

U.S. Laws and Regulations

Individuals with Disabilities Education Act (IDEA) (2004)

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C17%2C>

Regulatory Authority: The Office of Special Education Programs, Office of Special Education and Rehabilitative Services, U.S Department of Education

Transition Services:

Definition of “Transition Services” - 34 CFR §300.43

- (a) Transition services means a coordinated set of activities for a child with a disability that -
- (1) Is designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation
 - (2) Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and includes -
 - (i) Instruction
 - (ii) Related services
 - (iii) Community experiences
 - (iv) The development of employment and other post-school adult living objectives; and
 - (v) If appropriate, acquisition of daily living skills and provision of a vocational evaluation.
- (b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education. (Authority: 20 U.S.C. 1401 (34))

Main Themes:

- Free and Appropriate Public Education (FAPE)
- Education in the least restrictive environment (LRE)
- Individual Education Program (IEP)

Definition of Individual Education Program, Transition Services--34 CFR §300.320

(b) Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include -

- (1) Appropriate measurable post secondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- (2) The transition services (including courses of study) needed to assist the child in reaching those goals. (Authority: 20 U.S.C. 1414(d)(1)(A) and (d)(6))

300.321(b) Transition services participants.

- (1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child’s IEP Team meeting if a purpose of the meeting will be the

consideration of the post-secondary goals for the child and the transition services needed to assist the child in reaching those goals under §300.320(b).

(2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.

(3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

(Authority: U.S.C 1414(d)(1)(B)-(d)(1)(D))

300.324(c) Failure to meet transition objectives.

(1) Participating agency failure. If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with §300.320(b), the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IER

(2) Construction. Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(Authority: U.S.C 1412(a)(1), 1412(a)(12)(A)(i), 1414(d)(3), (4)(B), and (7); and 1414(e))

No Child Left Behind (NCLB); Elementary & Secondary Education Act (2000)

<http://www.ed.gov/esea>

Regulatory authority: US Department of Education

Main Themes:

The No Child Left Behind Act of 2001 (NCLB) re-authorized the Elementary and Secondary Education Act (ESEA) -- the main federal law affecting education from kindergarten through high school. NCLB is built on four principles: accountability for results, more choices for parents, greater local control and flexibility, and an emphasis on doing what works based on scientific research.

Section 504 of the Rehabilitation Act of 1973

<http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf>

<https://rsa.ed.gov/display.cfm?pageid=279>

Subpart A: General Provisions

Subpart B: Employment Practices

Subpart C: Program Accessibility
Subpart D: Preschool, Elementary and Secondary Education
Subpart E: Post Secondary Setting
Subpart F: Health, Welfare, and Social Services
Subpart G: Procedures

Regulatory authority: Office for Civil Rights (OCR), U. S. Department of Education

Main Themes:

The Rehabilitation Act is the Federal legislation that authorizes the formula grant programs of vocational rehabilitation, supported employment, independent living, and client assistance. It also authorizes a variety of training and service discretionary grants administered by the Rehabilitation Services Administration.

The Act authorizes research activities that are administered by the National Institute on Disability and Rehabilitation Research and the work of the National Council on Disability. The Act also includes a variety of provisions focused on rights, advocacy and protections for individuals with disabilities.

Other populations: all employers, schools and educational programs, nursing homes, mental health centers, and human service programs that receive or benefit from Federal financial assistance. Under Section 504, any qualified individual with a disability has the right to a reasonable accommodation, such as services or aids, to help that individual participate in the programs or jobs offered by the federally-funded employer, school or other organization

Post-secondary:

- Appropriate academic adjustments as necessary to ensure that it does not discriminate on the basis of disability. If your post-secondary school provides housing to non-disabled students, it must provide comparable, convenient and accessible housing to students with disabilities at the same cost.
- Program does not have to make modifications that would fundamentally alter the nature of a service, program or activity or would result in undue financial or administrative burdens.

Americans with Disabilities Act (ADA)

www.ada.gov

Title II - all services, programs and activities including provided to the public by state and local governments including state operated schools, colleges, and universities.

Title III - places of public accommodation (businesses and non-profit agencies that serve the public) and "commercial facilities" (other businesses), including private schools, colleges and universities.

Regulatory authority: Office for Civil Rights (OCR) in the U. S. Department of Education

All other areas: U.S. Department of Justice, Civil Rights Division, Disability Rights Section, A Guide to Disability Rights Law (September 2005)

Main Themes:

Prohibits discrimination on the basis of disability; sections include (responsible agency in parenthesis):

- Employment (Equal Employment Opportunity Center)
- Public Transportation (U.S. Department of Transportation)
- Telephone Relay Service (Federal Communications Commission)
- Design Guidelines (U.S. Access Board)
- Education (U.S. Department of Education)
- Health Care (U.S. Department of Health and Human Services)
- Labor (U.S. Department of Labor)
- Parks and Recreation (U.S. Department of the Interior)
- Agriculture (U.S. Department of Agriculture)

Family Educational Rights and Privacy Act (FERPA)

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Regulatory authority: U.S. Department of Education; Complaints: Office for Civil Rights, U.S. Department of Education

Main Themes:

- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.
- FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."