

A COMPARISON of ADA, Section 504 and IDEA

Type and Purpose

ADA

A civil rights law to prohibit discrimination solely on the basis of disability in employment, public services, and accommodations.

504

A civil rights law to prohibit discrimination on the basis of disability in programs and activities, public and private, which receive federal financial assistance.

IDEA

An education act to provide federal financial assistance to state and local education agencies (school districts) to guarantee special education and related services to eligible children with disabilities.

Provides a Free Appropriate Public Education (FAPE)

ADA

Not directly. However, (1) ADA protections apply to nonsectarian private schools, but not to organization or private schools, or entities controlled by religious organization; (2) ADA provides additional protection in combination with actions brought under Section 504. Reasonable accommodations are required for eligible students with a disability to perform essential functions of the job. This applies to any part of the special education program that may be community based and involve job training/placement.

504

Yes. An "appropriate" education means an education comparable to that provided to students without disabilities. This may be defined as regular or special education services. Students can receive related services under Section 504 even if they are not provided any special education. Section 504 does require development of a plan.

IDEA

Yes. FAPE is defined to mean special education and related services. Special education means "specially designed instruction at no cost to the parents, to meet the unique needs of the child with a disability..." Related services are provided if students require them in order to benefit from specially designed instruction. States are required to ensure the provision of "full educational opportunity" to all children with identified IDEA disabilities. IDEA requires the development of an Individualized Education Program (IEP).

Funding to Implement Services

ADA

No, but limited tax credits may be available for removing architectural or transportation barriers. Also, many federal agencies provide grant funds to support training and to provide technical assistance to public and private institutions.

504

No. State and local jurisdictions have responsibility. IDEA funds may not be used to serve children found eligible under Section 504.

IDEA

Yes. IDEA provides federal funds under Parts B and C to assist states and local education agencies in meeting IDEA requirements to serve infants, toddlers and youth with disabilities.

Procedural Safeguards

ADA

The ADA does not specify procedural safeguards related to

504

Section 504 requires notice to parents regarding identification,

IDEA

IDEA requires written notice to parents any time the district