

**ТЕОРІЯ ТА ІСТОРІЯ ДЕРЖАВИ І ПРАВА;
ІСТОРІЯ ПОЛІТИЧНИХ І ПРАВОВИХ УЧЕНЬ**

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Y. O. Korolov,*Candidate of law science**Doctoral student of the Department of Law**email: soahcit@gmail.com***ORCID ID 0009-0000-2037-3419;****S. S. Atamanska,***Candidate of historical sciences,**Associate professor Department of social**and humanitarian disciplines,**Private Higher Educational Establishment**«European University»**email: S.Atamanska@gmail.com***ORCID ID 0000-0003-0569-9896****LEGAL PROTECTION OF STUDENTS WITH DISABILITIES
IN THE USA EDUCATION SYSTEM**

The USA education system has a well-developed legal framework to ensure the rights of students with disabilities. The basic principles of this base are based on equality of opportunities and accessibility of education. The article reveals key legislative acts and mechanisms that provide legal protection.

It is emphasized that the Individuals with Disabilities Education Act guarantees students with disabilities the right to a free and appropriate public education (FAPE) in the least restrictive environment, and also provides for the development of individual educational plans that take into account the peculiarities of the development of each student.

The Americans with Disabilities Act prohibits disability discrimination in all public areas, including education, and requires barrier-free educational environments, accessible campuses, classrooms, resources, and technology.

Highlighted, Section 504 of the Rehabilitation Act protects the rights of students with disabilities in all federally funded educational institutions. Obliges schools and universities to take reasonable steps to ensure equal access to education.

It was found that the legal protection of students with disabilities in the USA is comprehensive and aimed at ensuring equality of opportunities. Not only laws play an important role, but also the active participation of educational institutions in their implementation. This makes it possible to create an inclusive and accessible education system.

Keywords: *USA higher education, purpose of higher education, legal protection of students, education management, individual approach.*

Problem Statement and Relevance. This document is a revised version of a document originally developed by the Chicago Office of the Office for Civil Rights (OCR) in the U.S. Department of Education (ED) to clarify the requirements of Section 504 of the Rehabilitation Act of 1973, as amended (Section 504) in the area of public elementary and secondary education.

The primary purpose of these revisions is to incorporate information about the Americans with Disabilities Act Amendments Act of 2008 (Amendments Act), effective January 1, 2009, which

amended the Americans with Disabilities Act of 1990 (ADA) and included a conforming amendment to the Rehabilitation Act of 1973 that affects the meaning of disability in Section 504. The Amendments Act does not require ED to amend its Section 504 regulations.

ED's Section 504 regulations as currently written are valid and OCR is enforcing them consistent with the Amendments Act. In addition, OCR is currently evaluating the impact of the Amendments Act on OCR's enforcement responsibilities under Section 504 and Title II of the ADA, including whether any changes in regulations, guidance, or other publications are appropriate. The revisions to this Frequently Asked Questions document do not address the effects, if any, on Section 504 and Title II of the amendments to the regulations implementing the Individuals with Disabilities Education Act (IDEA) that were published in the Federal Register at 73 Fed. Reg. 73006 (December 1, 2008).

Analysis of Recent Research and Publications. The issue of American higher education is in the center of attention as foreign scientists (H. Barton [12], H. Bradley, H. Gardner, H. Homan, Research as a Basis for Teaching, invited Keynote Address, University of Swansea, 30th September 2021 D. Hopkins) [13].

The purpose of our article is to review certain aspects of the modern system of higher education in the United States. In protecting students with disabilities for the US higher education system. To introduce the best elements into the management system of higher educational institutions.

Main material. The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.

The IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 8 million (as of school year 2022-23) eligible infants, toddlers, children, and youth with disabilities.

Infants and toddlers, birth through age 2, with disabilities and their families receive early intervention services under IDEA Part C. Children and youth ages 3 through 21 receive special education and related services under IDEA Part B.

Additionally, the IDEA authorizes:

Formula grants to states to support special education and related services and early intervention services.

Discretionary grants to state educational agencies, institutions of higher education, and other nonprofit organizations to support research, demonstrations, technical assistance and dissemination, technology development, personnel preparation and development, and parent-training and - information centers.

Congress reauthorized the IDEA in 2004 and most recently amended the IDEA through Public Law 114-95, the Every Student Succeeds Act, in December 2015.

In the law, Congress states:

Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

History of the IDEA. On November 29, 1975, President Gerald Ford signed into law the Education for All Handicapped Children Act (Public Law 94-142), now known as the Individuals with Disabilities Education Act (IDEA). In adopting this landmark civil rights measure, Congress opened public school doors for millions of children with disabilities and laid the foundation of the country's commitment to ensuring that children with disabilities have opportunities to develop their talents, share their gifts, and contribute to their communities.

The law guaranteed access to a free appropriate public education (FAPE) in the least restrictive environment (LRE) to every child with a disability. Subsequent amendments, as reflected in the IDEA, have led to an increased emphasis on access to the general education curriculum, the provision of services for young children from birth through five, transition planning, and accountability for the achievement of students with disabilities. The IDEA upholds and protects the rights of infants, toddlers, children, and youth with disabilities and their families.

In the last 40+ years, we have advanced our expectations for all children, including children with disabilities. Classrooms have become more inclusive and the future of children with disabilities is brighter. Significant progress has been made toward protecting the rights of, meeting the individual needs of, and improving educational results and outcomes for infants, toddlers, children, and youths with disabilities.

Since 1975, we have progressed from excluding nearly 1.8 million children with disabilities from public schools to providing special education and related services designed to meet their individual needs to more than 8 million children with disabilities in 2022-23.

In 2022-23, more than 66 % of children with disabilities are in general education classrooms 80 % or more of their school day, and early intervention services are being provided to more than 441,000 infants and toddlers with disabilities and their families.

An important responsibility of the Office for Civil Rights (OCR) is to eliminate discrimination on the basis of disability against students with disabilities. OCR receives numerous complaints and inquiries in the area of elementary and secondary education involving Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504).

Most of these concern identification of students who are protected by Section 504 and the means to obtain an appropriate education for such students. OCR enforces Section 504 in programs and activities that receive Federal financial assistance from ED. Recipients of this Federal financial assistance include public school districts, institutions of higher education, and other state and local education agencies. The regulations implementing Section 504 in the context of educational institutions appear at 34 C.F.R. Part 104.

The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. OCR, a component of the U.S. Department of Education, enforces Section 504 of the Rehabilitation Act of 1973, as amended, (Section 504) a civil rights statute which prohibits discrimination against individuals with disabilities.

OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), which extends this prohibition against discrimination to the full range of state and local government services, programs, and activities (including public schools) regardless of whether they receive any Federal financial assistance. The Americans with Disabilities Act Amendments Act of 2008 (Amendments Act), effective January 1, 2009, amended the Americans with Disabilities Act of 1990 (ADA) and included a conforming amendment to the Rehabilitation Act of 1973 (Rehabilitation Act) that affects the meaning of disability in Section 504. The standards adopted by the ADA were designed not to restrict the rights or remedies available under Section 504.

The Title II regulations applicable to free appropriate public education issues do not provide greater protection than applicable Section 504 regulations. This guidance focuses primarily on Section 504. Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination on the basis of disability by state and local governments. The Office of Special Education and Rehabilitative Services (OSERS), also a component of the U.S.

Department of Education, administers the Individuals with Disabilities Education Act (IDEA), a statute which funds special education programs. Each state educational agency is responsible for administering IDEA within the state and distributing the funds for special education programs. IDEA is a grant statute and attaches many specific conditions to the receipt of Federal IDEA funds. Section 504 and the ADA are antidiscrimination laws and do not provide any type of funding.

OCR receives complaints from parents, students or advocates, conducts agency initiated compliance reviews, and provides technical assistance to school districts, parents or advocates. Except in extraordinary circumstances, OCR does not review the result of individual placement or other educational decisions so long as the school district complies with the procedural requirements of Section 504 relating to identification and location of students with disabilities, evaluation of such

students, and due process. Accordingly, OCR generally will not evaluate the content of a Section 504 plan or of an individualized education program (IEP); rather, any disagreement can be resolved through a due process hearing.

The hearing would be conducted under Section 504 or the IDEA, whichever is applicable. OCR will examine procedures by which school districts identify and evaluate students with disabilities and the procedural safeguards which those school districts provide students. OCR will also examine incidents in which students with disabilities are allegedly subjected to treatment which is different from the treatment to which similarly situated students without disabilities are subjected. Such incidents may involve the unwarranted exclusion of disabled students from educational programs and services.

Retaliatory acts are prohibited. A recipient is prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504. OCR does not engage in formal mediation. However, OCR may offer to facilitate mediation, referred to as "Early Complaint Resolution", to resolve a complaint filed under Section 504. This approach brings the parties together so that they may discuss possible resolution of the complaint immediately.

If both parties are willing to utilize this approach, OCR will work with the parties to facilitate resolution by providing each an understanding of pertinent legal standards and possible remedies. An agreement reached between the parties is not monitored by OCR. A school district is out of compliance when it is violating any provision of the Section 504 statute or regulations. OCR initially attempts to bring the school district into voluntary compliance through negotiation of a corrective action agreement. If OCR is unable to achieve voluntary compliance, OCR will initiate enforcement action. OCR may: 1) initiate administrative proceedings to terminate Department of Education financial assistance to the recipient; or 2) refer the case to the Department of Justice for judicial proceedings.

In the educational context, OCR has been given administrative authority to enforce Section 504. Section 504 is a Federal statute that may be enforced through the Department's administrative process or through the Federal court system. In addition, a person may at any time file a private lawsuit against a school district. The Section 504 regulations do not contain a requirement that a person file a complaint with OCR and exhaust his or her administrative remedies before filing a private lawsuit.

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: 1) have a physical or mental impairment that substantially limits one or more major life activities; or 2) have a record of such an impairment; or 3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision at 34 C.F.R. 104.3(j)(2)(i) defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as intellectual disabilities, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

Public elementary and secondary recipients are required to provide a free appropriate public education to qualified students with disabilities. Such an education consists of regular or special education and related aids and services designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met. At the elementary and secondary school level, determining whether a child is a qualified disabled student under Section 504 begins with the evaluation process. Section 504 requires the use of evaluation procedures that

ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials.

Recipient school districts must establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need special education and/or related services because of disability. The Section 504 regulatory provision at 34 C.F.R. 104.35(b) requires school districts to individually evaluate a student before classifying the student as having a disability or providing the student with special education.

Tests used for this purpose must be selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured. Section 504 also requires that tests and other evaluation materials include those tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient. The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.

At the elementary and secondary education level, the amount of information required is determined by the multi-disciplinary committee gathered to evaluate the student. The committee should include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. The committee members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability. The Section 504 regulatory provision at 34 C.F.R. 104.35(c) requires that school districts draw from a variety of sources in the evaluation process so that the possibility of error is minimized. The information obtained from all such sources must be documented and all significant factors related to the student's learning process must be considered.

These sources and factors may include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. In evaluating a student suspected of having a disability, it is unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons. Compliance with the IDEA regarding the group of persons present when an evaluation or placement decision is made is satisfactory under Section 504. School districts may use the same process to evaluate the needs of students under Section 504 as they use to evaluate the needs of students under the IDEA. If school districts choose to adopt a separate process for evaluating the needs of students under Section 504, they must follow the requirements for evaluation specified in the Section 504 regulatory provision at 34 C.F.R. 104.35.

As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, must not consider the ameliorating effects of any mitigating measures that student is using. This is a change from prior law. Before January 1, 2009, school districts had to consider a student's use of mitigating measures in determining whether that student had a physical or mental impairment that substantially limited that student in a major life activity. In the Amendments Act (see FAQ 1), however, Congress specified that the ameliorative effects of mitigating measures must not be considered in determining if a person is an individual with a disability.

Congress created one exception to the mitigating measures analysis. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining if an impairment substantially limits a major life activity. "Ordinary eyeglasses or contact lenses" are lenses that are intended to fully correct visual acuity or eliminate refractive error, whereas "low-vision devices" (listed above) are devices that magnify, enhance, or otherwise augment a visual image.

The determination of substantial limitation must be made on a case-by-case basis with respect to each individual student. The Section 504 regulatory provision at 34 C.F.R. 104.35 (c) requires that a group of knowledgeable persons draw upon information from a variety of sources in making this determination. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests,

teacher recommendations, physical condition, social and cultural background, and adaptive behavior. As noted in FAQ 22, the Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student's ability to learn or other major life activity, or only results in some minor limitation in that regard.

The results of an outside independent evaluation may be one of many sources to consider. Multi-disciplinary committees must draw from a variety of sources in the evaluation process so that the possibility of error is minimized. All significant factors related to the subject student's learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior, among others. Information from all sources must be documented and considered by knowledgeable committee members. The weight of the information is determined by the committee given the student's individual circumstances.

A school district must evaluate a student prior to providing services under Section 504. Section 504 requires informed parental permission for initial evaluations. If a parent refuses consent for an initial evaluation and a recipient school district suspects a student has a disability, the IDEA and Section 504 provide that school districts may use due process hearing procedures to seek to override the parents' denial of consent. The Section 504 regulatory provision at 34 C.F.R.104.35 (c) (3) requires that school districts ensure that the determination that a student is eligible for special education and/or related aids and services be made by a group of persons, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options. If a parent disagrees with the determination, he or she may request a due process hearing.

Periodic re-evaluation is required. This may be conducted in accordance with the IDEA regulations, which require re-evaluation at three-year intervals (unless the parent and public agency agree that re-evaluation is unnecessary) or more frequently if conditions warrant, or if the child's parent or teacher requests a re-evaluation, but not more than once a year (unless the parent and public agency agree otherwise). Section 504 specifies that re-evaluations in accordance with the IDEA is one means of compliance with Section 504. The Section 504 regulations require that re-evaluations be conducted periodically. Section 504 also requires a school district to conduct a re-evaluation prior to a significant change of placement.

OCR considers an exclusion from the educational program of more than 10 school days a significant change of placement. OCR would also consider transferring a student from one type of program to another or terminating or significantly reducing a related service a significant change in placement. School districts may always use regular education intervention strategies to assist students with difficulties in school. Section 504 requires recipient school districts to refer a student for an evaluation for possible special education or related aids and services or modification to regular education if the student, because of disability, needs or is believed to need such services.

The student may be eligible for services under Section 504. The school district must determine whether the student has an impairment which substantially limits his or her ability to learn or another major life activity and, if so, make an individualized determination of the child's educational needs for regular or special education or related aids or services. For example, such a student may receive adjustments in the regular classroom. A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

If a student is eligible under IDEA, he or she must have an IEP. Under the Section 504 regulations, one way to meet Section 504 requirements for a free appropriate public education is to implement an IEP.

In public elementary and secondary schools, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a free appropriate public education (FAPE).

This is consistent with the Amendments Act (see FAQ 1), in which Congress clarified that an individual who meets the definition of disability solely by virtue of being "regarded as" disabled is not entitled to reasonable accommodations or the reasonable modification of policies, practices or procedures. The phrases "has a record of disability" and "is regarded as disabled" are meant to reach the situation in which a student either does not currently have or never had a disability, but is treated by others as such.

As noted in FAQ 34, in the Amendments Act (see FAQ 1), Congress clarified that an individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less. If a student with a disability transfers to a district from another school district with a Section 504 plan, the receiving district should review the plan and supporting documentation.

If a group of persons at the receiving school district, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options determines that the plan is appropriate, the district is required to implement the plan. If the district determines that the plan is inappropriate, the district is to evaluate the student consistent with the Section 504 procedures at 34 C.F.R. 104.35 and determine which educational program is appropriate for the student.

A regular education intervention plan is appropriate for a student who does not have a disability or is not suspected of having a disability but may be facing challenges in school. School districts vary in how they address performance problems of regular education students. Some districts employ teams at individual schools, commonly referred to as "building teams". These teams are designed to provide regular education classroom teachers with instructional support and strategies for helping students in need of assistance.

These teams are typically composed of regular and special education teachers who provide ideas to classroom teachers on methods for helping students experiencing academic or behavioral problems. The team usually records its ideas in a written regular education intervention plan. The team meets with an affected student's classroom teacher(s) and recommends strategies to address the student's problems within the regular education environment. The team then follows the responsible teacher(s) to determine whether the student's performance or behavior has improved. In addition to building teams, districts may utilize other regular education intervention methods, including before-school and after-school programs, tutoring programs, and mentoring programs.

Public elementary and secondary schools must employ procedural safeguards regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. Section 504 neither prohibits nor requires a school district to initiate a due process hearing to override a parental refusal to consent with respect to the initial provision of special education and related services. Nonetheless, school districts should consider that IDEA no longer permits school districts to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

Recipient school districts are required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian, representation by counsel and a review procedure. Section 504 requires districts to provide notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing.

Conclusions. A recipient that operates a preschool education or day care program, or an adult education program may not exclude qualified handicapped persons and must take into account their needs of qualified handicapped persons in determining the aid, benefits, or services to be provided under those programs and activities.

Students with hidden disabilities frequently are not properly diagnosed. For example, a student with an undiagnosed hearing impairment may be unable to understand much of what a teacher says; a student with a learning disability may be unable to process oral or written information routinely; or a student with an emotional problem may be unable to concentrate in a regular classroom setting. As a result, these students, regardless of their intelligence, will be unable to fully demonstrate their ability or attain educational benefits equal to that of nonhandicapped students. They may be perceived by teachers and fellow students as slow, lazy, or as discipline problems.

Whether a child is already in school or not, if his / her parents feel the child needs special education or related services, they should get in touch with the local superintendent of schools. For example, a parent who believes his or her child has a hearing impairment or is having difficulty understanding a teacher, may request to have the child evaluated so that the child may receive appropriate education. A child with behavior problems, or one who is doing poorly academically, may have an undiagnosed hidden disability. A parent has the right to request that the school determine whether the child is handicapped and whether special education or related services are needed to provide the child an appropriate education. Once it is determined that a child needs special education or related services, the recipient school system must arrange to provide appropriate services.

REFERENCES

1. COVID-19 and education in emergencies. (2020). URL : <https://www.educationcannotwait.org/covid-19/>
2. COVID-19 And The Mainstreaming Of Virtual Classrooms. (2020). URL : <https://elearningindustry.com/virtualclassrooms-role-during-covid-19-pandemic>
3. Digitization of Education In The 21st Century. (2018). URL : <https://elearningindustry.com/digitization-of-education-21st-century> [in English].
4. Education 2030: The Future of Education and Skills. (2018). URL : [https://www.oecd.org/education/2030/E2030%20Position%20Paper%20\(05.04.2018\).pdf](https://www.oecd.org/education/2030/E2030%20Position%20Paper%20(05.04.2018).pdf)
5. Jay, P. Greene & Marcus, A. Winters. (2003). When Schools Compete: The Effects of Vouchers on Florida Public School Achievement, Education Working. Paper, 2. URL : <https://files.eric.ed.gov/fulltext/ED480754.pdf>
6. National Center for Education Statistics / Official site. (2020). URL : <https://nces.ed.gov/>
7. Newman, D. (2017). Top 6 Digital Transformation Trends In Education. URL : <https://www.forbes.com/sites/danielnewman/2017/07/18/top-6-digital-transformation-trends-in-education/#29e4d83a2a9a>
8. Manhattan Institute for Policy Research. (2020) / Manhattan Institute for Policy Research School Choice: Vouchers (2016). National Conference of State Legislatures / Official site. URL : <https://www.ncsl.org/research/education/school-choice-vouchers.aspx>
9. The 6 Hottest eLearning Trends: What To Expect In 2020. (2020). URL : <https://elearningindustry.com/bestelearning-resources-trends-for-keen-learners-2020>
10. Quinn, R. & Cheuk, T. (2018). School Vouchers in the Trump Era: How Political Ideology and Religion Shape Public Opinion. URL : <https://files.eric.ed.gov/fulltext/ED586964.pdf> [in English].
11. U.S. Department of Education / Official site. (2020). URL : <http://www.ed.gov>
12. A critique of the French and UK higher education system – current practice, future trends / Thomas, L., Ambrosini, V., Barton, H., Bilsbury, J. British. *Journal of Management*. 2013. ISSN 1467-8551. URL : <http://irep.ntu.ac.uk/id/eprint/23307/>
13. Hopkins D. (2021). Research as a Basis for Teaching, invited Keynote Address / University of Swansea. URL : <https://profdavidhopkins.com/assets/docs/Swansea%2030.ix.21%20Research%20as%20Basis.pdf>
14. Mallea, John. (1996). The Internationalisation of Higher Education, Stakeholders Views in North America. In OECD. Documents, Internationalisation of Higher Education. Paris, OECD.
15. Wit, Hans de. (1999). Changing Rationales for Internationalization / In International Higher Education. Number 15, pp. 2–3. Spring. Boston : Boston College Center for International Higher Education.

16. Wit, Hans de. (2000, a). The Sorbonne and Bologna Declarations on European Higher Education / In International Higher Education. Number 18, pp. 8–9. Winter Boston : Boston College Center for International. Higherr Education.

17. Wit, Hans de. (2000, b). Changing Rationales for the Internationalization of Higher Education / In Internationalization Ofof Higher Education: An Institutional Perspective. Papers on Higher Education, Bucharest, UNESCO / CEPES.

Ю. О. Корольов, С. С. Атаманська. ПРАВОВИЙ ЗАХИСТ СТУДЕНТІВ З ОБМЕЖЕНИМИ МОЖЛИВОСТЯМИ В СИСТЕМІ ОСВІТИ США

Система освіти США має добре розвинену правову базу для забезпечення прав студентів з обмеженими можливостями. Основні принципи цієї бази ґрунтуються на рівності можливостей і доступності освіти. У статті розкрито ключові законодавчі акти й механізми, які забезпечують правовий захист.

Наголошено, що Акт про освіту осіб з обмеженими можливостями гарантує студентам з обмеженими можливостями право на безкоштовну та відповідну публічну освіту (FAPE) в найменш обмеженому середовищі, а також передбачає розробку індивідуальних навчальних планів, які враховують особливості розвитку кожного студента.

Закон про американців з інвалідністю забороняє дискримінацію за ознакою інвалідності в усіх громадських сферах включно із освітою, а також вимагає створення безбар'єрного середовища в навчальних закладах, доступності кампусів, аудиторій, ресурсів і технологій.

Висвітлено, що розділ 504 Закону про реабілітацію захищає права студентів з інвалідністю в усіх навчальних закладах, які отримують федеральне фінансування. Зобов'язує школи й університети вживати розумних заходів для забезпечення рівного доступу до навчання.

З'ясовано, що правовий захист студентів з обмеженими можливостями в США є комплексним і спрямованим на забезпечення рівності можливостей. Важливу роль відіграють не лише закони, а й активна участь освітніх установ у їхній реалізації. Це дає змогу створити інклюзивну та доступну систему освіти.

Ключові слова: вища освіта США, мета вищої освіти, правовий захист студентів, менеджмент освіти, індивідуальний підхід.

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