When Two Rights Make A Wrong
Understanding Complexity in Disability Laws
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Welcome!

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Disability Laws

The Rehabilitation Act
Subpart D and Subpart E of Section 504

Individuals with Disabilities Act (IDEA)

The Americans with Disabilities Act (ADA)
Disability Laws Divided

High School - IDEA
- Subpart D Section 504
- Individuals with Disabilities Education Act (IDEA)

College - ADA
- Subpart E Section 504
- ADA Amendments Act (ADA)
Dual Credit Blurs the Lines

IDEA
Individuals with Disabilities Education Act

ADA
Individuals with Disabilities Education Act
Americans with Disabilities Act
Implications

High School - IDEA
- Law of entitlement
- Ensures success
- School identifies a student with a disability

College - ADA
- Civil Rights Law
- Ensures access
- Students must disclose disability
High School - IDEA
• Student has a case manager
• Teachers monitor student’s progress
• Teachers provide additional supports

College - ADA
• Student is the case manager
• Student must monitor own progress
• Student must seek additional supports
The Haves and Have Nots

High School - IDEA
• Psychological/Social Work Services
• Speech and language
• Audiology services
• Personal tutors
• Personal assistant/aide
• Psych-Ed Assessment

College - ADA
• Limit on session and services available
• not provided
• not provided
• not provided
• not provided
• not provided
High School - IDEA
• Modifications are made to tests and curriculums
• Academic standards can be lowered to ensure student success
• Potential for failure is not likely

College - ADA
• Modifications cannot be made to course objectives
• The academic standards of a class must be met and cannot be modified
• Potential for failure exists
Purpose of the Dual Credit Quality Act

- Reduce college costs and reduce time to earn degree
- Improve the curriculum for high school students
- Facilitate the transition between high school to college
- Enhance communication between high schools and colleges
- Offer opportunities for improving degree attainment for underserved student populations
Standards of the Dual Credit Quality Act

- Students must meet the same academic criteria as those enrolled in credit-bearing college courses, including taking appropriate placement testing.
- Course content must be the same.
- Learning outcomes must be the same and appropriately measured.
- Dual credit students must be assessed using methods consistent with students in traditional credit bearing college courses.
The Questions of the Hour

Does the ADA trump the IDEA or does the IDEA trump the ADA?

How does disability law impact dual credit and dual enrollment differently?

How do concurrent enrollment programs stay compliant and maintain academic standards?
Concurrent Enrollment Conundrum

Oversimplified!

• Dual credit - IDEA (kind of) accommodations/modifications cannot interfere with academic standards
• Dual Enrollment- ADA student should enroll with disability services at the partnering college
Dual Credit is not for everyone!

There, I said it.

• Can the student complete the course without modifications to academic standards?
• What’s in the IEP that could be problematic?
• What’s the student’s academic maturity?
• Will the course interfere with other courses or extracurricular commitments?
• Is an escape plan possible?
Go back to the basics

- Must not discriminate on the basis of disability
- Right to establish enrollment standards
- Obligated to uphold all academic standards
- Right to deny an accommodation if it interferes with the course objectives
- Reminder: the course work is a requirement for a college degree!
Possible Implications

• Misconceptions of college expectations may significantly impact students during their first year
• The course may be a prerequisite for another course
• College’s accreditation may be jeopardized
• Complaint filed with the Office of Civil Rights
Use what you have

- High school enrollment standards
- College course requirements should be a minimum
- Follow the Dual Credit Quality Act
- Use the IDEA Transition Planning as part of the process
- Understand the ADA with regard to higher education and employment
- Use best employment practices as a guide
- Make all involved aware of the change in laws
Transition Plan

Create Transition Plans that prepare students for the changes they will experience in college.

Teach students to advocate for their needs during the change in services.

The student’s accommodations should mirror what would be provided at the partnering college.
Transition Plan

- Provide accurate information to make informed decisions
- The student and parent must be on board with the Transitional Planning and understand the changes
- Identify potential conflicts with accommodations and course requirements before they become an issue
- Assign a liaison to consult with the partnering college to support the Transition Goals
Compliance with IDEA and ADA

Make sure all involved understand the legal differences between the IDEA and ADA

Have policies in place that are clearly defined before placing a student in a concurrent enrollment program

Plan ways to support the student by establishing Transition Goals that align with preparation for college expectations

Maintain consistent communication between the high school and college partners
Compliance with IDEA and ADA

The student and parents understand and support the changes

The student and parents understand and support the reason for the changes

Document the changes to the student’s accommodations and modifications during the Transition Planning to remain compliant with IDEA and ADA
Partnerships

• Value partnerships
• Maintain consistent communication
• Offer training to schools participating in dual credit programs specific to accommodating students with disabilities
• Encourage students to contact disability services at the college to further support transition
Points to Walk Away with

Students with disabilities are entitled to appropriate college preparation.

Preparation should be relevant to the student and planned for during the Transition Planning.

Preparing students for changes from high school to college is responsible Transition Planning.

Maintain strong partnerships between cooperating schools to support transition for students with disabilities.
Questions?

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Future NACEP Webinars and Events:

May 14-15: Midwest Regional Conference, Cincinnati, Ohio

May 22: NACEP Accreditation Mini-Series-Partnership Standards

May 23-24: Washington Policy Seminar

May 24: Discovery Series Webinar: Texas OnRAMPS and Innovative Dual Enrollment Models

June 6: Dual Enrollment Marketing-Get Your Move On!

June 19: NACEP Accreditation Mini-Series-Program Evaluation