

ADA and IDEA Leveling the Playing Field & Standing Up for Your Rights Resource Sheet for LEAP

Knowing your legal rights and being able to advocate for yourself are important skills for everyone but especially for people with hearing loss. Here is a brief overview of the two major U.S. laws designed to ensure equal access to education and opportunities.

ADA (American with Disabilities Act)	IDEA (Individuals with Disabilities Education Act)
<p>The Americans with Disabilities Act (ADA) protects individuals against discrimination in many areas of their lives. The ADA outlines five areas (“titles”) in which people with disabilities have legal rights: employment, public services, public accommodations, telecommunications and other miscellaneous provisions.</p> <p>Title I: Employment Title II: State and Local Government Activities Public Transportation Title III: Public Accommodations Title IV: Telecommunications Relay Services Title V: Miscellaneous Provisions</p> <p>ADA and Effective Communication</p> <ul style="list-style-type: none"> ● Effective Communication final regulations published 9/15/2010 ● Implementation became more specific related to: <ul style="list-style-type: none"> ○ Title II- State and local government services ○ Title III- Public accommodations and commercial facilities <p>These rules clarified and refined issues that had arisen over the first 20 years of ADA implementation, and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).</p>	<p>The Individuals with Disabilities Education Act (IDEA) guarantees the right to a free and appropriate public education to infants, children and teens with disabilities (ages birth to 21 or until achieving a high school diploma) in the least restrictive environment appropriate. The law specifies how schools must provide or deny services and how parents can approach school districts, as well as challenge school district recommendations. IDEA includes three parts: Part A, which outlines general provisions; Part B, which outlines provisions for school-aged children (ages 3 to 21), including the Individualized Education Program (IEP); and Part C, which provides for early intervention services for children ages birth to 3.</p> <p>The Individuals with Disabilities Education Act- a Federal Law with Regulations State and federally-funded early intervention services for eligible children ages birth to three (Part C) and ages three through twenty-one (Part B)</p> <p>The Basics of IDEA Part B that Pertain to You:</p> <ul style="list-style-type: none"> ● Eligibility Determination ● Assessment ● Progress Monitoring ● Transition IEP <p>Transition to College:</p> <ul style="list-style-type: none"> ● IDEA no longer applies ● Section 504 of the Rehabilitation Act and ADA still apply

Basic Premise

- People who have vision, hearing, or speech disabilities (“communication disabilities”) use different ways to communicate. For example, people who are blind may give and receive information audibly rather than in writing and people who are deaf may give and receive information through writing or sign language rather than through speech.
- Requires that **Title II** entities (State and local governments) and Title III entities (businesses and nonprofit organizations that serve the public) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is equally effective as communication with people without disabilities.
- **Title III** entities are *encouraged* to consult with the person with a disability to discuss what aid or service is appropriate. The goal is to provide an aid or service that will be effective, given the nature of what is being communicated and the person’s method of communicating.

<https://www.ada.gov/effective-comm.htm>

<https://www.ada.gov/cguide.htm>

Practically every postsecondary school must have a person—frequently called the Section 504 Coordinator, ADA Coordinator, or Disability Services Coordinator—who coordinates the school’s compliance with Section 504, Title II, or both laws. You may contact that person for information about how to address your concerns.

Have Questions or Need Support?

Office of Special Education and
Rehabilitative Services
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202-7100
www.ed.gov/about/offices/list/osep
(202) 245-7468 (voice/TTY)

<https://www2.ed.gov/about/offices/list/ocr/transitions.html>