



ASSOCIATION OF TRANSCRIBERS AND SPEECH-TO-TEXT PROVIDERS

## Disability Laws Pertaining to Postsecondary Education

There are two civil rights laws related to disability in the postsecondary environment: The Rehabilitation Act of 1978 and the Americans with Disability Act (ADA) of 1990. Section 504 of the Rehab Act prohibits discrimination on the basis of disability in programs and activities that receive federal funding.

Title II of the ADA prohibits discrimination on the basis of disability in all public entities, including public colleges and universities, regardless of whether they receive federal funding. Title III of the ADA prohibits discrimination on the basis of disability in places of public accommodation, including private postsecondary institutions.

Students in a public postsecondary institution can request accommodations through the disability service office. There are often more options for communication access in this setting than in the K-12 setting. For example, it is common to receive live captioning services within the classroom, campus events, meetings, etc., than it is in K-12.

### Effective Advocacy

Although federal laws state that closed captions and adequate live captioning services should be provided to qualified individuals, responding to those who are reluctant with threats of litigation is usually ineffective and may be a last resort. Often a more effective strategy is to explain that people with disabilities should have access to material of the same quality and within the same timeframe as people without disabilities. Inaccurate captions can completely change the meaning of the content. For deaf and hard-of-hearing viewers, this is an inequitable experience and a violation of the ADA.

Please let ATSP know if we can help you advocate for effective communication access services.

## Disability Laws Pertaining to K-12 Education

### **Individuals with Disabilities Education Act (IDEA)**

IDEA ensures that students with disabilities have the right to a free and appropriate public education. This law encourages students with disabilities to be educated within the least restrictive environment, meaning that disabled students are educated within the general education class whenever possible. IDEA meets the specific needs of the disabled student and modifies the program accordingly.

### **Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990**

Section 504 and the ADA make sure that people with disabilities who are capable of meeting the requirements are not kept from getting what they need, treated unfairly, or left out just because of their disability.