

U.S. Department of Education/Office of Civil Rights

As part of the Rehabilitation Act of 1973 (Public Law 93-112), Congress enacted Section 504, the first federal civil rights law protecting the rights of individuals with handicaps. Section 504 provides that “no qualified individual with a disability in the United States...shall, solely by reason of handicap, be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Section 504 covers only those persons with handicaps who are otherwise qualified to participate in and benefit from the programs or activities receiving federal financial assistance. This coverage extends to persons who have handicaps as well as persons who have a history of a handicapping condition and persons perceived by others to have a handicap.

An individual with handicap(s) is anyone with a physical or mental impairment that substantially impairs or restricts one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The term “physical or mental impairment” includes, but is not limited to, speech, hearing, visual and orthopedic impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, diabetes, heart disease, mental retardation, emotional illness, and specific learning disabilities such as perceptual handicaps, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. In accordance with a formal opinion issued by the Attorney General in 1977, alcoholism and drug addiction are also handicapping conditions.¹

¹ *Although alcoholism and drug addiction are handicapping conditions, the 1978 amendments to the Rehabilitation Act of 1973 (Public Law 95-602) clarified the status of alcohol and drug abusers as they relate to employment by stating that the term handicapped “...does not include any individual who is an alcoholic or drug abuser and whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question, whose employment by reason of such current alcohol or drug abuse would constitute a direct threat to property or the safety of others.”*

For purposes of postsecondary and vocational education services, a qualified handicapped person is an individual with handicap(s) who meets the academic and technical standards requisite to admission or participation in the recipient’s education program or activity. Russell Sage College is recipient.

The regulation enumerates specific programs and activities which postsecondary and vocational education recipients must operate in a nondiscriminatory manner. This includes, but is not limited to: recruitment, admission, academic programs, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, and extracurricular programs. For federally assisted programs or activities operated by postsecondary education recipients, the specific obligations with regard to students with handicaps include the following:

- Qualified handicapped persons must be afforded an equal opportunity to participate in and benefit from all postsecondary education programs and activities, including education programs and activities not operated wholly by the recipient.
- Qualified handicapped persons must be afforded the opportunity to participate in any course, course of study, or other part of the education program or activity offered by the recipient.
- All programs and activities must be offered in the most integrated setting appropriate.