



504: A College/Vocational School Student's Guide



Chapter 1: Section 504

Sometimes college/vocational students with disabilities need accommodations or modifications in order to be successful in school. If you're one of these students, a plan under Section 504 of the Rehabilitation Act may meet your needs.

What is Section 504 of the Rehabilitation Act?

The United States **Rehabilitation Act of 1973** prohibits discrimination on the basis of disability in programs run by federal agencies, in programs getting federal funds, and in federal employment.

Section 504 of the same law created and extended civil rights to people with disabilities. It provides opportunities and access to services for children and adults with disabilities in education, employment, and various other settings.

This means students in covered colleges/vocational schools should have equal access to:

- * Programs of study (Majors);
- * Courses such as classes and seminars;
- * Facilities such as housing, recreation, parking; and
- * Activities such as clubs and organizations.

Colleges/vocational schools must provide accommodations to remove unfair barriers to learning and physical access. An accommodation is something supplied to satisfy a need or make an adjustment which helps you overcome or work around a disability.

Approved accommodations are not permitted to "water down" or compromise essential course content. All students are to receive the same knowledge

When is Section 504 used?

Section 504 has been and may be used for someone who:

- Is attending college/vocational school and previously had IEPs or 504 plans while in high school;
- Is attending college/vocational school and has a disability that began after high school;
or
- Has a temporary disability that will last for a while (see page 4 for more information).

How do I qualify?

You must have a physical or mental impairment. This impairment must **substantially limit** one or more **major life activities**.

Unfortunately, neither Section 504 nor the U.S. Department of Education’s Office of Civil Rights defines what substantial limitation means.

However, schools may look to the definition found in the federal regulation, 29 CFR 1630.2(J)(2): that the disability “substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population.”¹

Major life activities include but are not limited to:

- Caring for oneself
- Performing manual tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working

Chapter 2: Moving on to College/Vocational School

Moving on to college/vocational school is exciting but can be frightening at the same time because everything is changing. One of the biggest changes is that you, not your parent/guardian, are responsible for making sure that your needs are met. P&A would like to give you some tips on making this transition go more smoothly.

While you are in high school, research the schools you may attend. Find out:

1. **Does the school receive federal money?** If you are looking at a state or public school, it is very likely that it receives these funds. If you are looking at a private school, check to see if it will accept federal grants awarded to students – like Pell grants. If the school doesn't get federal money, the school isn't required to give you a 504 plan.
2. **Who handles 504 plans at the school?** Titles/names of these people vary from school to school. It may be one person called the 504 or ADA Coordinator, or it may be an office called "Student Disability Services". Ask school admission or student services to find out for sure.
3. **How soon can you meet with the Student Disability Services office?** You may wish to meet with them as soon as possible after getting accepted into the school to get things started. Some schools will have a special time for incoming freshmen to get to know the campus and learn how to work with your professors /instructors on accommodations.

NOTE: Accommodations must be requested ahead of time. Do not wait until you get a bad grade or fail a course to request help.

4. **What type of documentation does the school require for a student to get a 504 plan?** Schools will want to see your most recent IEP or 504 plan. They will also want copies of evaluations but the type of evaluations needed vary from school to school.

Other Frequently Asked Questions:

Do colleges/vocational schools have to identify students with disabilities?

No. You are responsible for notifying your school if you need accommodations. This is different from high schools that are responsible for identifying students who need help.

Can a 504 Plan be written for a temporary condition?

Yes, but it depends on how long the impairment exists and the extent of the limitation it causes. If the condition is severe enough that it results in a substantial limitation to a major life

area for an extended amount of time then a 504 Plan could be appropriate. Congress further stated that a temporary condition is brief and minor if it is expected to last less than 6 months. An example of a temporary condition would be a broken leg that would require you to park your vehicle closer to your classes.

Who is responsible for getting needed testing to document the existence of the disability?

You are responsible because colleges/vocational schools are not required to pay for an evaluation. If you are eligible for services through the Office of Vocation Rehabilitation (OVR), then you may qualify for an evaluation at no cost. If you are unable to locate a funding source, then you are responsible for paying for the evaluation.

What if I take medicine or use a device prescribed by a doctor that helps lessen the effects of my disability? Does that mean that I can't have a 504 Plan?

No. As of January 1, 2009, postsecondary schools can no longer consider what is called "mitigating measures." This means that items like hearing aids, medical supplies, low vision devices (not ordinary glasses or contacts), assistive technology, mobility devices, etc. cannot be used to keep a person from qualifying for a 504 Plan.

If you need to take medication at school, your school may want a recommendation from the doctor on why you are taking this medication, not just a prescription.

After I have submitted the paperwork and it has been accepted, what happens next?

The staff should meet with you to discuss what accommodations are appropriate based on your individual needs and the requirements of the school program. The school does not have to provide everything that you want. They also do not have to provide an accommodation that would alter the program or create a financial or operating burden on the institution. This means that any accommodation made would not alter or waive essential academic requirements such as minimum grade standards.

At the postsecondary level, you must work with institution staff on a case-by-case (class-by-class basis), to identify potential barriers that are a result of the disability. The school then attempts to identify accommodations that will reduce that barrier. It is always up to you to talk with the school and to request specific accommodations each semester for specific classes. You are also required to be an active participant in the accommodation process.

Chapter 3: Accommodations and Aides

An eligible student has the right to receive reasonable accommodations at no cost, including certain auxiliary aids that are essential to your particular needs as a student, and to be an active participant in the selection process of these accommodations.

What could the school provide as an accommodation or auxiliary aide?

These will vary based on your needs, but the idea is for you to have equal access. The school has flexibility in providing aides and services, as long as what is provided meets your needs. Institutions are allowed to set their own requirements as long as they are “reasonable” and comply with Section 504 and Title II.

Some examples could include:

- Assistive technology
- Note takers
- Electronic readers
- Specialized gym equipment
- Reaching device for library use
- Raised-line drawing kits
- Assistive listening devices
- Braille calculators, printers, or writers
- Priority registration
- Relocation of classes
- Accessible parking and/ or housing
- Sign language interpreters

You may also be allowed changes in testing such as:

- Electronic responses
- Extended testing time
- Testing over several sessions
- Small group setting
- Private room
- Preferential seating

Schools must provide effective accommodations /auxiliary aids to eligible students for the classroom or other non-personal use. Schools **do not** have to provide personal aids and services such as attendants or individually prescribed devices. For example, readers may be provided for classroom use but colleges/vocational schools are not required to provide them for help during individual study time.

What about tutoring and help with courses? Is this available with 504 Plans?

In general, you are responsible for your own progress in the same way as other students. You can ask the Student Disability Services Coordinator about what programs might be available on campus. They will be able to tell you who to talk to, but it is your responsibility to follow up with the people who can help.

Most colleges/universities have helpful services for all students that may include:

- Career advising and personal counseling through a Counseling Center;
- Academic support designed for undergraduate students that could include math tutoring, general tutoring, computer tutoring, and study skills; or
- A writing center that supports writers and the teaching of writing through individualized writing consultation to help students learn to develop and organize ideas for course papers, graduate applications, theses and dissertations

What if the accommodations provided are not working?

If the accommodations are not working, notify the Student Disability Office right away. If you wait until the course or activity is over, it may be too late to correct the problem.

Chapter 4: Procedural Safeguards

It can be hard at times to understand what the law says and what rights are guaranteed to qualified students with disabilities.

What are procedural safeguards?

“Procedural safeguards” is a term used in federal regulation that spells out student rights.

The following rights are guaranteed under Section 504:

- To examine relevant records;
- To request an impartial hearing;
- To representation by an attorney that you pay;
- To a review procedure;
- To file a complaint with the institution; and
- To file a complaint with the U.S. Department of Education’s Office of Civil Rights.



Chapter 5: Disagreements

You should request a 504 Meeting with the Student Disability Services Office to resolve problems. If you have a disagreement that is not resolved after speaking with them, you have a couple of options for further help.

First, you may choose to contact Protection and Advocacy at 1-800-372-2988. Our office may be able to advocate for you get the problem resolved.

Second, you may file a federal complaint with the U.S Department of Education's Office of Civil Rights (OCR).

What is covered by an OCR complaint?

OCR examines procedures used by institutions to identify and evaluate students with disabilities and also examines if procedural safeguards are followed.

Does OCR mediate complaints?

No. They do not formally mediate complaints but they may offer to facilitate mediation, which is referred to as "Early Complaint Resolution." If everyone (student and school) agrees to the Early Complaint Resolution, OCR will work to help resolve the problem by explaining the legal remedies available and offering possible solutions. Compliance with the agreement is not monitored by OCR.

If Early Complaint Resolution is agreed upon, OCR does not do any further investigation unless another complaint is filed.

What happens if the school is found to be out of compliance with Section 504 by OCR?

OCR can impose sanctions if voluntary negotiation or corrective action agreement is not successful.

In **extreme** cases OCR will:

- Initiate administrative proceedings to terminate Department of Education funding;
or
- Refer the case to the Department of Justice for judicial proceedings.

Who has the authority to enforce Section 504?

In the educational area, the Office of Civil Rights (OCR) has been authorized to enforce the federal statute.

If I am having problems with a postsecondary school, do I have to file a grievance with them before filing an OCR complaint?

No. If you have filed a grievance, you have to wait for it to resolve before filing a complaint with OCR.

If you have no complaint pending, you can go ahead and file an OCR complaint if you wish.

Do I have to file a complaint with OCR before I can file a civil lawsuit?

No. A person can file a private law suit against a school at any time. The law does not say that OCR remedies must be tried first.

For more information about filing a complaint with OCR and the accompanying form, please visit: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

Chapter 8

Resource Guide

<http://ovr.ky.gov>

Kentucky's Office of Vocational Rehabilitation assists people with disabilities find and maintain employment, including training and education needed

www.pacer.org

An information and training center that has articles for the student and their families which give tips for transition, how to make informed decisions, and learn to be an advocate for them.

www.transitiononestop.org

Kentucky resources for transition from high school into adult life, including newsletters, the book *Journey to Adulthood*, and a comprehensive resources list are included. Click on "high school to community" to see the list.

<http://www.washington.edu/doi>

Disabilities, Opportunities, Internetworking, and Technology Center "promotes the success of individuals with disabilities in postsecondary education and careers, using technology as an empowering tool".

<http://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

The U.S. Department of Education's Office of Civil Rights page on college/vocational school legal obligations to provide accommodations.

<http://www.youthhood.org/index.asp>

A website to help youth plan for the future.

Some KY School websites:

Berea College: <http://www.berea.edu/ds/>

Brescia College: <http://www.brescia.edu/disability-information>

Campbellsville University: <http://www.campbellsville.edu/disability-services>

Eastern Kentucky University: <http://www.disabilities.eku.edu/>

Kentucky Community and Technical College System (KCTCS):

http://www.kctcs.edu/en/Students/Disability_Services.aspx

Kentucky State University: <http://kysu.edu/administration-governance/finance-business/human-resources/disability-resources/>

Morehead State University:

http://www.moreheadstate.edu/content_template.aspx?id=16604&terms=disability%20services

Murray State University:

http://www.murraystate.edu/HeaderMenu/Administration/Provost_copy1/StudentDisabilityServices.aspx

Northern Kentucky University: <http://disability.nku.edu/>

University of Louisville: <http://louisville.edu/disability/>

University of Kentucky: <http://www.uky.edu/StudentAffairs/DisabilityResourceCenter/>

University of Pikeville: <http://www.upike.edu/Student-Services/disability-student-services>

Western Kentucky University: <http://www.wku.edu/sds/>



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