

THE LAW

Section 504 of the Rehabilitation Act of 1973 states that **"no otherwise qualified individual with a disability in the United States...shall solely by reason of ...disability, be denied the benefits of, be excluded from the participation in, or be subject to discrimination under any program or activity receiving federal financial assistance."**

According to Section 504, a person with a disability includes **"any person who (1) has a physical or mental impairment which substantially limits one or more major life activities [including walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks], (2) has a record of such an impairment, or (3) is regarded as having such an impairment."**

The Americans with Disabilities Act (ADA) of 1990 extended non-discrimination legislation to include institutions of higher education. Since the enforcement of ADA in 1992, higher education institutions have been under a mandate to ensure equal access for students with disabilities.

The emphasis of the ADA is on accessibility for those who wish to pursue education at the postsecondary level. There is no obligation on the part of Vance-Granville Community College to make fundamental changes in its courses or curriculum for students with disabilities.

Section 504 protects the rights of qualified individuals who have disabilities such as, but not limited to:

ADD/ADHD

Blindness/visual impairment

Cerebral palsy

Deafness/hearing impairment

Epilepsy or seizure disorder

Orthopedic/mobility impairment

Specific learning disabilities

Speech and language disorder

Spinal cord injury

Tourette's syndrome

Traumatic brain injury

Section 504 also protects student with chronic illnesses and "treatable disabilities", such as, but not limited to:

AIDS	Diabetes
Arthritis	Multiple sclerosis
Cancer	Muscular dystrophy
Cardiac disease	Psychiatric disability

Additionally, under the provisions of Section 504, the College **MAY NOT**:

- limit the number of otherwise qualified students with disabilities admitted;
- make pre-admission inquiries as to whether an applicant is disabled;
- exclude an otherwise qualified student with a disability from any course of study;
- provide less financial assistance to students with disabilities than is provided to non-disabled students, or limit eligibility for scholarships on the basis of a disability;
- counsel students with disabilities into more restrictive career paths than are recommended to non-disabled students;
- measure student achievement using methods that adversely discriminate against a student with a disability; or
- establish rules and policies that have the effect of limiting participation of qualified students with disabilities in educational programs or activities.

The passage of the ADA Amendments Act of 2008 (ADAAA) broaden the coverage of the Americans with Disabilities and Rehabilitation Acts in the following four ways:

- the definition of "disability" is broader to include impairments that are episodic or in remission and can be considered a disability if they would substantially limit a major life activity during times when it is active
- added concentrating and thinking to the list of major life activities
- disability determinations must be made without considering mitigating measures, such as medication, hearing aids, etc.
- an impairment does not have to limit or be perceived to limit a major life activity for a person to meet the "regarded as having an impairment" definition.