

## THE LAW



### Americans with Disabilities Act of 1990

The Americans with Disabilities Act of 1990 (ADA), is a civil rights legislation that prohibits discrimination and guarantees individuals with disabilities the same opportunities as everyone else. The law defines someone with a disability as an individual who (a) has a physical or mental impairment that substantially limits one or more major life activities; (b) has a record of such impairment; or (c) is regarded as having such impairment. Pursuant to ADA, major life activities include, but are not limited to, seeing, walking, and learning, as well as the operation of major bodily functions. While the ADA is divided into five titles, Title II prohibits discrimination by public entities run or funded by state and local governments. The law mandates, “No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” Title II requires public entities to provide people with disabilities an equal opportunity to participate in programs, services, or activities. This means that public entities must make reasonable modifications in policies, practices, or procedures unless such modifications would fundamentally alter the nature of the service, program, or activity. It further states that public entities must administer services, programs, and activities in the most integrated setting appropriate to the needs of individuals with disabilities. Finally, public entities must not impose or apply eligibility criteria that screen out or tend to screen out any individual with a disability from fully and equally enjoying any service, program, or activity.

### Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973, is a civil rights legislation that also prohibits discrimination of individuals with disabilities for reasons related to their disabilities. To be protected under Section 504, an individual must have a physical or mental impairment that substantially limits at least one major life activity (i.e., walking, seeing, hearing, speaking, breathing, reading, writing, performing math calculations, working, caring for oneself, performing manual tasks, and other activities. Subpart 104.37 states that Section 504 should be afforded equal opportunities to participate in non-academic and extracurricular services and activities. Non-academic and extracurricular services and activities include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students. This means that 4-H staff and volunteers may not exclude a child from any program and/or activity based on a disability. When possible, all efforts must be made to encourage and provide reasonable accommodations for the child. Most accommodations are quite easy to integrate into 4-H programs and meetings.

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# Individuals with Disabilities Education Act

Congress originally enacted the **Individuals with Disabilities Education Act (IDEA)** in 1975 to ensure that children with a disability receive a free, appropriate public education. IDEA has been revised numerous times over the years with the most recent amendments occurring in December of 2004. Currently, more than six million children with disabilities are being served under IDEA and are benefiting from special education and related services each year.

IDEA 2004 states that the purpose of the law is to:

- ensure that all children with disabilities have available to them a free, appropriate public education that emphasizes special education and related services designed to meet their individual and unique needs and prepare them for further education, employment, and independent living;
- ensure that the rights of children with disabilities and parents of such children are protected;
- assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;
- assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;
- ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and
- assess and ensure the effectiveness of efforts to educate children with disabilities.

IDEA regulations assure children with disabilities and their parents the following basic rights:

- 1) A Free, Appropriate, Public Education (FAPE) – this implies that a child with a disability will receive a public education suited to his/her individual needs at no cost to his/her parents.
- 2) Appropriate Evaluation – The child with a disability will be assessed by a trained and knowledgeable person using a variety of instruments and procedures. Furthermore, the assessments and assessment procedures must not discriminate based on the child's race or culture.
- 3) Individualized Education Program – Each child with a disability who is eligible for special education and related services must have an IEP which is a written statement developed, reviewed, and revised in accordance with the law.
- 4) Least Restrictive Environment – This refers to the setting that is most appropriate for the individual child.
- 5) Parent & Student Participation – Parents and students are involved in all decision-making regarding the child's education.
- 6) Procedural Safeguards – These ensure that the rights of children with disabilities and their parents are protected.

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Issued in furtherance of Cooperative Extension work, Acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture. Cathann A. Kress, director, Cooperative Extension Service, Iowa State University of Science and Technology, Ames, Iowa.

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