

Many people have questions regarding accommodation and post-secondary education. It is wise to go directly to the source when answering questions related to accommodation and services. The following is an excerpt from section 504 and Title II of the Americans with Disabilities Act (ADA) as published by the U.S. Department of Education. For a full text of this document follow the OCR link at the end of this article.

### **Higher Education's Obligations Under Section 504 and Title II of the ADA**

U.S. Department of Education  
Office for Civil Rights  
Washington, D.C.  
Revised September 1998

#### **Section 504 of the Rehabilitation Act of 1973**

In 1973, Congress passed Section 504 of the Rehabilitation Act of 1973 (Section 504), a law that prohibits discrimination on the basis of physical or mental disability (29 U.S.C. Section 794). It states:

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

The Office for Civil Rights in the U.S. Department of Education enforces regulations implementing Section 504 with respect to programs and activities that receive funding from the Department. The Section 504 regulation applies to all recipients of this funding, including colleges, universities, and post-secondary vocational education and adult education programs. Failure by these higher education schools to provide auxiliary aids to students with disabilities that results in a denial of a program benefit is discriminatory and prohibited by Section 504.

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits state and local governments from discriminating on the basis of disability. The Department enforces Title II in public colleges, universities, and graduate and professional schools. The requirements regarding the provision of auxiliary aids and services in higher education institutions described in the Section 504 regulation are generally included in the general nondiscrimination provisions of the Title II regulation.

#### **Post-secondary School Provision of Auxiliary Aids**

The Section 504 regulation contains the following requirement relating to a post-secondary school's obligation to provide auxiliary aids to qualified students who have disabilities:

A recipient . . . shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

**The Title II regulation states:**

A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

It is, therefore, the school's responsibility to provide these auxiliary aids and services in a timely manner to ensure effective participation by students with disabilities. If students are being evaluated to determine their eligibility under Section 504 or the ADA, the recipient must provide auxiliary aids in the interim.

**Post-secondary Student Responsibilities**

A post-secondary student with a disability who is in need of auxiliary aids is obligated to provide notice of the nature of the disabling condition to the college and to assist it in identifying appropriate and effective auxiliary aids. In elementary and secondary schools, teachers and school specialists may have arranged support services for students with disabilities. However, in post-secondary schools, the students themselves must identify the need for an auxiliary aid and give adequate notice of the need. The student's notification should be provided to the appropriate representative of the college who, depending upon the nature and scope of the request, could be the school's Section 504 or ADA coordinator, an appropriate dean, a faculty advisor, or a professor. Unlike elementary or secondary schools, colleges may ask the student, in response to a request for auxiliary aids, to provide supporting diagnostic test results and professional prescriptions for auxiliary aids. A college also may obtain its own professional determination of whether specific requested auxiliary aids are necessary.

Technological advances in electronics have vastly improved participation by students with disabilities in educational activities. Colleges are not required to provide the most sophisticated auxiliary aids available; however, the aids provided must effectively meet the needs of a student with a disability. An institution has flexibility in choosing the specific aid or service it provides to the student, as long as the aid or service selected is effective. These aids should be selected after consultation with the student who will use them.

For More Information A full text version of this document is available at the OCR link. You will find more in-depth information as well as some frequently asked questions at this site. For more information on Section 504 and the ADA and their application to auxiliary aids and services for disabled students in post-secondary schools, or to obtain additional assistance, see the list of OCR's 12 enforcement offices containing the address and telephone number for the office that serves your area, or call 1-800-421-3481.

OCR link: [www.ed.gov/offices/OCR](http://www.ed.gov/offices/OCR)

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**Examples of Auxiliary Aids**

- electronic readers
- taped texts
- interpreters
- note takers
- readers
- talking calculators

- voice synthesizers
- telephone handset amplifiers
- open and closed captioning
- closed caption decoders
- Braille calculators, printers, or typewriters
- television enlargers
- specialized gym equipment
- videotext displays
- reaching device for library use
- calculators or keyboards with large buttons
- raised-line drawing kits
- assisted listening devices
- telecommunications devices for deaf persons.
- assisted listening systems