

The George Washington University
HEATH Resource Center

SECTION 504: THE LAW AND ITS
IMPACT ON POSTSECONDARY
EDUCATION

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What is the Law?

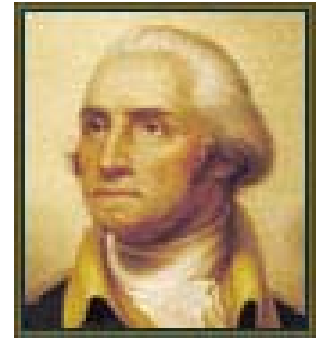
Section 504 of the Rehabilitation Act of 1973 states that:

No otherwise qualified person with a disability in the United States...shall, solely by reason of...disability, be 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 the Law?

A "person with a disability" is "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 one who meets the academic and technical standards required for admission to or participation in a postsecondary institution's programs and activities. Section 504 regulations and court cases interpreting Section 504 have identified the following physical and mental impairments:
Blindness or visual impairments
- Cerebral Palsy
- Chronic illnesses, such as :



- AIDS
- Arthritis
- Cancer
- Cardiac diseases
- Diabetes
- Multiple sclerosis
- Muscular dystrophy
- Mental illnesses

- Deafness or hearing impairments
- Drug or alcohol addiction (Section 504 covers former users and those in recovery programs who currently do not use drugs or alcohol.)
- Epilepsy or seizure disorder
- Mental retardation
- Orthopedic impairment
- Specific learning disability
- Speech impairment
- Spinal cord or traumatic brain injury

A diagnosis of impairment alone, however, does not establish that an individual has a disability within the meaning of Section 504. Rather, to be protected by the law, the individual must, due to the impairment's current, past or perceived effect on a major life activity, meet the definition of person with a disability as described above.

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What is the Effect 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 academic adjustments, including auxiliary aids which will enable them to participate in and benefit from all postsecondary educational programs and activities. Postsecondary institutions must make such adjustments 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 that they admit;
- Make preadmission inquiries as to whether an applicant has a disability;
- Use admissions tests or criteria that inadequately measure the academic qualifications of disabled students because adjustments were not made for them;
- Exclude a qualified student with a disability from any course of study for which he or she meets required academic and technical standards;
- Limit the eligibility of students with disabilities for financial assistance or otherwise discriminate in administering scholarships, fellowships, internships, or assistantships on the basis of disability;
- Counsel students with disabilities toward more restrictive careers than students without disabilities;
- Measure student achievement using instruments that adversely discriminate against students with disabilities due to their disabilities; or

- Establish rules and policies that may adversely affect students with disabilities on the basis of their disabilities.

What Program Modifications Can Colleges and Universities Make?

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 of academic requirements. A college or university has the flexibility to select the specific aid or service it provides, as long as it is effective. These aids or services should be selected in consultation with the students 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 students or students with learning disabilities, qualified interpreters and note takers for deaf and hearing impaired students, or note takers for students with learning disabilities or mobility impairments. (Colleges and universities may choose to, *but need not*, provide aids, devices, or services of a personal nature, such as personal assistants, wheelchairs, or specially certified tutors.);
- Modifying, substituting, or allowing waivers of courses or degree requirements on a case-by-case basis. (Such adjustments need not be made if the institution can demonstrate that the changes in academic requirements are essential to the instruction being pursued or to directly related licensing requirements;
- Allowing extra time to complete exams;

- Permitting examinations to be individually proctored, read orally or dictated;
- Permitting students to type their responses for examinations;
- Increasing the frequency of tests or examinations;
- Changing test formats, e.g., from multiple choice to essay or vice-versa;
- Using alternative means for students to demonstrate course mastery, e.g., a narrative recording instead of a written journal; and
- Permitting the use of assistive technological devices for test-taking and studying.



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