Laws Relating to Students with Disabilities

College responsibilities to individuals with disabilities are mandated by two main pieces of Federal legislation. They are Section 504 of the Rehabilitation Act of 1973 and The Americans with Disabilities Act (ADA). Both are civil rights statues aimed at preventing discrimination against individuals on the basis of their disability.

Section 504 of the Rehabilitation Act of 1973 was the first law to specifically address the needs of students with disabilities. It states in part:

“No otherwise qualified individuals with disabilities in the United States…shall solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or actively receiving Federal financial assistance.”

Section 504 and subsequent amendments require that all institutions of higher education provide students with disabilities the same opportunity to engage in educational experiences as nondisabled students. Students who have voluntarily disclosed that they have a disability (self-identified), provided documentation of that disability, and requested reasonable accommodations are entitled to receive approved modifications of programs, appropriate academic adjustments, or auxiliary aids that enable them to participate in all educational programs and activities at the college.

The ADA was passed in 1990 to support and supplement existing disability laws, including section 504 of the Rehabilitation Act. ADA legislation seeks to assure equal access for persons with disabilities in the areas of education, training, and employment. The mandates of the ADA apply to all institutions of higher education, regardless of the receipt of Federal funds.

Under the ADA, a person with a disability is defined as any person who:

1. has a physical or mental impairment which substantially limits one or more major life activities,
2. has a record of such impairment, or
3. is regarded as having such an impairment.

The ADA also provides clarification of the Section 504 phrase “otherwise qualified” individual with a disability, as one whom either;

“…with or without reasonable modification to rules, policies, or practices, the removal of architectural communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.”

In summary, these laws hold four very important implications for educators;

1. Students with disabilities have the right to be in higher education, if they are otherwise qualified to be there. Once a student with a disability has met the college entrance or admission criteria, with or without the use of accommodations, he or she has the same right as any other student to the educational experience. Just like any other student, those with disabilities are responsible for determining their level of success.
2. Once they are enrolled, students have the right to access all of the programs, both academic and nonacademic, that are available to other students. Instructors cannot refuse to work with a student simply because they know he or she has a disability or because they are concerned that having a disability would prevent him or her from being successful. Furthermore, students with disabilities should be held to the same set of standards and criteria as students without disabilities.

3. Students with disabilities are eligible for some accommodations that relate to their disabilities. Instructors need to be prepared to make adaptations or reasonable accommodations to their procedures and practices so that students with disabilities are able to do the same things that other college students are required to do. This may include altering or making changes in the delivery of lecture or course materials, or in the assessment of knowledge, in order to counter the effects of the disability.

4. Students with disabilities have a right to confidentiality.

Source: Accommodating Students with Disabilities
Special Education and Rehabilitation Handbook (2002)