



MESSAGE FROM MK – February 2004

*An update from Mary Katherine Moen, State Director of Adult Education
mkmoen@nsn.k12.nv.us, 775.687.9167*

ACCESS

Despite the profound differences among the adult basic education programs throughout the state (geographical locations, population, available resources, size, type), each program must give equal opportunity and access to eligible adults. One consideration in awarding grants under the Adult Education and Family Literacy Act of

1998 is whether the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs.

The General Education Provisions Act (enacted as part of the Improving America's Schools Act of 1994—Public Law 103-382) makes it necessary for each entity requesting federal funding to indicate how it will address barriers that may impede equitable access or participation.

Much of the progress made in assuring civil rights protections for adults with disabilities has been achieved by guarantees provided for in federal law. The legal rights concerning disabilities are found in the Individuals with Disabilities Education Act (IDEA) of 1997 (PL 105-17, formerly PL 94-142); in the Americans with Disabilities Act of 1990; and in Section 504 of the Rehabilitation Act of 1973 (PL 93-112).

The Americans with Disabilities Act of 1990 defines an individual with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activities. Education is a major life activity.

Rights and responsibilities

Under these laws learners have rights and responsibilities:

1. the right to participate in educational programs without discrimination;
2. the right to reasonable accommodations in courses and examinations;
3. the responsibility to identify themselves as having a disability and request specific accommodations in a timely fashion; and
4. the responsibility to provide documentation concerning their disabilities and the need for accommodations.

The adult basic education programs also have responsibilities and rights:

1. responsibility for ensuring that courses and examinations are accessible;
2. responsibility for providing reasonable accommodations in the delivery of course materials and in examinations;
3. the right to identify and establish the abilities, skills, and competencies fundamental to its academic programs and courses, and to evaluate each learner's performance on this basis.

But is this enough? Access may be ensured by law and carried out by the program, but it is only part of the picture. Each teacher and tutor must be aware of both obvious and potential disabilities and must be committed to making accommodations as warranted. Good teaching implies teaching to a person's strengths, adapting materials and/or techniques. This is the spirit of the law. This is the right thing to do.