

Section 504

The Law and Postsecondary Education

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 states that:

“No otherwise qualified person with a disability in the United States as defined in Section 705 (20) of this title, shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Who is protected under Section 504?

A “person with a disability” includes any person who (i) has a physical or mental impairment which substantially limits one or more of such person’s major life activities; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment.

A “qualified person with a disability” is defined as one who meets the requisite academic and technical standards required for admission to or participation in the postsecondary institution’s programs and activities. Section 504 protects the civil rights of individuals who are qualified to participate and who have disabilities including, but not limited to:

- Blindness or visual impairments
- Chronic illnesses, such as:
 - AIDS
 - Arthritis
 - Cancer
 - Cardiac diseases
 - Diabetes
- Deafness or hearing impairments
- Drug or alcohol addiction (covers former users and those in recovery)
- Epilepsy or seizure disorders
- Intellectual or cognitive disability
- Neurological and neuro-muscular disorders
- Orthopedic impairment
- Psychiatric disabilities
- Specific learning disability
- Speech disorder
- Spinal cord or traumatic brain injury

What is the impact of the law on postsecondary education?

Colleges and universities receiving federal financial assistance must not discriminate in the recruitment, admission, or treatment of students. Students with documented disabilities may request modifications, accommodations, or auxiliary aids which will enable them to participate in and benefit from all postsecondary educational programs and activities. Postsecondary institutions make such changes, when appropriate, to ensure that the academic program is accessible to the greatest extent possible by all students with disabilities.

What can postsecondary institutions do to implement program accommodations?

For college students with disabilities, academic adjustments may include adaptations in the way specific courses are conducted, the use of auxiliary equipment and support staff, and modifications in academic requirements. A postsecondary institution has the flexibility to select the specific aid or service it provides, as long as it is effective. Such aids or services should be selected in consultation with the student who will use them.

Accommodations may include:

- Removing architectural barriers;
- Providing services such as readers, qualified interpreters, and notetakers;
- Providing modifications, substitutions, or waivers of courses, major fields of study, or degree requirements on a case-by-case basis (need not be made if the institution can demonstrate that the changes would substantially alter essential elements of the course or program);
- Allowing extra time for taking exams;
- Permitting exams to be individually proctored;
- Using alternative forms for students to demonstrate course mastery; and
- Permitting the use of assistive technology software or devices.

Resources

AHEAD - Association on Higher Education And Disability
www.ahead.org

JAN - Job Accommodation Network
askjan.org

U.S. Department of Education, Office for Civil Rights
www2.ed.gov/about/offices/list/ocr/504faq.html

US Equal Employment Opportunity Commission
www.eeoc.gov/policy/rehab.html