



## Secondary Transition

# Entitlement vs. Eligibility (IDEA, ADA, and Section 504)

### Entitlement:

School-age students with a disability receiving special education services are **entitled** to receive services to access a free appropriate public education as outlined in the Individuals With Disabilities Education Act (IDEA). Services are documented within the student's individualized education program (IEP) as determined by the IEP team and funded by the local educational agency. Students are entitled to:

- Free appropriate public education (FAPE)
- Least restrictive environment (LRE)
- Specially designed instruction (SDI)
- Related services
- Preparation for further education, employment, and independent living

### Eligibility:

Once a student exits school, **eligibility** for services and supports is determined through the requirements of agencies outside of the school system:

- Individuals may qualify for services; services are not guaranteed
- It is the individual/parent/guardian's responsibility to obtain services
- Services may be provided if there is enough staff, capacity at the facility, and/or funds to provide services
- Self-advocacy is necessary in obtaining accommodations

### Post-Secondary Education

- Rights are governed by the ADA
- Student must self-disclose disability and present documentation to the college/university's Office of Disabilities (IEPs are not considered documentation of a disability).
- Psychological documentation within the last year is needed to determine eligibility
- Student must ask individual professors for accommodations

### Employment

- Rights are governed by the ADA
- The individual must:
  - Identify disability to employer to receive accommodations
  - Request reasonable accommodations
  - Self-advocate in order to obtain accommodations

### Independent Living

The individual should understand:

- Housing rights and responsibilities
- How to maintain his/her home
- General cleanliness
- Nutrition
- Health and safety
- Personal finance
- Meal preparation
- How to seek out support services from the local Center for Independent Living (CIL)

### Self-Advocacy

The individual should be able to:

- Self-identify
- Describe his/her disability, strengths, and areas of need
- Be responsible for obtaining disability documentation
- Request accommodations
- Seek out support services

## Comparison of legislation concerning entitlement and eligibility:

	Individuals With Disabilities Education Act (IDEA) 2004	Americans With Disabilities Act (ADA) 1990	Section 504 of the Rehabilitation Act of 1973
In General	Students ages 3-21 with one or more of the 13 specific disability categories and who need special education and related services are <b>entitled</b> to services to prepare them for further education, employment, and independent living.	Any person who has a physical or emotional impairment that substantially limits a major life activity is <b>eligible</b> for services and ensures that person is not denied access to, benefits of, or subject to discrimination solely on the basis of the disability.	Any person who has a physical or emotional impairment that substantially limits a major life activity is <b>eligible</b> for services and ensures that person is not denied access to, benefits of, or subject to discrimination solely on the basis of the disability.
What is it?	An education law that describes what students are entitled to receive while in public school: <ul style="list-style-type: none"> <li>• Free Appropriate Public Education (FAPE)</li> <li>• Specially Designed Instruction (SDI)</li> <li>• Related Services</li> </ul>	A civil rights law that provides persons with disabilities protections from discrimination based solely on the disability in: <ul style="list-style-type: none"> <li>• Employment</li> <li>• Public Services</li> <li>• Accommodations</li> </ul>	A civil rights law to prohibit discrimination on the basis of disability in programs and activities, public and private, that receive federal financial assistance
Who is responsible for identification?	The local education agency (LEA) where the student resides. A comprehensive evaluation is required with parental consent.	The student must: <ul style="list-style-type: none"> <li>• Secure the assessment and the evaluation</li> <li>• Self-identify to the school/ employer</li> <li>• Provide appropriate documentation to the school/employer</li> </ul>	Local education agency (LEA) where student resides. Parental notice, not consent, is required for evaluation.
Differences in appropriate services	Identified students are entitled to: <ul style="list-style-type: none"> <li>• Accommodations such as extended time, word banks, adaptive technology</li> <li>• Adaptations such as limiting the number of problems, teaching modifying teaching style or method</li> <li>• Modifications such as withdrawal from skills, reducing reading level or difficulty of assignments</li> <li>• Services such as Personal Care Attendant (PCA), Occupational Therapist (OT), Physical Therapist (PT), Speech and Language, Transportation</li> </ul>	Qualified persons access to reasonable accommodations are provided that “level the playing field”: <ul style="list-style-type: none"> <li>• Academic adjustments such as extended time for tests, priority registration</li> <li>• Auxiliary aids such as adaptive equipment, FM systems, sign language interpreters, electronic textbooks</li> <li>• Services such as readers, note takers, test proctors</li> <li>• Modifications such as removal of architectural and technological barriers</li> </ul>	“Appropriate education” refers to an education comparable to that provided to students without disabilities. This may be defined as regular or special education services.

## Resources (Websites) for Entitlement vs. Eligibility:

**A Comparison of ADA, IDEA and Section 504** - <http://dredf.org/advocacy/comparison.html>

**From Entitlement to Eligibility: Differences Between Public Education and Post-Secondary Education for Individuals With Disabilities** - <http://tinyurl.com/hytet56>

**Maryland Learning Links** - <https://marylandlearninglinks.org/resource/entitlement-versus-eligibility/>

**KidSource** - <http://www.kidsource.com/kidsource/content3/ada.idea.html>



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