



The Protection and Advocacy System for South Carolina

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FACT SHEET

The Rights of College Students with Disabilities

If you are a college student and you have a disability, two federal laws protect you from discrimination based on your disability.

Title II of the Americans with Disabilities Act (ADA) protects people with disabilities from discrimination by state-funded schools such as state universities, community colleges, and vocational schools. If you feel that a state-funded school has discriminated against you because of your disability you may have a claim under Title II of the ADA. Students with disabilities at private colleges, universities, and other schools are protected from discrimination by Title III of the ADA which covers places of public accommodations.

Section 504 of the Rehabilitation Act of 1973 also protects college students with disabilities. Under this law any school that receives federal funds may not discriminate on the basis of a disability. Most (but not all) post-secondary schools receive federal funding in the form of federal grants to pay student tuition.

The ADA and Section 504 provide post-secondary school students with many important rights. Some of those rights are:

Admissions

Post-secondary schools must not discriminate against qualified individuals with disabilities in their admissions process. Applicants may not be required to disclose information about their disability prior to admission; however, disclosure of a disability is always voluntary. Tests must be designed to measure the applicant's aptitude rather than the effects of the disability. Applicants with disabilities have the right to have reasonable accommodations in the admissions and testing process.

Responsibility of the Student with Disabilities

Post-secondary schools have no obligation to identify students with disabilities. If a student needs academic adjustments, it is the student's responsibility to make his or her disability known to the school and request any needed academic adjustments.

Aides and Services

Post-secondary schools must make reasonable accommodations for students with disabilities unless doing so would result in a fundamental alteration of the program or would result in undue financial or administrative burden. One type of reasonable accommodation is auxiliary aides or services. The school has the right to require documentation of both the student's disability and need for an auxiliary aide. The student is responsible for paying for any evaluations needed to provide appropriate documentation.

Examples of auxiliary aides that might be appropriate:

- ❑ Qualified interpreters
- ❑ Assistive listening systems
- ❑ Audio recordings
- ❑ Braille materials
- ❑ Computer programs

Modifications of policies and procedures

Another type of reasonable accommodation is a modification of a school policy or procedure. Schools are required to do this when necessary to prevent discrimination against a student with a disability. Modifications will always vary based on the student's individual needs.

Some examples of possible modifications are as follows:

- ❑ Rescheduling classes to an accessible location
- ❑ Early enrollment options to allow time to arrange accommodations
- ❑ Substitution of specific courses required for completion of degree requirements
- ❑ Allowing service animals in the classroom
- ❑ Providing written outlines or summaries of class lectures
- ❑ Extended time for testing

Most colleges now have special offices to help students with disabilities. It may be called "Center for Disability Services" or "Office of Student Disability Services" or some similar name. Contact them when you are applying for admission or if you are already a student who needs assistance.

If you are being discriminated against by a state supported post-secondary school or any post-secondary school that receives federal funds, you may want to file an internal complaint with your school's 504/ADA coordinator.

You may file a complaint with the Office for Civil Rights of the U.S. Department of Education (OCR). More information about filing an OCR complaint is available at their website: <http://www.ed.gov/about/offices/list/ocr/index.html>. Click on "How to File a Complaint."

You may file a complaint:

- On-line using OCR's electronic complaint form but you must also mail in a signed consent form. The website tells you how to print that form.
- You may mail or fax the OCR's discrimination complaint form or write your own letter. If you write your own letter provide your name, address, and telephone number; a description of the discriminatory act and when it occurred; and the name and location of the institution that you believe committed the discriminatory act.
- You may also email an OCR complaint form or signed letter to ocr@ed.gov. If you write a letter, please include the information provided above.
- By completing and sending or faxing an OCR complaint form. You may call or write to OCR to get that form.

South Carolina is served by the OCR's District of Columbia office:

Office for Civil Rights
District of Columbia Office
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-1475

Telephone: 202-453-6020 (Voice)
800-877-8339 (TTY)
202-453-6021 (FAX)

The US Department of Justice also allows individuals to file complaints with them about ADA violations by colleges. It may investigate these complaints or refer them to the US Department of Education. Information about filing with the US Department of Justice is available at https://www.ada.gov/filing_complaint.htm. P&A recommends filing education issues directly with the US Department of Education using the procedures described earlier in this Fact Sheet.

You may also wish to contact a private attorney. If you do not know of one, you may contact the South Carolina Bar Lawyer Referral Service at 1-800-868-2284.

This publication provides legal information, but is not intended to be legal advice. The information was based on the law at the time it was written. As the law may change, please contact P&A for updates.

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