

## **Disability Laws in Postsecondary Education**

If you have a disability, you are entitled by law to equal access to college programs. There are three laws that protect persons with disabilities in postsecondary education: The Rehabilitation Act of 1973, the 1990 Americans with Disabilities Act, and the Americans with Disabilities Act Amendments Act of 2008.

### **The Rehabilitation Act**

Title V of The Rehabilitation Act of 1973 is generally regarded as the first civil rights legislation for people with disabilities on the national level. 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 institution receiving federal funds.

Section 504 states (as amended):

*No otherwise qualified person with a disability in the United States . . . shall, solely on the basis of disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal financial assistance.*

Under Section 504, institutions 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 or office has the ongoing responsibility of assuring that the institution/agency/organization practices nondiscrimination on the basis of disability and should be included in any grievance procedures developed to address possible instances of discrimination brought against the institution. At Louisiana Delta Community College (LA Delta), the established office is Student Counseling and Disability Services (SC-DS).

### **The Americans with Disabilities Act (ADA)**

The ADA is a federal civil rights statute that prohibits discrimination against people with disabilities. There are four sections in the law: employment, government, public accommodations, and telecommunications. The ADA adds more protection for disabled persons to the Rehabilitation Act of 1973. The ADA is designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same opportunities that are available to persons without disabilities. Colleges and universities are covered in many ways under the ADA. Employment is addressed by Title I, accessibility provided by public and private entities Title II and III, and miscellaneous items are covered under Title V.

### **The ADA Amendments Act of 2008 (ADAAA)**

Amendments to the Americans with Disabilities Act (ADA) signed into law on September 25, 2008, clarify and reiterate who is covered by the law's civil rights protections. The "ADA Amendments Act of 2008" revises the definition of "disability" to more broadly encompass impairments that substantially limit a major life activity. The amended language also states that mitigating measures, including assistive devices, auxiliary aids, accommodations, medical therapies and supplies (other than eyeglasses and contact lenses) have no bearing in determining whether a disability qualifies under the law. Changes also clarify coverage of impairments that are episodic or in remission that substantially limit a major life activity when active, such as epilepsy or post traumatic stress disorder.