It’s important to understand the civil and educational rights laws that can ensure access and protect you from discrimination in school or on the job. Below is a brief overview of the two major civil and educational rights laws which are designed to ensure you have equal access to education and opportunities.

**ADA and IDEA**

The Americans with Disabilities Act (ADA) protects individuals against discrimination in many areas of their lives. The ADA outlines five areas (“titles”) in which people with disabilities have legal rights: employment, public services, public accommodations, telecommunications and other miscellaneous provisions.

**ADA Title I: Employment**

Title I requires employers with 15 or more employees to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others.

**ADA Title II: State and Local Government Activities**

Title II covers all activities of state and local governments regardless of the government entity’s size or receipt of federal funding. Title II requires that state and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting and town meetings).

The transportation provisions of Title II cover public transportation services, such as city buses and public rail transit (e.g. subways, commuter rails, Amtrak).

**ADA Title III: Public Accommodations**

Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors’ offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.

**ADA Title IV: Telecommunications Relay Services**

Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week.

**ADA Title V: Miscellaneous Provisions**

Title V contains multiple additional laws and acts adopted through the years to further strengthen ADA.

All summaries (except for Title V) are taken from the US Department of Justice website [http://www.ada.gov/cguide.htm](http://www.ada.gov/cguide.htm) for A Guide to Disability Rights Laws.
IDEA

The Individuals with Disabilities Education Act (IDEA) guarantees the right to a free and appropriate public education to infants, children and teens with disabilities (ages birth to 21, or until achieving a high school diploma) in the least restrictive environment appropriate. The law specifies how schools must provide or deny services, and how parents can approach school districts, as well as challenge school district recommendations. IDEA includes three parts: Part A, which outlines general provisions, Part B, which outlines provisions for school-aged children (ages 3 to 21), including the Individualized Education Program (IEP), and Part C, which provides for early intervention services for children ages birth to 3. The IEP provides for both special education services and accommodations, including in the classroom and on educational tests. The IEP may include provision for:

- Interpreting/captioning.
- Assistive technology (including its purchase and the training of student, family and teachers in its use).
- Classroom accommodations and related services, such as acoustical improvements, preferential seating and modifications to testing (especially standardized testing).
- Special instruction and classroom support services, such as speech and hearing therapy, tutorial assistance, etc.
- School districts are required to provide whatever services are necessary to ensure that the student receives an appropriate education; those services MUST be outlined in writing on the IEP.

For those 16 and older:

The IEP must include a “statement of transition service needs” designed to ensure that the student’s educational program is planned to help the student reach his/her goals for life after secondary school. This concept, transition planning, is supposed to help the student move from grade to grade, and from school to post-school activities.

The group that makes decisions (the IEP Team) must include:

- Parents
- At least one regular education teacher, if applicable
- At least one special education teacher or service provider
- School administrator who is knowledgeable about special education policies
- Professional who can interpret evaluation results and make suggestions on instruction
- Individuals (invited by family or the school) with special knowledge or expertise about the child or teen
- Representatives from any other agencies that may be responsible for paying for or providing transition services
- Any other qualified professionals (e.g., school psychologist, speech-language pathologist, physical therapist, etc.) invited by the district or family
- YOU—if appropriate

What do you do if you don’t agree with the IEP, or the school isn’t providing the services they’ve promised?

1. Parents never have to sign the IEP.
2. Meet with the IEP team again to try to straighten things out.
3. Go through mediation, in which an impartial third person facilitates discussion and a possible resolution of the issues between the family and the school district.
4. Initiate due process, in which the family and the school district present evidence before an impartial third party (“hearing officer”) who decides the issue.
5. For procedural issues, file a complaint with the state education agency (SEA), in which the family writes directly to the SEA and describes what requirement of IDEA the school district has violated. In most cases, the SEA must resolve your complaint within 60 calendar days.

For more information about IDEA, visit the US Department of Education site for IDEA [http://idea.ed.gov/](http://idea.ed.gov/). For more information about the IEP process and other aspects of Part B of IDEA, take the free Parent Advocacy Training course.