



Rights of Individuals with Disabilities Needing a Barrier-Free School

Students, parents and school staff who need accessible school sites have a right to access schools that can meet their mobility, vision and hearing needs. Finding a school in NYC that can meet those needs can be complicated. This factsheet is meant to help you through that process.

Where Do Those Rights Come From?

The right to access a school where you can get around regardless of mobility needs, hearing needs or vision needs comes from a number of key federal laws. Those include:

- **The Americans with Disabilities Act (ADA)**: The ADA is an anti-discrimination statute and it protects the rights of all people with disabilities to receive services, and participate in programs, and activities at public sites, including school buildings. (42 USC § 12131 – 12132). The standards that lay out building requirements under the ADA can be found at <https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>.
- **Section 504 of the Rehabilitation Act**: 504 is another anti-discrimination act and it requires that people with disabilities must be included at any program or activity that gets funding from the Federal government. (29 U.S.C. § 794)
- **The Individuals with Disabilities Education Act (IDEA)**: The IDEA addresses the rights of students who have disabilities that affect their ability to learn and requires school districts to create and implement an Individualized Education Program (“IEP”) that will allow students to make progress and be challenged in the least restrictive environment.

How Can You Find Out Which Schools Are Accessible?

In NYC, only some public schools are accessible to individuals with disabilities. Some of those are fully accessible – meaning that students can use all parts of the building. Others are “partially” or “functionally accessible” – meaning that key parts of the building are accessible and meet federal legal standards, but not all parts. There’s no consistent standard for partially accessible schools. For now, the best way to find out if a school meets your needs or your student’s needs is to visit the school. To figure out if a particular school is fully, partially or not at all accessible, take a look at the Department of Education’s (DOE’s) website at <http://schools.nyc.gov/Offices/OSP/Accessibility.htm>. Parents for Inclusive Education has a list of the schools that are fully accessible, please contact PIE for a copy (pienyc@gmail.com)

How To Ask For Renovations and Accommodations?

If you encounter barriers to accessing a school or part of a school, there are steps you can take. You can:

- Contact the Department of Education and request a new placement as a reasonable accommodation or medical transfer.
- Request a reasonable accommodation from the DOE in making a portion of the school building accessible. To request a reasonable accommodation contact: accessibility@schools.nyc.gov.

You may also want to contact an advocacy organization. For parents or students who are seeking access, you can contact PIE, ARISE or many of the organizational members of ARISE. For a list of those organizations see <http://www.arisecoalition.org/about-us.html>. For professionals, you can contact your union or the Disability Rights Advocates: dralegal.org or your local center for independent living.