



ASK Resource Center
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1. Section 504 of The Rehabilitation Act of 1973

- Prohibits discrimination of the basis of disability in any program or activity that receives federal money
- Contains special rules that apply to preschool, elementary, and secondary education
- Is a civil rights law that DOES NOT create an entitlement

2. The Individuals with Disabilities Education Act (since 1975)

- The IDEA was originally the Education for all Handicapped Children Act of 1975 (also commonly referred to as P.L. 94-142).
- Creates an affirmative duty for schools to provide a free and appropriate public education including specialized instruction and related services to eligible students with disabilities
- Applies ONLY to pre-school, elementary, and secondary education
- Is a civil rights law that DOES create an entitlement

3. The Americans with Disabilities Act of 1990

- prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation

- contains NO special rules that apply to pre-school, elementary, and secondary education
- Is a civil rights law that DOES NOT create an entitlement

The Rehabilitation Act of 1973

Section 501: Requires affirmative action and nondiscrimination in employment by federal agencies of the executive branch.

Section 503: Requires affirmative action and prohibits employment discrimination by federal government contractors and subcontractors or more than \$10,000.

Section 504: States that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either **receives federal financial assistance** or is conducted by any agency of the executive branch of government or the U.S. Postal Service.

Section 508: Requires federal electronic and information technology be accessible to people with disabilities.

Section 504 of the Rehabilitation Act of 1973 protects *qualified* individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to **employers and organizations that receive financial assistance from any Federal department or agency**. These organizations and employers include many hospitals, nursing homes, mental health centers, human service programs, elementary and secondary schools, and post-secondary schools.

Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

Section 504 protects *qualified individuals with disabilities*. Under this law, *individuals with disabilities* are defined as:

1. persons with a physical or mental impairment which substantially limits one or more major life activities
2. persons who have a history of physical or mental impairment which substantially limits one or more major life activities
3. persons who are regarded as having a physical or mental impairment that substantially having a physical or mental impairment which substantially limits one or more major life activities

Major life activities include:

- caring for one's self
- walking
- seeing
- hearing
- speaking
- breathing
- working
- performing manual tasks
- learning

The Americans with Disabilities Act of 1990

The ADA prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/telephone relay services

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. The standards for determining employment discrimination under Title I of the ADA are the same standards as those in the Rehabilitation Act.

An individual with a disability is defined by the ADA as (1) a person who has a physical or mental impairment that substantially limited one or more major life activities, (2) a person who has a history or record of such an impairment, or (3) a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

- **ADA Title I** applies to Employment
- **ADA Title II** applies to State and Local Government Activities
- **ADA Title II** also applies to Public Transportation
- **ADA Title III** applies to Public Accommodations (stores, hotels, restaurants, theaters, day care centers, private schools, sports facilities, convention centers, fitness clubs, doctors' offices, homeless shelters, recreational facilities, etc.)
- **ADA Title IV** applies to Telecommunications Relay Services

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