

HANDOUT 1-1: Comparison of ADA, IDEA, Section 504 Legislation



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AMERICANS WITH DISABILITIES ACT (ADA), 1990	INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA), 1997/2004	SECTION 504 OF THE REHABILITATION ACT, 1973
TYPE/PURPOSE		
<ul style="list-style-type: none"> ▪ Civil rights law to prohibit discrimination ▪ Applies to public and private schools 	<ul style="list-style-type: none"> ▪ An education act that guarantees free and appropriate public education ▪ Does not apply to private schools 	<ul style="list-style-type: none"> ▪ Civil rights law to prohibit discrimination ▪ Applies to public schools and private schools that receive federal funds
ELIGIBILITY REQUIREMENTS		
<ul style="list-style-type: none"> ▪ Documented diagnosis of ASD ▪ Qualified for the program, service, or job 	<ul style="list-style-type: none"> ▪ Documented diagnosis of ASD ▪ Age 3 to 21 	<ul style="list-style-type: none"> ▪ Documented diagnosis of ASD ▪ Qualified for the program, service, or job
RESPONSIBILITY TO PROVIDE A FREE, APPROPRIATE PUBLIC EDUCATION (FAPE)		
<ul style="list-style-type: none"> ▪ Not directly ▪ Provides additional protection in combination with Section 504 and IDEA ▪ Reasonable accommodations to perform essential functions of the job ▪ Also applies to nonsectarian private schools 	<ul style="list-style-type: none"> ▪ Yes 	<ul style="list-style-type: none"> ▪ Yes
PROTECTIONS PROVIDED		
<ul style="list-style-type: none"> ▪ Details the administrative requirements, complaint procedures, and consequences for non-compliance related to both services and employment ▪ Individuals discriminated against may file a complaint with the relevant federal agency or sue in federal court 	<ul style="list-style-type: none"> ▪ Provides for procedural safeguards and due process rights to parents in the identification, evaluation, and educational placement of their child ▪ Disputes may be resolved through mediation, impartial due process hearings, appeal of hearing decisions, and/or civil action 	<ul style="list-style-type: none"> ▪ Requires notice to parents regarding identification, evaluation, and placement before a "significant change" in placement ▪ Local education agencies are required to provide impartial hearings for parents who disagree with the identification, evaluation, or placement of their child



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STEPS/ACTIONS		
<ul style="list-style-type: none"> ▪ Specifies provision of reasonable accommodations for eligible students across educational activities and settings ▪ Reasonable accommodations may include, but are not limited to, redesigning equipment, assigning aides, providing written communication in alternative formats, modifying tests, reassigning services to accessible locations, altering existing facilities, and building new facilities 	<ul style="list-style-type: none"> ▪ With parental consent, an individualized evaluation must be conducted using a variety of technically sound, unbiased assessment tools ▪ Reevaluations are conducted at least every three years ▪ Results are used to develop an IEP that specifies the special education, related services, and supplemental aids and services to be provided to address the child's goals 	<ul style="list-style-type: none"> ▪ Provides for a placement evaluation that must involve multiple assessment tools tailored to assess specific areas of educational need ▪ Placement decisions must be made by a team of persons familiar with the student on the basis of their evaluation information and placement options ▪ Provides for periodic reevaluation ▪ Parental consent is not required for evaluation or placement

From ERIC Clearinghouse on Disability and Gifted Education. (2001). Overview of ADA, IDEA, and Section 504: Update 2001. <https://www.ericdigests.org/2002-1/ada.html>