

Section 504 of the Federal Rehabilitation Act of 1973

AT LAW SPOTLIGHT



OVERVIEW

Section 504 of the Federal Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The non-discrimination 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, and human service programs.

Section 504, as amended, states that “No otherwise qualified handicapped individual ...shall, solely by reason of his handicap, 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...”

Who is Protected from Discrimination?

An individual with a disability is defined in one of three ways:

- A person having a physical or mental impairment that substantially limits one or more of the person’s life activities, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- A person with a record of such a physical or mental impairment.
- A person who is regarded as having such a physical or mental impairment.

Each federal agency has established regulations to govern Section 504 implementation in its respective programs. For example, regulation 34 C.F.R. 104 applies to the Individuals with Disabilities Education Act (IDEA) and other programs administered by the U.S. Department of Education. Individuals may be covered simultaneously by both IDEA and Section 504. The same is true with Section 504 and the Americans with Disabilities Act (ADA).



Section 504 protections are limited, in the fact that they only apply to programs or businesses who receive federal funds. The ADA extends the coverage of Section 504 to all services provided by state and local governments and their agents, regardless of whether or not the programs receive federal funds. The ADA also extends coverage to “places of public accommodation,” or private sector firms that are open to the public.

Although not specific to assistive technology, Section 504 has clear policy on non-discrimination, access, and reasonable accommodation that provides support for access to assistive technology. The regulations of both Section 504 and the ADA emphasize that assistive technology must be provided as necessary in order to make reasonable accommodations in providing full access to individuals with disabilities to employment, transportation, government funded services and public accommodations.

The protection offered by Section 504 also extends to Information and Communication Technology (ICT). ICT includes websites, software, and devices that covered entities use to provide access to their programs and services.

This provides a comprehensive set of protections which ensure individuals with disabilities have access to appropriate assistive technology and that the technology is compatible with information and communication technology used to access the program or activity.

Eligibility

To be eligible for protection under Section 504, an individual must meet the definition of a person with a disability. This definition is "Any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment." Major life activities include self-care, performing manual task, seeing, hearing, speaking, breathing, learning, and walking. Section 504 covers only those persons with a disability who would otherwise be qualified to participate and benefit from the programs or other activities receiving federal financial assistance.

Federal Technical Assistance

Each federal agency has established regulations to govern Section 504 implementation in its respective programs. These regulations will include procedural safeguards. Discrimination complaints should be filed with the federal agency or department who provides funding for the program in which the alleged discrimination has occurred. If uncertain about the source of federal funding involved, an individual may file a complaint with the U.S. Department of Justice who will route the complaint to the appropriate federal agency.

U.S. Department of Justice

950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section - NYA
Washington, D.C. 20530
800.514.0301 or 800.514.0383 (V/TTY)
<http://www.ada.gov>

U.S. Department of Education

Office for Civil Rights
Lyndon Baines Johnson Dept. of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
800.421.3481
www2.ed.gov/about/offices/list/ocr

Oklahoma Technical Assistance

The Client Assistance Program (CAP) assists individuals with information, advocacy, and appeals procedures regarding their rights under the Rehabilitation Act.

Client Assistance Program

William Ginn, Director
Office of Disability Concerns
2401 NW 23rd Street, Suite 90
Oklahoma City, OK 73107-2423
405.521.3756 or 405.522.6706 (V/TTY)
800.522.8224 (V/TTY)
www.ok.gov/odc



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