



LEGAL INFORMATION

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973 is a federal law that protects a qualified individual from discrimination based on disability. Section 504 prohibits the recipients of federal funding from discriminating against an individual because of a disability. The statute states that “no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” For the purpose of this section, the terms “program or activity” means a private college, university or other postsecondary private institution. Section 504 is not an affirmative action statute. It does not require private schools to substantially modify their programs to provide access to students with disabilities.

Section 504 takes the three-pronged approach to determining a qualifying disability. These are 1) a physical or mental impairment that 2) substantially limits one or more major life activities and 3) having a record of such impairment or being regarded as having such an impairment.

Examples of disabilities that can impact a student in postsecondary education include, but are not limited to; 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, genitourinary, hemic and lymphatic, skin, and endocrine; any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

Some disabilities are visible, while others, such as learning disabilities or psychiatric disorders, are “invisible” or not apparent. Factors such as fatigue, pain, or medication side effects can also aggravate an existing disability.

Additional information can be found at:

www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html

THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)

The ADA was signed into law on July 26, 1990 and is the short title of the United States Public Law 101-336. The ADA is a wide-ranging civil rights law that prohibits discrimination based on disability. The ADA’s protection applies primarily, but not exclusively, to disabled individuals. An individual is disabled if he or she meets at least any one of the three requirements established in 504. These requirements are; 1) an individual has a physical or mental impairment that 2) substantially limits one or more major life activities and 3) having a record of such impairment or is regarded as having such impairment. The intention was to make American Society more accessible to people with disabilities for employment, public services, public transportation, public accommodations and facilities, and telecommunications.

Additional information can be found at:

www.ada.gov/statute.html