

Comparison Between IDEA, Section 504, and the ADA *

	IDEA	Sect 504	ADA
Mission	To provide a free, appropriate, public education (FAPE) in the least restrictive environment.	To establish a "level playing field" and prevent discrimination based on a disability.	Strengthens Section 504 and extends coverage to employment, private institutions and other previously unnamed agencies and organizations.
Applies To	All public schools, pre-kindergarten to 12 th grade or age 21 if enrolled in a public secondary program.	All institutions and programs receiving federal financial assistance. Includes private institutions where students receive federal financial assistance (i.e., colleges and universities receiving federal aid).	Public and private education, employment, transportation, accommodations and telecommunications, regardless of whether there is federal funding (i.e., all colleges and universities).
Covers	Those who have educational disabilities that require special education services to age 21 or until graduation.	All qualified persons with disabilities regardless of whether they received services in elementary or secondary school. A person is "otherwise qualified" if s/he is able to meet the requisite academic and technical standards, with or without accommodations.	All qualified persons with disabilities and people without disabilities who are discriminated against because of their relationship with a person with a disability.
Defined As	Disabilities covered are defined in the Act and are too numerous to list here. Refer to the Act.	No specific list of disabilities. The definition of a person with a disability is a person with a physical or mental impairment that: <ul style="list-style-type: none"> - Substantially limits one of more major life activities - Has a record of the disability - Is regarded as having the disability 	Same criteria as Section 504. HIV status, contagious and non-contagious diseases are also defined as disabilities.

ID/Process	Responsibility of the school. No expense to the parent or the student. Transfer of parental rights to the student at age 18.	Responsibility of the student to self-identify to the institution and provide appropriate documentation of disability.	Same as Section 504
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Adapted from: Brinckerhoff, L.C., Shaw, S.F., and McGuire, J.M., (1993). Promoting postsecondary opportunities for students with learning disabilities, 44-45. Reprinted with permission.

* Note: ADA Amendments Act (2008) has no impact on evaluation of functional impact and identification of appropriate accommodations in postsecondary ed.

There is sometimes confusion on what constitutes a "qualified individual". *A qualified individual with respect to educational opportunities is one who, with or without appropriate accommodations, meets the academic and technical standards required for admission to or participation in an education program or activity.*

Comparison of Responsibilities Under P.L. 94-142 Amendments and Section 504 and ADA		
Issue	Responsibility at Secondary Level	Responsibility at Postsecondary Level
Identification	School	Student
Assessment	School	Student
Programming	School/Parent	Student/Institution
Advocacy	School/Parent	Student
Decision Making	Placement Team	Student
Transition Planning	Placement Team	Student

Brinckerhoff, L. C., Shaw, S. F., and J. M. McGuire, J. M. (1992), "Promoting access, accommodations, and independence for college students with learning disabilities" Journal of Learning Disabilities, 25(7), 417-429. Copyright 1992 by PRO-ED, Inc. Reprinted by permission.