



Section 504: The Law & Its Impact on Postsecondary Education

By: American Council on Education (1999)

What is the law?

Section 504 of the Rehabilitation Act of 1973 states that:

"No otherwise qualified person with a disability in the United States...shall, solely by reason of...disability, be denied the benefits of, be excluded from participating in, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Who is protected under the law?

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 or participation in the postsecondary institutions programs and activities. Section 504 protects the civil rights of individuals who are qualified to participate and who have disabilities such as, but not limited to, the following:

- Blindness or visual impairments
- Cerebral palsy
- Chronic illnesses, such as: aids, arthritis, cancer , diabetes, multiple sclerosis, muscular, dystrophy, psychiatric disabilities.
- Deafness or hearing impairments
- Drug or alcohol addiction (Section 504 covers former users and those in recovery programs and not currently using drugs or alcohol.)
- Epilepsy or seizure disorders
- Mental retardation
- Orthopedic impairment
- 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 must make such changes to ensure that the academic program is accessible to the greatest extent possible by all students with disabilities.

Under the provisions of Section 504, universities and colleges may not:

- limit the number of students with disabilities admitted;
- make preadmission inquiries as to whether or not an applicant is disabled;
- use admissions tests or criteria that inadequately measure the academic qualifications of disabled students because special provisions were not made for them;
- exclude a qualified student with a disability from any course of study;
- limit eligibility to a student with a disability for financial assistance or otherwise discriminate in administering scholarships, fellowships, internships, or assistantships on the basis of disability.
- counsel a student with a disability toward a more restrictive career;
- measure student achievement using modes that adversely discriminate against a student with a disability; or
- establish rules and policies that may adversely affect students with disabilities.

What can colleges and universities do to implement program modifications?

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 college or university 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.

Postsecondary institutions can make modifications for students with disabilities such as:

- removing architectural barriers;
- providing services such as readers for blind or learning disabled individuals, qualified interpreters and note takers for deaf and hard of hearing students, or note takers for students with learning disabilities or mobility impairments. (Colleges and universities may, but need not, provide aids, devices, or services of a personal nature, such as personal assistants, wheelchairs, or specially certified tutors.);
- providing modifications, substitutions, or waivers of courses, major fields of study, or degree requirements on a case-by-case basis (Such accommodations need not be made if the institution can demonstrate that the changes requested would substantially alter essential elements of the course or program.);
- allowing extra time to complete exams;
- permitting examinations to be individually proctored, read orally, dictated, or typed;

- increasing the frequency of tests or examinations;
 - changing test formats (e.g., from multiple choice to essay);
 - using alternative forms for students to demonstrate course mastery (e.g., a narrative tape instead of a written journal); and
 - permitting the use of computer software programs or other assistive technological devices to assist in test-taking and study skills.
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