

Kids Get Arthritis, Too!



FEDERAL LAWS THAT SUPPORT KIDS WITH JA IN SCHOOL

Here is an overview of the three laws that are relevant to the educational and school environment needs of students with juvenile arthritis.

	Individuals With Disabilities Education Act (IDEA)	Section 504 of the Rehabilitation Act	Americans With Disabilities Act (ADA)
Description	IDEA is an education law that ensures children with disabilities have the same opportunities as all children for an appropriate education.	Section 504 is a civil rights law that protects people with disabilities from discrimination within school settings and related environments.	ADA is a civil rights law that prohibits private employers and state and local governments from discriminating against individuals with disabilities in employment, public services, transportation and accommodations.
Provisions	Requires states and public school systems to provide special education and related services that meet the educational needs of children with disabilities. This includes individually designed educational instruction as well as support services, such as transportation and mobility services; speech, physical and occupational therapy; and school health services. A plan may consist of special education as well as general classroom time.	Requires public school districts to provide reasonable accommodations and modifications to ensure students with certain disabilities have access to education, school programs and activities that are at least as good as those provided to other students. Specialized instruction and accommodations may be provided within the general education setting.	Requires reasonable accommodations be made to allow eligible individuals with a disability to attend public schools and nonsectarian private schools.
Applies to who/what	Students, preschool through high school	Students up to age 22 (also applies to parents who have a qualifying disability)	Public transportation, businesses, public services and buildings
Qualifications	Children with arthritis may qualify under the “other health impaired” category if the impact of arthritis is deemed to significantly interfere with educational participation and performance.	Children who have a physical impairment that substantially limits one or more major life activities, such as self-care, walking or manual tasks or need accommodations to gain access to general instruction or facilities, but do not need specialized educational support.	An individual must have a physical or mental impairment that significantly limits at least one major life activity, a history of impairment, or he/she must be perceived by others as having an impairment.

	Individuals With Disabilities Education Act (IDEA)	Section 504 of the Rehabilitation Act	Americans With Disabilities Act (ADA)
Evaluation Process	A parent may make the initial request for evaluation. A coordinator manages the process. Team includes: parents, a regular teacher, a special education teacher, a school district representative and anyone with special knowledge or expertise regarding the student, such as a health care provider.	A parent or school staff may initiate evaluation. Parents are usually part of the decision-making process, but the law does not require it. A group decision is made by the school personnel based on information from various people involved in the child's life and care. Parents have a right to see all documentation related to the evaluation.	Does not mandate parental involvement or any specific evaluation process.
Outcomes	The written Individualized Education Plan (IEP) states how the student's disabilities affect academic performance and specifies accommodations and modifications to be made. The IEP is reviewed annually.	A student's 504 plan specifies accommodations to eliminate environmental and functional barriers to education and setting. There is no required annual plan review, but parents may initiate periodic reviews as needed.	Accommodations can be related to infrastructure, equipment and devices, training and job structure.
Timeline	An IEP must be developed within 30 days after determination of eligibility.	Not specified	Not specified
Progress reporting	Mandatory	Not required	Not required
What you should know	Kids who qualify under IDEA are automatically protected under Section 504 and ADA.	Applies to extracurricular activities, such as sports, music and field trips.	Kids who do not qualify under IDEA may qualify under Section 504 and ADA.
Termination	Student remains eligible until performance indicates special education services are no longer required.	Not specified	Not specified
Dispute Resolution	If parents disagree with the eligibility decision, they may enter mediation, which involves filing written complaints, due process hearings and mandatory resolution sessions. If not resolved, a civil suit may be filed in federal, district and appellate courts, including the U.S. Supreme Court.	The school district must provide parents with notice of their procedural rights for filing a complaint and requesting a hearing before an impartial officer. If not resolved, a complaint may be filed with the U.S. Department of Education, Office of Civil Rights and a lawsuit may be filed in civil court.	ADA does not mandate a grievance process for educational rights issues. However, complaints regarding discrimination can be filed with the Department of Justice, Department of Education, in federal court or through private lawsuit.
Enforcement	U.S. Department of Education, Office of Civil Rights	U.S. Department of Education, Office of Civil Rights	U.S. Department of Justice, Office of Civil Rights