

Returning to School: Know the Laws



Several laws exist to protect the needs and rights of students with disabilities.

Because laws are less protective of college students, those students often have to work harder at speaking up and advocating for themselves. Most colleges have a Disabilities Services office. The student should contact that office to get support in obtaining any needed academic accommodations.

P.L. 94-142: Education of the Handicapped Act

This law was passed in 1975 to improve education for handicapped children through “free appropriate education.” This law provides that people with disabilities ages 3-21 are educated in the “least restrictive environment,” meaning they are educated with children who do not have disabilities, when possible. Children receiving special education services will have an Individual Education Plan (IEP) written to meet the needs of the child.

P.L. 101-476: Individuals with Disabilities Education Act (IDEA)

This law amended the Education of the Handicapped Act and changed the name to Individuals with Disabilities Education Act. The IDEA stipulates that states receiving federal funds must provide free services to children with disabilities between 0-21 years old. Parents must sign written agreement with the plan to receive services provided by the school staff. This act specifically includes Traumatic Brain Injury as a separate disability, meaning that having a diagnosed TBI qualifies students for free services through the school.

Section 504 of the Rehabilitation Act of 1973

In some cases, students may get academic accommodations under Section 504, but do not get services through IDEA and special education. A plan is required, but it does not have to be an IEP. Parents are notified of services but do not have to sign an agreement for the child to receive them. Colleges and universities that receive federal aid must comply with Section 504 and make their programs and classes accessible for people with disabilities.

Americans with Disabilities Act

This is a civil rights law passed in 1990 to protect people with disabilities from discrimination. It covers state funded universities, community colleges and vocational schools, as well as private colleges and vocational schools.