

Quick Guide to Education Rights and Financial Help

A cancer diagnosis may disrupt the education of students from age 3 through graduate school, who may need to take time off of, or delay entering, school. Students may also experience cancer-related medical and nonmedical complications while attending school during treatment or returning to school after treatment. It is important to know that there are laws that help protect students with a disability. Many people do not consider a cancer diagnosis to be a disability; however, under some laws, cancer can be considered a disability. There are three laws in particular that are useful to know about related to education rights:

1) The Individuals with Disabilities Education Act (IDEA): For K-12

The IDEA is a federal law that governs how states and public agencies provide early intervention, special education programs, and other services to students with disabilities.

- The IDEA requires a free, appropriate public education be available to meet the unique needs of eligible students with disabilities, including special education and related services.
- It applies to students from the ages 3-21 years old (kindergarten through 12th grade). This allows for a student who is slightly older to have enough time to complete the 12th grade. This is useful for childhood cancer survivors who may need to miss school for longer periods of time.
- Students must also have one of 13 listed disabilities. Common cancer-related conditions on this list include: specific learning disabilities, traumatic brain injury, or other health impairments. For more information about the IDEA, visit: <https://sites.ed.gov/idea>.

2) Section 504 of the Rehabilitation Act: For K-Graduate School

The Rehabilitation Act of 1973 is a federal law that protects the rights of individuals with disabilities. Section 504 of the Rehabilitation Act requires that school districts provide a free appropriate public education (FAPE) to eligible students in their jurisdictions. It applies to:

- All kindergarten through 12th grade schools, including all public schools (including charter/magnet schools)
- All colleges, universities, or graduate schools that receive federal funding. Section 504 not only applies to public schools, but also applies to most private colleges and universities because they receive federal financial assistance by participating in federal student aid programs.
- Students who:
 - have “physical or mental impairments, which substantially limit one or more major life activities”
 - have a “record of such impairment”
 - are “perceived as having such impairment”

A “Major Life Activity” under the Rehabilitation Act is an activity that an average person can perform with little or no difficulty. Some examples include, but are not limited to: walking, seeing, speaking, hearing, breathing, learning, caring for oneself, concentrating, sleeping, and the operation of major bodily functions.

Under Section 504, eligible students are entitled to receive a “504 plan” in writing, which is a plan that is created by the school to help students with disabilities overcome any challenges posed by their medical condition in a learning environment. To learn more about 504 plans, visit:

understood.org/en/school-learning/special-services/504-plan/what-is-a-504-plan

3) The Americans with Disabilities Act (ADA): *For K-Graduate School*

The ADA is a federal law that prohibits discrimination in the workplace, transportation, communication, government, and public accommodations for people with disabilities. Specifically, Title II of the ADA prohibits state and local governments from discriminating against individuals with disabilities in all state and local government services, programs, and activities. This includes state-funded public schools, colleges, universities, and vocational schools. The ADA applies to students who:

- have “physical or mental impairments, which substantially limit one or more major life activities”
- have a “record of such impairment”
- are “perceived as having such impairment”

Under the ADA, eligible students are entitled to receive accommodations to overcome any challenges posed by their medical condition in a learning environment.

In addition to education rights, Title I of the ADA also provides protections in the employment arena. As adolescents and young adults begin to seek jobs and pursue their career goals, the ADA can provide protection against discrimination and access to reasonable accommodations in the workplace.

It is important to note that in order to be protected by these laws, students must meet certain eligibility rules, and each law’s rules are different. These laws are in place to help protect students against discrimination, to provide access to reasonable accommodations, and ultimately, to ensure that students with disabilities have access to equal educational opportunities.

In addition to federal laws that protect students with disabilities, there may also be state laws, protections, and benefits. For details about your state’s education laws and how states must apply federal education laws: understood.org/en/school-learning/your-childs-rights/basics-about-childs-rights/special-education-federallaw-vs-state-law

Accommodations to Help Students in School

Reasonable accommodations are any changes that help a student overcome challenges associated with their medical condition while getting an education. For example, once a student receives treatment for a cancer diagnosis, they may face side effects that could pose both medical and nonmedical complications related to education. Cancer treatment may pose challenges with:

- Attention/ability span
- Ability to complete tasks on time
- Concentration
- Memory
- Organizing
- Handwriting
- Planning
- Problem-solving
- Processing
- Reading & Math
- Social skills
- Spelling & Vocabulary

If a student is facing one or more of these challenges, there may be accommodations available to help with those school-related situations. Here are some examples within three categories of accommodations that could be helpful to students who are coping with cancer:

Modifying Space	Modifying Schedule	Other Options
• Sitting in a specific classroom seat • Access to an elevator • Access to the nurse’s office • Access to a place to rest • Special furniture requests • Allowing snacks in class • Duplicate textbooks to keep at home • Being able to take online classes, rather than being in a classroom • Homework or assignments sent home • Specialized gym equipment • Moving a classroom to an accessible location	• Flexible schedule • Additional breaks • Extra time to get between classes • Additional time to take tests or complete assignments • Later start time to school day • Taking a lighter class schedule, while maintaining full-time student status • Additional excused absences • Extended leave from school	• Using a calculator • Typing notes, rather than writing notes in class • Recording or videotaping classes • Access to a note taker in class • Access to a classroom aide or tutor • Modifying tests • Taking tests orally • Use of speech-to-text software, such as Dragon Naturally Speaking • Use text-to-speech software, such as Learning Ally • Use of Microsoft Learning Tools

College Application Process

Students may also be eligible for accommodations during the college application process. Individuals applying to college do not have to disclose their disability status during the application process. If students know they will require accommodations, they can choose to disclose their disability or wait to identify what types of accommodations they may need once they begin school. If a student does disclose their disability, an institution is not allowed to deny a student admission based on their disability.

The college application process includes completing applications, taking entrance exams, taking placement tests, and potentially interviewing at schools. Eligible students may be able to access accommodations at different points during the college application process. For example, students who are taking College Board exams can request a variety of test accommodations: collegeboard.org/students-with-disabilities

If you are requesting an accommodation for a College Board exam, review the calendar of deadlines to apply for a specific test: accommodations.collegeboard.org/calendar.

Graduate School Application Process

Eligible students may be able to access accommodations at different points during the graduate school application process. Students with disabilities also have privacy protections in that they are not required to disclose their medical condition to a school. However, they may need to show enough information about their medical condition to show why they are eligible for specific accommodations.

Student Loans

If you have a student loan, it is important to figure out how much you owe and who you owe it to. If you are having trouble making payments, speak with a loan counselor for payment plan, refinancing, consolidating, deferments, or forbearance options.

Deferment: There are several ways to defer your loans, including while in cancer treatment and for the six months following the end of your treatment, you can qualify for a Cancer Treatment Deferment of your student loans. For details, visit the Education Module on Cancer Finances: CancerFinances.org.

Total and Permanent Disability Discharge: Individuals who have a total and permanent disability can be discharged from repaying their student loans. This program applies to loans made under the Direct Loan Program, Federal Family Education Loan (FFEL) Program, Perkins Loan Program, and a TEACH grant. In order to be eligible, individuals must demonstrate that they are totally and permanently disabled, by:

- Being a veteran with a service-connected disability,
- Receiving Social Security Disability Insurance or Supplemental Security Income, or
- Submitting a medical certification from a licensed doctor declaring you totally and permanently disabled. The doctor must certify that you are unable to engage in any substantial gainful activity. This must be supported by a medical reason, and that the disability can be expected to last for a continuous period of not less than 60 months, has lasted for a continuous period of 60 months or more, or can be expected to result in death.

Some private lenders also offer disability discharge options for individuals with disabilities. These lenders may have different rules, so it is important to contact your lenders for more information.

It is important to know that if an individual does receive a discharge or cancellation of their student loans, they are not required to pay federal income tax on the amount of the loan discharged.

Note: The COVID-19 payment pause on federal student loan payments has ended and student loan payments have restarted. For help, visit: StudentAid.gov.

For more information about education rights and financial help for education at all levels, visit the Education Module at TriageCancer.org/Cancer-Finances-Education.