ADA and Section 504 Information & Resources

(2/10/09)

The American's with Disabilities Act (link to www.ada.gov)

To this nation's over 43 million citizens with disabilities, the ADA represents an unprecedented opportunity to eliminate the barriers to independence and productivity. The ADA is modeled after the Civil Rights Act and Title V of the Rehabilitation Act of 1973 (e.g., the definition of a "qualified person with a disability" is the same and similar accommodations/modifications are mandated). The Bill was originally drafted by the National Council on Disability and is supported by every major disability organization. The ADA was signed into law in July 1990.

What is the purpose of ADA?

The purpose of ADA is to extend to people with disabilities civil rights similar to those now available to individuals on the basis of race, color, sex, national origin, and religion through the Civil Rights Act of 1964.

What does ADA do?

It prohibits discrimination on the basis of disability in private sector employment, services rendered by state and local governments, places of public accommodation, transportation, telecommunications and relay services.

Who is protected under ADA?

Under the ADA a person has a disability if he/she has a substantial physical or mental impairment, has a record of such impairment or is regarded as having such an impairment even if they are not continuously impaired by their disability, (e.g. random epileptic attacks), or have a personal relationship with someone with a known disability. Personal relationships are not limited to family members.

A substantial impairment is one that significantly limits or restricts a major life activity. It includes conditions controlled by medication such as epilepsy or depression or those mitigated by a prosthetic device. Major life activities include (but are not limited to): performing manual tasks, learning, walking, working, seeing, caring for oneself, hearing, breathing.

SECTION 504 OF THE 1973 REHABILITATION ACT

(link to http://www.dol.gov/oasam/regs/statutes/sec504.htm)

What is Section 504?

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

A disabled person is "any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such an impairment, or is regarded as having such an impairment." This includes (but is not limited to) persons with mental retardation; specific learning disabilities; psychiatric problems; traumatic head or spinal cord injuries; orthopedic handicaps; neurological impairments; chronic illness; drug or alcohol addiction (i.e., former users only); and visual, hearing, or speech impairments.

A qualified disabled person is defined as one who meets the requisite academic and technical standards required for admission 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 meet the definition of a disabled person as defined above.

For college students with disabilities, academic adjustments may include such things as adaptations in the way specific course material is presented, the use of auxiliary equipment and support staff, and modifications in academic requirements. A college or university has the flexibility to select the 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 include such things as removing architectural barriers; providing readers, notetakers, and/or interpreters for classes and related course activities; providing alterations, substitutions, or waivers of courses or degree requirements on a case-by-case basis; altering length or times for exams, changing test formats, and/or allowing use of readers, scribes, etc.; and permitting the use of adaptive equipment or other technology to assist with test-taking and study skills.

Here are some helpful links that further explain studetns rights & responsibilities:

Students with Disabilities Preparing for Post-secondary Education: Know your rights and responsibilities http://www.ed.gov/ocr/transition.html

Auxiliary Aids and Services for Postsecondary Students with Disabilities: Higher Education's Obligations Under Section 504 and Title II of the ADA http://www.ed.gov/about/offices/list/ocr/docs/auxaids.html