

Do Colleges Have to Follow IEPs or 504 Plans?

“I heard that colleges have to follow a student’s IEP.”

“I heard that colleges don’t have to follow an IEP, but they do have to follow 504 plans.”

“My friend said her student has a 504 plan at his college, so I had my student moved to from an IEP to a 504 so he can have a plan at college.”

It is understandable that there is so much confusion about whether colleges have to follow the plans that students have had in high school. If you look in the text of the Individuals with Disabilities Education Act (IDEA), which is the one that provides for IEPs, or at Section 504 of the Rehabilitation Act of 1973 (Section 504), you won’t find any wording that explicitly says that students’ plans “expire” or come to an end when students graduate from high school (or age out of the system). But this is effectively what happens.

In his 2005 article, “Navigating the College Transition Maze: A Guide for Students with Learning Disabilities,” Dr. Joseph Madaus, one of the biggest experts in the transition field, explains:

Although colleges and universities are obligated by the mandates of Section 504, they are bound to Subpart E of the law, whereas Subpart D covers secondary schools. These subparts place significantly different requirements on secondary schools and postsecondary institutions. Thus, as with an IEP, the services outlined in a secondary-level Section 504 plan end at graduation from high school. Although colleges may use these plans in decision making, they are not obligated to follow the requirements of these plans.

Dr. Madaus’s last statement should not cause panic in families or high school professionals; it doesn’t mean that colleges don’t offer accommodations to eligible students. It just means that they don’t have any obligation to provide the *same* services and accommodations that students may have received before. In many cases, they will provide the same accommodations, assuming that the accommodations students are using in high schools are of the types that are typically available at the college level, such as extended time for exams and permission to use a laptop for notetaking. But there are other accommodations colleges don’t have to provide, such as tutoring by a learning disabilities specialist.

[For more on this and other topics, read my book, [From High School To College: Steps to Success for Students with Disabilities](#), available on [Amazon](#).]

Another important point is that students are not guaranteed services at college simply because they had a 504 plan or IEP in high school; they have to be found *eligible* for services in order to receive accommodations. For most students, this will not be a problem, as their college will

likely find them eligible. In the same article* Dr. Madaus provides insight into who might be affected:

A newer, but increasingly common, problem at the postsecondary level relates to two groups of students in transition. One group consists of students who were not diagnosed with LD but who exhibited difficulty at the secondary level in a specific area, such as test taking. The second group consists of students who no longer meet the diagnostic criteria for a learning disability but who are provided with a monitoring plan. Instead of using special education services, secondary teams may create Section 504 plans for these students. Sympathetic teachers may give the student informal accommodations, such as extended time to complete a test or a quiz. Students may become reliant on these accommodations and may expect these services to continue at the college level. Without documentation that verifies the existence of a learning disability and a subsequent substantial limitation to learning, postsecondary institutions may deny the student's accommodation request.

Obviously, students with all different kinds of disabilities will receive accommodations. The students who might find themselves found ineligible are those who, for example, only have test anxiety (not a recognized disability). Student might also have difficulty getting accommodations if their testing does not show a "substantial" limitation in some area of their functioning, such as student who has been labeled as twice-exceptional (i.e., has intellectual gifts and also has been diagnosed as having a learning disability) but whose lowest scores on psychoeducational or neuropsychological testing are still solid (ex., at the 50th percentile, which is right in the middle of the Average range). If students are not found eligible for accommodations at college, they can certainly appeal the decision. They should also be aware that there are often numerous supports available to all students, such as tutoring centers, counseling, and sometimes workshop too help with time management.

One final point to address is the understandable confusion that may be caused when one parent tells another that her student is receiving a 504 plan in college. If students utilize a special fee-for-service program at their college (ex. a program that provides additional supports for students on the autism spectrum), a staff member may write a plan that includes goals for those students and outlines the supports they will receive. However, this is not – legally speaking – a “504 plan,” because Section 504 does not require colleges to write any kind of plan for students; they just have to provide accommodations to eligible students. Again, this shouldn't cause concern – colleges do provide all kinds of accommodations to numerous students. It just means that colleges don't do what is typically implied by the word “plan,” (ex. assessing students' progress, holding meetings with students' professors every year, etc.).

What it is important to take away from all of this is that all 504s and IEPs “expire” when students graduate from high school or age out of the system. They have no more legal bearing, and colleges are not required to follow them or even provide accommodations to students simply because they had had a plan before. But this is just something to be aware of – not something to fear. Many students are receiving accommodations at college and doing well!

*Source - Madaus, J.W. (2005). Navigating the college transition maze: A guide for students with learning disabilities. *Teaching Exceptional Children*, 37(3), 32-37.