



## What Parents Should Know...

### About ADA/504/IDEA Which Laws Do What?

There are three major federal laws that protect the rights of people with disabilities.

**American with Disabilities Act - (ADA)** is a civil rights law that prohibits discrimination against people with disabilities by schools, employers, or anyone who offers goods and services to the public. The purpose of the law is to make sure people with disabilities have the same rights and opportunities as everyone else.

**Section 504 of the Rehabilitation Act - (Section 504)** is a civil rights law that prohibits disability discrimination in schools that receive federal funding. It also prohibits discrimination in programs and activities- public and private, that receive federal financial assistance, such as private and public universities and colleges, and places of employment.

**Individuals with Disabilities Act - (IDEA)** is an education law that requires public schools to meet the unique needs of eligible children with disabilities from birth through age twenty one.



*Section 504 and the ADA are civil rights acts for persons with disabilities. Section 504 applies to organizations that receive federal funds, and the ADA applies to virtually every establishment in the country except churches and private clubs. Schools that receive federal funds must comply with both Section 504 and the ADA.*

# More About ADA

The Americans with Disabilities Act was signed into law on July 26, 1990, by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in state and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an “equal opportunity” law for people with disabilities.

To be protected by the ADA, a person must have a disability or someone who supports an individual with a disability. An individual with a disability is defined as a person who has a physical or mental impairment which substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

## Provisions under the ADA



### Title I: Employment

**Title 1** requires employers of fifteen 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.

### Title II: Public Service

**Title II** requires that state and local governments give people with disabilities an equal opportunity to benefit from all their programs, services, and activities. They are also required to make sure public transportation systems are accessible to individuals with disabilities.



### Title III: Accommodations

**Title III** addresses public accommodations. It requires restaurants and other stores, private transportation, and new construction to be made accessible to individuals with disabilities.



#### **Title IV: Telecommunications**

**Title IV** requires telecommunication companies who offer telephone services to the general public to also make telephone relay services available to individuals who are deaf/hard of hearing who use teletypewriters (TTYs) or other similar devices.

#### **Title V: Miscellaneous Provisions**

**Title V** includes a variety of provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees. This title also provides a list of certain conditions that are not to be considered as disabilities.

#### **For More Information Regarding ADA:**

From answers to common questions to official legal documents, [ADA.gov](https://www.ada.gov) has everything you need to understand your rights and responsibilities under the ADA. Click here for the entirety of the [Americans with Disabilities Act of 1990](#).

Read more about the [Americans with Disabilities Act of 1990, as amended](#).

Learn more information about employee rights, employer responsibilities, job accommodations, laws, and regulations at [U.S. Department of Labor](#).

Still have questions on transportation? The [ADA National Network](#) has answers to some of the most frequently asked questions.



# More About Section 504 of the Rehabilitation Act

The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies, programs that receive federal financial assistance, federal employment, and in the employment practices of federal contractors.

Section 504 is a civil rights law that protects individuals with disabilities against discrimination. It applies to all areas of the public and private sector, including schools and other educational environments. It is a federal statute that mandates schools cannot discriminate against children with disabilities and must provide eligible children with an equal opportunity to participate in all academic and non-academic services. If the student needs accommodations to participate, schools must provide individualized accommodations. Section 504 covers students, employees, and other individuals with disabilities who require accommodations in order to work and learn in the community setting and in schools

In order to be eligible, a student must have a physical or mental condition that substantially limits a “major life activity”. Major life activities include learning such as reading, concentrating, thinking, or communicating. Major bodily functions include walking, talking, breathing, or caring for yourself. Students typically covered under Section 504 are students with less serious disabilities, or who do not otherwise qualify for services under IDEA but still have a disability that substantially limits participation in an educational setting.

Read more about [Section 504](https://chadd.org/section-504/) at [chadd.org](https://chadd.org).



## What Are Some Major Life Activities?

Walking  
Hearing  
Seeing  
Learning  
Breathing

Working  
Toileting  
Digesting  
Eating  
Sleeping

Concentrating  
Reading  
Standing  
Speaking  
Thinking

**Remember-** After high school, IDEA regulations no longer apply, but Section 504 and ADA will continue to provide protections for your child.

**After high school it is your child’s or your responsibility** to make sure the appropriate accommodations necessary are requested in college or at place of employment.

# More About IDEA

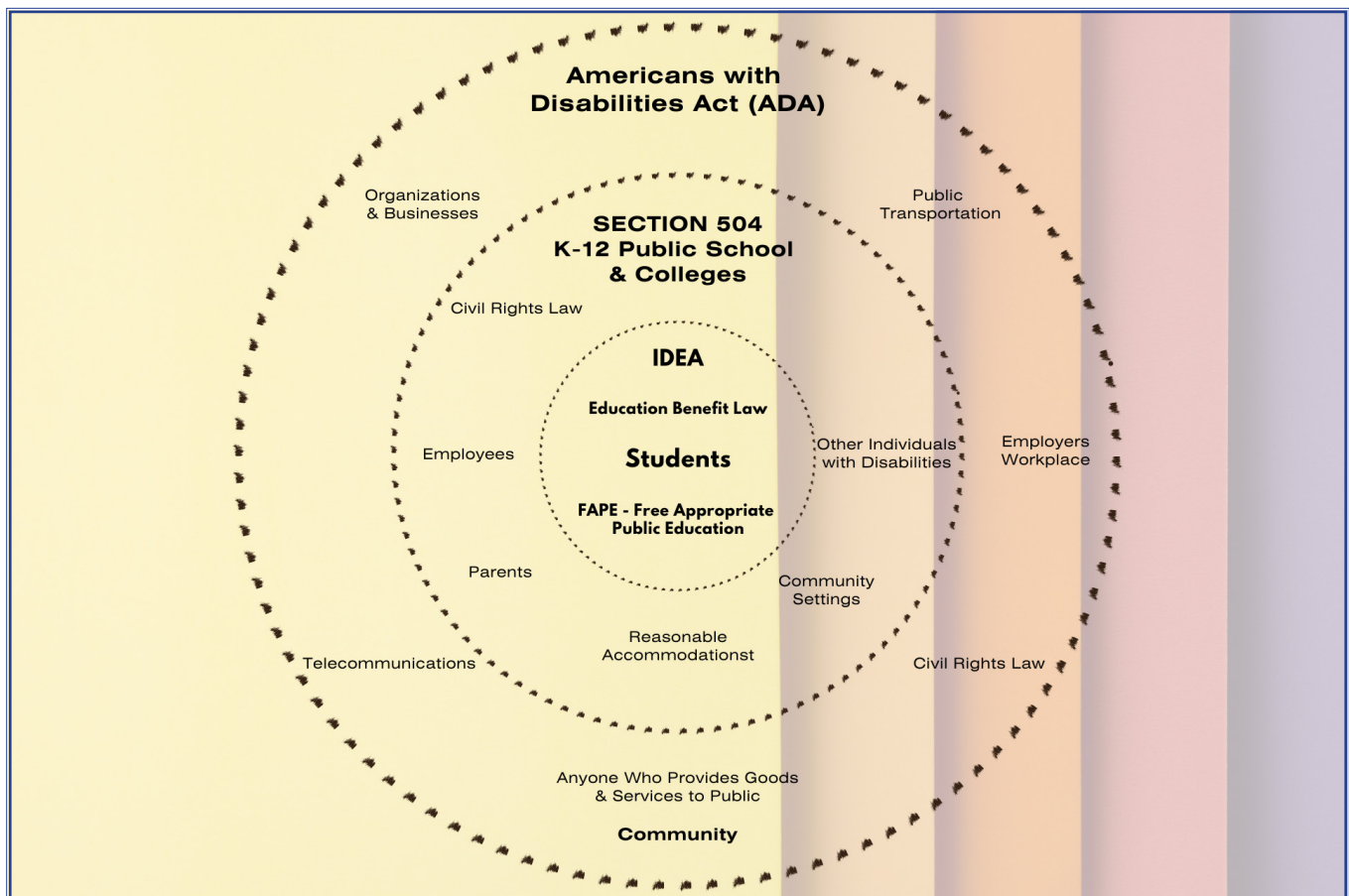
IDEA, the Individuals with Disabilities Education Act, is a federal law. IDEA was originally passed in 1975 as the Education for All Handicapped Children Act. IDEA is our nation's federal special education law. It requires that children (ages birth-twenty one) with disabilities receive a free, appropriate, public education (FAPE), along with providing rights and protections to children with disabilities and their families. Funds are provided under Parts B and C to assist state and local education agencies in meeting IDEA requirements to serve infants, toddlers, and youth with a disability. It requires each state to provide all the protections contained in the law.

## For More Information Regarding IDEA:

Visit the South Dakota Parent Connection website at [www.sdparent.org](http://www.sdparent.org).

- Learn more about the [definitions and acronyms](#) every parent should know
- For more information about ESSA and IDEA take a look at our [Parent Brief](#) and self-paced [online training](#).

Section 504 of the Rehabilitation Act, The Individuals with Disabilities Act (IDEA) and the Americans with Disabilities Act (ADA) work together to protect children and adults with disabilities from exclusion, discrimination and unequal treatment in education, employment, and the community.



# Resources for Parents

[South Dakota Parent Connection](#)  
[What You Should Know About Section 504](#)

[South Dakota Parent Connection](#)  
[What Parents Should Know About Parents Rights and Responsibilities in Special Education](#)

[Americans with Disabilities Act \(ADA\)](#)

[IDEA, Section 504, and the ADA: Which laws do what](#)

[Protecting Students With Disabilities](#)

[What is the Americans with Disabilities Act \(ADA\)?](#)

[A Comparison of ADA, IDEA, and Section 504](#)



South Dakota Parent Connection provides assistance to families of children with disabilities and special health care needs and the professionals who support them.

Contact us for individual assistance, educational workshops, referrals to community resources, or need help navigating the special education process.

Sioux Falls  
3701 W 49th St, Suite 102  
Sioux Falls, SD 57106  
(800) 640-4553  
[sdpc@sdparent.org](mailto:sdpc@sdparent.org)



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