

## The Law and Accommodations

**What is the difference between accommodations in high school and those offered in college? Why did the school pay for an do the testing in high school, but now I have to arrange and pay for my testing?**

The accommodations in high school were mandated by federal laws called IDEA and Section 504. **Accommodations at the college level are mandated by Section 504 and ADA.** IDEA is the federally funded special education law that requires that all students in public schools through grade 12 receive a “free and appropriate public education,” which includes free testing, free support services, and an Individualized Education Plan (IEP) for students that need “special education services” due to specific categorical “educational disabilities.” Section 504 is the law that requires all federally funded programs, including educational programs such as state universities, provide accommodations to all “otherwise qualified” persons who self-identify as having any disability that “substantially limits one or more major life activities.” ADA is defined in the same terms as Section 504 but expands the mandate to include both public and private education, employment, transportation, and telecommunications. Both Section 504 and ADA are intended to insure that persons with disabilities of any type are not discriminated against in such a way as to exclude them from participating in mainstream society.

**How is it determined that a disability “substantially limits one or more major life activities: and requires accommodation?**

The Law has defined learning as one of the “major life activities.” The courts have determined that not every impairment is substantially limiting and that each need for accommodation must be made on a case by case basis with the key factor being the effect of the impairment on the individual’s life as **determined by assessment** using both clinical judgment and objective evidence such as testing, which shows the **individual to be significantly impaired when compared to the average person.** The assessment should be completed by an appropriately qualified professional and address **the current impact of the disability** on academic performance along with providing a rationale for all recommended accommodations.