



# When Two Rights Make A Wrong

Understanding Complexity in  
Disability Laws  
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*advancing quality college courses for hig*

# Welcome

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# Disability Laws

The  
Rehabilitation  
Act  
Subpart D and  
Subpart E of  
Section 504

Individuals with  
Disabilities Act  
(IDEA)

The Americans  
with Disabilities  
Act (ADA)

# Disability Laws Divided

## High School - IDEA

- Subpart D Section 504
- Individuals with Disabilities Education Act (IDEA)

## College - ADA

- Subpart E Section 504
- ADA Amendments Act (ADA)

# Dual Credit Blurs the Lines

IDEA

Individuals with Disabilities Education Act

**Individuals with Disabilities**

**Education Act**

**Americans with Disabilities Act**

ADA

# Implications

## High School - IDEA

- Law of entitlement
- Ensures success
- School identifies a student with a disability

## College - ADA

- Civil Rights Law
- Ensures access
- Students must disclose disability

# Responsibility

## High School - IDEA

- Student has a case manager
- Teachers monitor student's progress
- Teachers provide additional supports

## College - ADA

- Student is the case manager
- Student must monitor own progress
- Student must seek additional supports

# The Haves and Have Nots

## High School - IDEA

- Psychological/Social Work Services
- Speech and language
- Audiology services
- Personal tutors
- Personal assistant/aide
- Psych-Ed Assessment

## College - ADA

- Limit on session and services available
- not provided
- not provided
- not provided
- not provided
- not provided



# Knock Out Punch

## High School - IDEA

- Modifications are made to tests and curriculums
- Academic standards can be lowered to ensure student success
- Potential for failure is not likely

## College - ADA

- Modifications cannot be made to course objectives
- The academic standards of a class must be met and cannot be modified
- Potential for failure exists

# Purpose of the Dual Credit Quality Act

Reduce college costs and reduce time to earn degree

Improve the curriculum for high school students

Facilitate the transition between high school to college

Enhance communication between high schools and colleges

Offer opportunities for improving degree attainment for underserved student populations

# Standards of the Dual Credit Quality Act

Students must meet the same academic criteria as those enrolled in credit-bearing college courses, including taking appropriate placement testing

Course content must be the same

Learning outcomes must be the same and appropriately measured

Dual credit students must be assessed using methods consistent with students in traditional credit bearing college courses

# The Questions of the Hour

Does the ADA trump the IDEA or does the IDEA trump the ADA?

How does disability law impact dual credit and dual enrollment differently?

How do concurrent enrollment programs stay compliant and maintain academic standards?

# Concurrent Enrollment Conundrum

Oversimplified!

- Dual credit - IDEA (kind of)  
accommodations/modifications cannot interfere with academic standards
- Dual Enrollment- ADA  
student should enroll with disability services at the partnering college

# Dual Credit is not for everyone!

There, I said it.

- Can the student complete the course without modifications to academic standards?
- What's in the IEP that could be problematic?
- What's the student's academic maturity?
- Will the course interfere with other courses or extracurricular commitments?
- Is an escape plan possible?

# Go back to the basics

- Must not discriminate on the basis of disability
- Right to establish enrollment standards
- Obligated to uphold all academic standards
- Right to deny an accommodation if it interferes with the course objectives
- Reminder: the course work is a requirement for a college degree!

# Possible Implications

- Misconceptions of college expectations may significantly impact students during their first year
- The course may be a prerequisite for another course
- College's accreditation may be jeopardized
- Complaint filed with the Office of Civil Rights



# Use what you have

- High school enrollment standards
- College course requirements should be a minimum
- Follow the Dual Credit Quality Act
- Use the IDEA Transition Planning as part of the process
- Understand the ADA with regard to higher education and employment
- Use best employment practices as a guide
- Make all involved aware of the change in laws

# Transition Plan

Create Transition Plans that prepare students for the changes they will experience in college

Teach students to advocate for their needs during the change in services

The student's accommodations should mirror what would be provided at the partnering college

# Transition Plan

Provide accurate information to make informed decisions

The student and parent must be on board with the Transitional Planning and understand the changes

Identify potential conflicts with accommodations and course requirements before they become an issue

Assign a liaison to consult with the partnering college to support the Transition Goals

# Compliance with IDEA and ADA

Make sure all involved understand the legal differences between the IDEA and ADA

Have policies in place that are clearly defined before placing a student in a concurrent enrollment program

Plan ways to support the student by establishing Transition Goals that align with preparation for college expectations

Maintain consistent communication between the high school and college partners

# Compliance with IDEA and ADA

The student and parents understand and support the changes

The student and parents understand and support the reason for the changes

Document the changes to the student's accommodations and modifications during the Transition Planning to remain compliant with IDEA and ADA

# Partnerships

- Value partnerships
- Maintain consistent communication
- Offer training to schools participating in dual credit programs specific to accommodating students with disabilities
- Encourage students to contact disability services at the college to further support transition

# Points to Walk Away with

Students with disabilities are entitled to appropriate college preparation

Preparation should be relevant to the student and planned for during the Transition Planning

Preparing students for changes from high school to college is responsible Transition Planning

Maintain strong partnerships between cooperating schools to support transition for students with disabilities



# Questions?

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## Future NACEP Webinars and Events:

**May 14-15:** Midwest Regional Conference, Cincinnati, Ohio

**May 22:** NACEP Accreditation Mini-Series- Partnership Standards

**May 23-24:** Washington Policy Seminar

**May 24:** Discovery Series Webinar: Texas OnRAMPS and Innovative Dual Enrollment Models

**June 6:** Dual Enrollment Marketing-Get Your Move On!

**June 19:** NACEP Accreditation Mini-Series- Program Evaluation

