

AN OVERVIEW OF DISABILITY RELATED LAW

DEFINITION OF DISABILITY

Section 504 of the Rehabilitation Act of 1973 defines a person with a disability as a person:

- 1) with a physical or mental impairment that substantially limits one or more major life activities,
- 2) who has a record of the disability or
- 3) who is regarded as having the disability.

DISABILITY LAWS IN POSTSECONDARY EDUCATION

Individuals with disabilities are entitled by law to equal access to postsecondary programs. There are two laws that protect persons with disabilities in postsecondary education: The Rehabilitation Act of 1973 (Pub. L. No. 93-112, as amended) and the 1990 Americans with Disabilities Act (Pub L. No. 1001-336). According to the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA, 1990), a student with a disability is someone who has a physical or mental impairment; has a history of impairment; or is believed to have a disability that substantially limits a major life activity such as learning, speaking, seeing, hearing, breathing, walking, caring for ones self, or performing manual tasks.

The Rehabilitation Act of 1973

Title V of The Rehabilitation Act of 1973 is generally regarded as the first civil rights legislation on the national level for people with disabilities. Section 504 of The Rehabilitation Act is a program access statute. It prohibits discrimination on the basis of disability in any program or activity offered by an entity or college receiving federal funds.

Under Section 504, colleges were required to appoint and maintain at least one person to coordinate its efforts to comply with the requirements of Section 504 (Section 504 Coordinator). This individual has the ongoing responsibility of assuring that the college/agency/organization practices nondiscrimination on the basis of disability.

The Americans with Disability Act (ADA)

The ADA is a federal civil rights statute that prohibits discrimination against people with disabilities. There are four main sections of the law: employment, government, public accommodations, and telecommunications. The ADA provides additional protection for persons with disabilities in conjunction with the Rehabilitation Act of 1973. The ADA is designed to remove barriers, which

prevent qualified individuals with disabilities from enjoying the same opportunities that are available to persons without disabilities.

Postsecondary colleges are covered in many ways under the ADA. Employment is addressed by Title I, accessibility provided by public entities in Title II, accessibility provided by private entities in Title III, telecommunications in Title IV, and miscellaneous items in Title V.

The ADA in Relation to Section 504 of the Rehabilitation Act

Colleges that receive federal funds (such as Mountain Empire Community College) are covered under Section 504. The ADA does not supplant Section 504, but those situations where the ADA provides greater protection the ADA standards apply. Therefore, postsecondary colleges must adhere to both the Rehabilitation Act and The Americans with Disabilities Act.