



Communication Aids for Students with Disabilities – What You Need to Know

The U.S. Departments of Justice (DOJ) and Education (DOE) issued joint guidance about the rights of students with hearing, vision, or speech disabilities to effective communication. According to the guidance, public schools are responsible for ensuring communication with students with disabilities is as effective as communication with all other students.

Federal Laws Involved

Meeting the communications needs of students with disabilities in public schools, including charter schools, is governed by three similar, but not identical, federal laws:

- The Individuals with Disabilities Education Act (IDEA) is a law written specifically to authorize and require special education programs to provide a “free appropriate public education” for students with disabilities.
- Title II of the Americans with Disabilities Act of 1990 (ADA) is a law that applies to all persons with disabilities, including, but not limited to, students in public schools, and it applies without respect to whether a state or local government receives federal funding.
- Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination against people with disabilities by organizations that receive federal funding.

Full Compliance

In some respects, compliance with one law may result in compliance with the others, but that is not always the case. To help students, their families, and educators sort these differences out, DOJ and DOE have issued joint guidelines that carefully spell out and give examples of how these important laws interact. The focus is on public school settings in which a student requires communication aids to participate fully.

Until recently, if a student failed to prove that a violation of IDEA had occurred, then it was automatically understood that the student also had failed to prove violations of the ADA and Section 504. As a result of recent legal cases, however, it has been decided that the way “effective communication” is defined in IDEA and the other two acts is different, and that failure to prove that a violation of IDEA has occurred does not always mean that the ADA and/or Section 504 have not been violated.

What You Need To Know

The new guidance is important for students with disabilities for the following reasons:

- **Effective communication:** Under the ADA and its regulations, public schools must ensure that communication for students with hearing, vision, or speech disabilities is as effective as communication for students without disabilities. This is in marked contrast to IDEA, which requires only that a free appropriate public education is provided that is of educational benefit to the student.
- **Requested aids:** Under the ADA and its regulations, public schools must give primary consideration to the aids the student requests to assist in communications.
- **Protection for all students:** The protections provided under ADA and Section 504 do not require that a student also be IDEA eligible. This means that students with disabilities who are not enrolled in special education programs are also protected.

Learn More

These laws and their interpretation are complicated, which is why DOJ and DOE have developed materials to assist students and their families in understanding the protections and aids available to them. They have also issued a letter to educators. All of these materials are available at: ada.gov/ta-pubs-pg2.htm#doe_doj_eff_comm.