

# Transition: There Are No IEP's in College

by Amy G. Dell

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The laws affecting college students with disabilities and the process of obtaining assistive technology in college are completely different from the K-12 world. The Individuals with Disabilities Education Act (IDEA) is not in effect in higher education. Colleges have no legal responsibility to identify students with disabilities or involve parents in decision making. Parents are often surprised to learn that there are no IEP's in college.

Rather, in higher education the relevant law is a civil rights law – it protects people with disabilities from discrimination in admission to college and participation in college activities. The two federal laws that provide this protection are Section 504 of the Rehabilitation Act (originally passed in 1973, with subsequent reauthorizations), and the Americans with Disabilities Act (ADA) (passed in 1990). The ADA states: "No otherwise qualified individual with a disability shall, solely by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

In other words, a disability cannot be grounds for excluding a person from a college, an academic program, a class, a residence hall, or a college activity, if the person is qualified.

## **Reasonable Accommodations**

Under Section 504 and the ADA, colleges must provide – at no cost to the student — “reasonable accommodations” to make their programs accessible to students with disabilities. Examples are scheduling a class in a first floor classroom to accommodate a student who uses a wheelchair, providing sign language interpreters for a student who is deaf, and arranging for extended time on tests for a student who has learning disabilities. In many cases providing an effective assistive technology tool is considered a “reasonable accommodation.” Section 504 and the ADA use the term “auxiliary aids and services” to refer to devices and services that make programs and materials available to people with disabilities.

For example, auxiliary aids and services for a student who is hard of hearing may include the use of an assistive listening system because this device will offer the student an equal opportunity to learn from a lecture. Auxiliary aids for a student who is blind and a Braille reader may include a Braille printer and Braille translation software so that the student will have an equal opportunity to produce written assignments. For a student who has visual impairments, providing screen magnification software would provide access to the college's library's services and to computers for reading, writing, and research. For students who struggle with reading and writing, providing text-to-speech programs (e.g., talking word processing software and/or scan/read systems) for class assignments and testing may be an effective auxiliary aid.

Of particular relevance to the topic of assistive technology is that although colleges are required to provide auxiliary aids and services, they are not required to provide the most sophisticated technology available. It is acceptable for a college to provide a different technology product from the one which the student had requested. For example, the college may provide a different brand of screen reading software than the one originally requested.

### **Procedures for Obtaining Assistive Technology in College**

In higher education the responsibility for documenting a disability and requesting accommodations falls on the student, not the educational institution. The college is not required to find or assess students who have disabilities. If a student chooses to keep his/her disability a secret, that is his/her prerogative, and the college is not required to provide any accommodation. The chart below summarizes the obligations of colleges and students with disabilities under the ADA.

What is particularly important to note is that the student must specifically request a piece of assistive technology as an accommodation if s/he believes it will provide access to the curriculum and an equal opportunity to demonstrate his/her knowledge. The accommodation must be clearly linked to the student's particular needs.

<b>College and Student Obligations Under the Americans with Disabilities Act (ADA)</b>	
<b>College Obligations Under the ADA</b>	<b>Student Obligations Under the ADA</b>
Ensure that qualified applicants and students have access to the college's programs.	Self-identify the s/he has a disability (following the specific college's stated policies and procedures)  Provide appropriate documentation of disability
Provide reasonable accommodations for the student's documented disabilities	Request specific accommodation(s)
Demonstrate a good faith effort to provide the student with meaningful access	Follow the agreed-upon procedures for using accommodations

### **Legal and Procedural Differences Between the ADA and IDEA**

Learning that the IDEA does not apply to higher education and that college students have a much greater responsibility if they are to receive accommodations (and parents have a greatly reduced role) is often a shock for students and their parents. Unlike the

IDEA, which, under its “zero reject” policy, guarantees an education to all school-aged children, regardless of ability, the ADA protects only those individuals who meet the stated qualifications of a college or program. The phrase “otherwise qualified” in the ADA means that only those people who are able to meet the technical and academic qualifications for entry into a school, program, or activity are protected by the ADA. This means that although colleges are required to make what are called minor academic adjustments, they are not required to make substantial modifications to their curricula or course requirements. A good example of how this differs from the P-12 world is that although a reasonable accommodation may be extended time on tests and/or a distraction-free environment for testing, the law does not require colleges to modify the contents of an exam. Another example is that colleges are not obligated to provide students with disabilities more intensive tutoring services than they provide to non-disabled students. The chart summarizes the major differences between the requirements and procedures of the IDEA and the ADA.

### Importance of Transition Planning in High School

In order to access and use technology tools effectively in college, students with disabilities must be adequately prepared in high school. The differences between the protections and procedures of the IDEA and the ADA described above make transition planning in high school especially important for students in special education who want to go on to college. Transition plans for students with disabilities who want to attend college must include the teaching of appropriate assistive technology skills *and* self-advocacy skills so that when they get to college, students will be able to assume the increased responsibilities associated with accessing accommodations.

<b>Comparison of the Requirements and Procedures of the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA)</b>		
<b>Rights guaranteed by the law</b>	<b>IDEA (K-12)</b>	<b>ADA (College)</b>
	Free, appropriate public education (FAPE)	Prohibits discrimination on the basis of disability
<b>Who is covered</b>	Every child; Concept of zero reject	Students who are "otherwise qualified"
<b>Identification and evaluation of students with disabilities</b>	District is responsible for identifying students with disabilities, evaluating them, and covering costs	College has no such responsibility. Student must self-identify and provide appropriate documentation. If an evaluation is needed, the expense is the student's responsibility.

<b>Determining Services</b>	<p>Individualized Education Plan (IEP) developed by team</p> <p>Curriculum modifications and special programs are common.</p>	<p>Reasonable accommodations, including auxiliary aids and services, must be requested by student.</p> <p>Academic adjustments that equalize opportunity for participation are required; Substantial modifications to curriculum and lowering standards are not required.</p>
<b>Personal devices and services such as wheelchairs, hearing aids, and personal care attendants</b>	<p>Provided by district if determined to be necessary (and included in IEP)</p>	<p>Colleges are not required to provide these.</p>
<b>Role of parents</b>	<p>Parents must be included in decision-making.</p>	<p>College students are over 18 and are considered adults. no parent consultation is required.</p>
<b>Appeals process</b>	<p>Right to due process as spelled out in the law</p>	<p>College grievance procedure, then file a complaint with the USDOE Office of Civil Rights</p>

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