS, PHD,
STATE SUPERINTENDENT

THE CHALLENGE...

All Wisconsin K-12 and postsecondary education institutions are committed to providing reasonable opportunity and equal challenges to all students, including students with disabilities.

What are your rights?

The term “disability” means different things in public schools and postsecondary institutions.

When serving students with disabilities, public K-12 schools must comply with the Individuals with Disabilities Education Act (IDEA), which requires them to identify, document, and provide services based on an Individualized Education Program (IEP). The IEP serves as a monitoring and communication tool for parents, students, and school personnel and provides connections for community services (for example, employment opportunities or adult living). IDEA entitlements end when the student reaches age 21, or when the requirements for high school graduation are met, and the student receives a regular high school diploma.

Section 504 applies to K-12 public schools as well as postsecondary institutions. When serving students with disabilities, postsecondary institutions must comply with Section 504/Americans with Disabilities Act (ADA), which stipulates they:

- cannot discriminate in college recruitment, admission, or after admission solely based on a student’s disability;
- are required to make individualized, reasonable accommodations at no charge;
- must make modifications “as necessary” to ensure academic requirements are not discriminatory;

- inform students of available services, academic adjustments, and the name of the coordinator of support services; and
- must provide written information on how to access services or request accommodations.

It is important to start planning EARLY for postsecondary education!

What are your responsibilities?

While in high school students need to:

- participate in transition planning by attending IEP meetings, beginning at age 14 or younger, if appropriate,
- talk to their IEP team to discuss interests and preferences, and address postsecondary education planning, and
- learn self-advocacy skills.
- Upon turning 18, students with disabilities are legally adults in charge of their own future (unless appointed a legal guardian). Although laws (504/ADA) also protect them, they have responsibilities as they enter postsecondary education.

Students should:

- understand their disability and provide current documentation verifying the disability,
- advocate on their own behalf,

- contact support/disability services personnel at the college/university or technical college,
- notify instructors regarding needed accommodations, and
- arrange for those support services not available in the postsecondary education setting.

What are individual accommodations?

It is important to understand the distinction between accommodations (ensuring access to programs and services) and modifications (making *changes* to programs and services). Postsecondary educational institutions must provide needed accommodations, including but not limited to:

- special needs counseling
- assistive technology
- testing accommodations
- recorded textbooks
- note-takers, readers, and interpreters
- learning/study skills support together.

Are special education services available in postsecondary institutions?

Simply put—no! Postsecondary institutions may provide academic adjustments if they do not change course outcomes or program requirements or place an undue burden on the institution. However, accommodations must be provided.

Remember... Accommodations are intended to ensure program access that allows students with disabilities to compete equally with their nondisabled peers. Not all accommodations are appropriate for every student.

However... Students with disabilities can succeed in the postsecondary environment by demonstrating the following characteristics of a successful student:

- Be *motivated* and goal-oriented
- Be *academically* prepared
- Demonstrate *self-advocacy* skills
- Demonstrate *organizational* skills
- Demonstrate *time-management* skills

Talk to your instructors and negotiate needed accommodations from the first day of class (or earlier, if possible). Don't wait until the end of the semester!

What postsecondary opportunities exist in Wisconsin?

University of Wisconsin System — Wisconsin has 13 four-year institutions offering undergraduate and/or graduate programs as well as 13 two-year institutions.

Independent Institutions — Wisconsin has 21 private colleges and universities.

Technical College System — Wisconsin has 16 technical colleges offering one- and two-year associate degrees in fields ranging from accounting to web development. Some technical college credits transfer to four-year colleges or universities.

Other Postsecondary Options — See the State of Wisconsin Educational Approval Board website for a complete listing (<http://eab.state.wi.us>) of other postsecondary options.

Admission requirements vary among postsecondary institutions. Students should discuss the kinds of classes, grades, and entrance requirements needed with a school counselor and the IEP team.

What postsecondary education opportunities exist for students with intellectual disabilities?

According to the Think College Initiative (see Definition of Terms section), as of 2010 there were over 250 postsecondary education programs for students with intellectual disabilities across the nation. The demand for such programs is growing as people recognize the value postsecondary education offers students with intellectual disabilities in strengthening self-determination and advocacy skills, improving independent living skills, and increasing students' employability and rate of pay, post college. Visit www.waisman.wisc.edu/thinkcollege/ for information about postsecondary education in Wisconsin.

Resources/Contacts

Department of Public Instruction (DPI): www.dpi.wi.gov
Transition Consultant 608-266-1146

Disability Rights Wisconsin (DRW): <http://www.disabilityrightswi.org/>

Department of Vocational Rehabilitation (DVR): <http://dwd.wisconsin.gov/dvr/>

Person-Centered Planning resources:
<http://www.ilr.cornell.edu/edi/pcp/index.html>
<http://www.pacer.org/tatra/resources/personal.asp>
<http://www.ncset.org/publications/viewdesc.asp?id=1431>
(as a tool for transition)

Rehabilitation for Wisconsin (RFW): <http://www.rfw.org/>

Think College: www.thinkcollege.net

Wisconsin Board for People with Developmental Disabilities (WI-BPDD): <http://www.wi-bpdd.org/>

Wisconsin Statewide Transition Initiative: <http://www.wsti.org/>

