

Students with Disabilities

Legal Obligations and Opportunities

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Two federal laws protect students with disabilities from discrimination at the postsecondary level.

The first law is found in Section 504 of the Rehabilitation Act of 1973 (implemented in 1977). As it applies to higher education, the critical portion of Section 504 essentially says that if you are a school that receives any kind of federal funding, you may not discriminate on the basis of disability. If the opportunity is available to one student on your campus, it must be available to all qualified students, regardless of their status as a person with a disability.

The second law is the Americans with Disabilities Act of 1990 (amended in 2008). The Americans with Disabilities Act (ADA) expands the protection offered by Section 504 to any entity not already under such obligation. Title II of the ADA says, "If you are funded by a state or local government, you may not discriminate on the basis of disability." Title III of the ADA says, "If you are funded primarily by private sources, you may not discriminate on the basis of disability." Colleges and universities are specifically named as examples of entities covered in both Titles II and III. Public institutions such as community colleges and state universities are covered under Title II. Private institutions, both nonprofit and proprietary, are covered under Title III of the ADA.

Both Section 504 and the ADA are civil rights statutes. They carry the same wording regarding nondiscrimination as do other federal civil rights laws protecting unique populations (such as those providing protection on the basis of race, ethnicity, gender, or age). Neither law requires affirmative action or outreach to students with disabilities, nor do they require the kind of special educational programming mandated under the Individuals with Disabilities Education Act (IDEA), which assures a free, appropriate, public education for children with disabilities in the K-12 system.

Generally, civil rights statutes provide protection from being treated differently. However, for people with disabilities, Section 504 and the ADA actually require different treatment. In higher education, the laws require that students with disabilities receive case-by-case consideration and appropriate accommodations, if necessary, so that they have equal access to the opportunities available to nondisabled students - from admissions to graduation.

Career colleges and universities have always strived to provide equal opportunity to all students. To help us better serve students with disabilities and ensure that we are in compliance with the applicable laws, we must provide adequate training for all of our employees on the legal mandates regarding equal access for students with disabilities.

An online course entitled, **Students with Disabilities: Legal Obligations and Opportunities**, is now available on all training sites powered by MaxKnowledge. Authored and facilitated by Dr. Jane Jarrow, a recognized authority in disability compliance in higher education, the course provides a practical framework to help institutional personnel know what to say and do in the context of their defined role and interactions with students with disabilities. Topics include the civil rights nature of applicable federal law, definitional issues, the impact of disability on traditional education activities and pursuits, reasonable accommodations, and the unique responsibilities of faculty, staff, and administrators as prescribed by their positions.

Dr. Moghadam is the founder and CEO of MaxKnowledge, the leading employee training company for the career college sector of higher education. He has over 20 years of experience in career education, serving in many capacities including professor, director of education, academic dean, director of student affairs, campus director, college president and school owner. Moghadam earned his PhD in Engineering from the University of Cambridge at the age of 22. He is a recognized leader in career education and has been selected as a Top Innovator by the Career College Central magazine. Moghadam can be reached at amirm@maxknowledge.com.