

# Fast Facts



## Five Fast Facts about Disability Law and Higher Education in the U.S.

### Fact 1

The major U.S. law prohibiting discrimination against people with disabilities is the Americans with Disabilities Act or ADA. The ADA was signed into law by President George H.W. Bush in 1990. The ADA was amended in 2008 and signed by President George W. Bush. The Americans with Disabilities Act as Amended (ADAA) retains the ADA's basic definition of "disability" as an "impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment."<sup>1</sup>

### Fact 2

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against an "otherwise qualified"<sup>2</sup> individual with a disability in any program receiving funding from the federal government. Signed into law by President Richard Nixon "The Rehab. Act" was the first federal legislation prohibiting discrimination against people with disabilities. Section 504 provides children and adults with disabilities equal opportunities to obtain the same results, to gain the same benefit, or to reach the same level of achievement in education, employment, and various other settings. It allows for "reasonable accommodations" such as a special study area or "non-personal" devices.

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<sup>1</sup> Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990).

<sup>2</sup> Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 394 (1973)

## Fact 3

The Individuals with Disabilities Education Act<sup>3</sup> (IDEA) mandates services to children with disabilities in the U.S. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities. These services are spelled out in each student's Individualized Education Program (IEP).

## Fact 4

IEPs and 504 Plans ensure that a child who has a disability and is attending an elementary or secondary school that receives federal funding is provided the services he/she needs to successfully meet the goals of their educational plan.

## Fact 5

While IEPs and 504 Plans guarantee "success" for elementary and secondary school children, accommodations ensure "access" for adults attending colleges and universities. Colleges and universities do not develop IEPs or 504 Plans for their students with disabilities. These plans do not "carry over" from high school to college

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<sup>3</sup> Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004)