



## Legal Protections for Older Students: What's Left After the IDEA? By Adrienne Arkontaky

Parents of children with learning differences long for the day when their child moves on from high school to post secondary education. More and more students with learning disabilities are entering colleges, universities and trade schools; never before have these students been afforded so many opportunities. However, with these opportunities comes the realization that the protections available under the Individuals with Disabilities Education Act ("IDEA") and its fundamental right to a free, appropriate, public education no longer apply to most students after graduation from high school. Students who receive an IEP Diploma continue to be covered by the IDEA until age 21 or until they receive a regular high school diploma.

One law that continues to apply after high school graduation is Section 504 of the Rehabilitation Act of 1973, a civil rights law that prohibits discrimination against individuals with disabilities and ensures that the individual with a disability has equal access to an education. Section 504 provides fewer procedural safeguards to students with disabilities and only requires schools to provide "accommodations" so that students with disabilities are treated the same as students without disabilities.

Title II of the Americans with Disabilities Act ("ADA") mandates that state funded universities, colleges and vocational schools make their programs accessible to qualified students with disabilities.

The good news is that under both the ADA and Section 504 post secondary schools cannot deny admission because a student has a disability. The student is not required to inform the school of their disability. Of course, in order to access the accommodations afforded under these laws, the student must eventually let the school know they are seeking academic accommodations due to a disability. Appropriate accommodations are determined based on the nature of such disability and may include auxiliary aids and modifications

such as extra time on exams, note takers, recording devices, specially equipped computers and adaptive software.

The student will generally have to provide documentation that proves there is a genuine need for accommodations. I advise all families to be sure that prior to leaving the high school setting, all appropriate evaluations are done by the public school system so that students have current information to pass along to their college. It is important to remember that post secondary schools are not required under Section 504 or the ADA to pay for any evaluations. However, parents may be able to access funding through the Office of Vocational and Educational Services for Individuals with Disabilities ("VESID") for evaluations.

Post secondary schools may not charge students for any accommodations that must be made due to a disability. If students feel they are being discriminated against, they should seek out the assistance of an individual at the school assigned to deal with these issues. There is usually an ADA Coordinator or Disability Services Coordinator available.

The most important advice that I can give students with disabilities who are leaving high school for higher education is to learn self advocacy techniques and locate support services that can assist in the transition from high school to higher education. Families should become familiar with the ADA and Section 504 statutes so they know their rights and responsibilities.

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