Section 504, the Americans with Disabilities Act, and Education Reform

Prepared by the PEER Project

Introduction

In implementing education reform initiatives, public schools and school systems must abide by Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (ADA) which prohibit discrimination on the basis of disability. Section 504 prohibits recipients of federal funds from discriminating on the basis of disability. Title II of the ADA prohibits discrimination on the basis of disability in state and local government services by state and local governmental entities, whether or not they receive federal funds. This includes public school districts. Virtually all public school systems receive federal funds, and public education is a government service. Both statutes require school districts to provide a free appropriate public education (FAPE) to students with disabilities protected by those laws.

Education reform initiatives, of course, vary from state to state, and sometimes from community to community. There is one kind of initiative, however, that is common nationwide. This approach, known as "standards-based" education reform, has four basic components. First, standards are set for what students should know and be able to do at various grades. Second, curricula are designed, guided by the standards. Third, based on the curricula, teachers design individual courses and instructional strategies, including the materials and methods best suited for their students. Fourth, students are assessed at different points in their school career to determine how well schools are doing at enabling them to meet the standards. The results of these assessments are then used to hold schools accountable for how well they are educating their students.

The theory behind standards-based education reform is that by setting high standards, shaping curriculum and instruction to meet them, and holding schools accountable for how well students meet the standards, educational quality will rise for all students. This PEER Information Brief examines how Section 504 and the ADA should work to ensure that students with disabilities enjoy the benefits of these reforms, and the quality education they aim for. It begins with a discussion of key concepts under Section 504 and the ADA (and the federal regulations implementing these laws), and then applies these concepts to the basic components of standards-based education reform: (1) standards; (2) curriculum; (3) individual courses, instructional strategies, and materials; and (4) assessment for school accountability.

Key Concepts Under Section 504 and the ADA

1. Comparable Benefits and Services

Section 504 and Title II of the ADA are broad civil rights statutes...