



General Self-Help Resource Guide

To Assist Students with Disabilities Who Are Not in Special Education But Are Eligible to Receive Reasonable Accommodations and Auxiliary Aids and Services Pursuant to Section 504 of the Rehabilitation Act and the Americans with Disabilities Act

Sponsored by the Department of Education/Division of Vocational Rehabilitation and the State of Florida

This self-help resource guide is not a substitute for legal advice

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FAAST, Inc. offers this resource guide to foster cooperation between public school officials and parents, family members, caregivers, guardians, and advocates/representatives as they mutually work to meet the needs of students with disabilities. This self-help resource guide provides information and resources on Section 504 of the Rehabilitation Act, effective transition planning, and other applicable federal and state laws and regulations.

As with other FAAST resource guides, this guide contains hyperlinks to an array of reference materials and is available on the FAAST website at www.faast.org/resources/library.

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Introduction

This self-help resource guide is designed to assist students with disabilities who are not in special education. The guide provides students and their families, guardians, advocates and professionals with general information on services that are available pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 and the Americans with Disabilities Amendment Act (ADA and ADAAA). This guide provides links to informative websites; frequently asked questions (FAQs); factsheets; federal and state laws, regulations, and rules; and other relevant resources. This information will help students with disabilities obtain reasonable accommodations, auxiliary aids and services, and physical and program accessibility in the public education system. The information will also be beneficial with transition planning that can lead to post-secondary education and/or employment.

To find a subject or resource that may be of the most assistance to you, please refer to the Table of Contents that includes a detailed list of topics and subjects, along with page numbers.

How do Section 504 and the ADA apply to my child who has a disability but is not in special education?

School districts are required to provide reasonable accommodations under Section 504 of the Rehabilitation Act, as well as comply with the ADA, and other applicable laws and regulations for students with disabilities even if those students are not eligible for special education within K-12 and post-secondary education?

Section 504 of the Rehabilitation Act specifies that no one with a disability can be excluded from participating in federally funded programs or activities, including elementary, secondary or post-secondary schooling. A 504 plan spells out the modifications and accommodations that will be needed for students with disabilities to have an opportunity to perform at the same level as their peers. Some examples of reasonable accommodations within a 504 plan are wheelchair ramps, blood sugar monitoring, an extra set of textbooks, peanut-free lunch environment, home instruction, assistive technologies, accessible computer, etc. [28 C.F.R. § 35.104](#).

The Americans with Disabilities Act prohibits discrimination based on an individual's disability. Title II of the ADA requires state and local government entities to provide access to their services, programs, and activities. Actions that school boards may need to take to comply with the ADA include making reasonable modifications to their rules, policies, or practices; removing architectural, communication, or transportation barriers; or providing auxiliary aids and services.

Public schools covered under Section 504 and the ADA are required to designate 504 and ADA coordinators. In addition to this, recipients of federal funds, such as K-12 public school systems and post-secondary institutions are required to take appropriate remedial action, voluntary action, conduct self-evaluations, designate responsible employees, adopt a grievance procedure, and provide appropriate notices. For more information, see [28 C.F.R. §42.505](#).

Section 504 of the Rehabilitation Act of 1973, as Amended

Section 504 of the federal Rehabilitation Act of 1973, as amended, requires that “No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” See [29 U.S.C. §794](#). Section 504 prohibits entities that receive federal funds, including public schools, from discriminating on the basis of disability. Section 504 provides legal protections and allows for reasonable accommodations for children with disabilities not eligible for special education under the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004. The U.S. Department of Education has issued regulations on Section 504 requirements as applied to public schools, which are found at [34 C.F.R. Part 104](#).

The federal agency responsible for enforcing Section 504 of the Rehabilitation Act in public schools is the [Office for Civil Rights \(OCR\)](#) within the U.S. Department of Education. The U.S. Department of Education, OCR also offers helpful information on the rights of children with disabilities to receive reasonable accommodations under Section 504 of the Rehabilitation Act within the public school system. This guidance is entitled [Protecting Students With Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities](#) found at: <http://www.ed.gov/about/offices/list/ocr/504faq.html>.

OCR receives and investigates [complaints of disability discrimination](#) under Section 504. For more information on [How the Office for Civil Rights Handles Complaints](#); to access [OCR’s Complaint form](#); to view [Questions and answers on OCR's complaint process](#); or to review OCR’s [Case Processing Manual \(CPM\)](#), go to: <http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>.

Definitions of Disability

It is important to know that in 2008, taking effect January 1, 2009, there were changes, which expanded the definition of disability under the ADA Amendments Act (ADAAA). These changes also apply to Section 504 of the Rehabilitation Act of 1973, as amended. These changes relate to recipients of federal financial assistance and services and programs receiving federal funding. This includes but is not limited to public schools (K-12 and post-secondary education institutions) covering students with disabilities eligible for 504 plans to provide reasonable accommodations. If your child meets the Section 504 definition of an individual with a disability found under the [Rehabilitation Act of 1973, as amended](#), school officials are obligated to provide reasonable accommodations and appropriate services so that children with disabilities have an equal opportunity to learn.

“Reasonable accommodations” can provide different ways for children to take in information or communicate their knowledge but do not alter or lower the standards or expectations for a subject or test. Through the development of a child's 504 plan, reasonable accommodations in the classroom may be formally developed. Reasonable accommodations can be adjustments to make sure the child has equal access to curriculum and a way to be successful. Reasonable accommodations to be used for classroom instruction and testing should be defined in a student's 504 plan. When receiving reasonable accommodations, children are expected to meet the same standards as every other child. For example: a child with delayed reading skills can participate in class discussions about a novel if he or she listened to an audio version of the book.

Frequently Asked Questions and Answers

The following questions and answers are designed to help you better understand the how to's of effective 504 planning and Section 504 requirements. To review an expanded version of these questions and answers, go to: [*A Parent's Guide to Section 504 in Public Schools*](#).

What is Section 504 and how does it apply to students with disabilities not eligible for special education?

Section 504 is a title of the Rehabilitation Act of 1973, as amended, that prohibits discrimination based on disability. All programs, projects and facilities receiving federal funds must comply with reasonable accommodation requirements to help provide equal access to services. Section 504 states that "No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, 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..."

The term "disability" means--

(A) except as otherwise provided in subparagraph (B), a physical or mental impairment that constitutes or results in a substantial impediment to employment; or

(B) for purposes of sections 2, 14, and 15, and titles II, IV, V, and VII, a physical or mental impairment that substantially limits one or more major life activities. See the [Rehabilitation Act of 1973, as amended, Section 7\(9\)](#).

What Is a 504 plan?

The "504" in "504 plan" refers to Section 504 of the Rehabilitation Act and the [Americans with Disabilities Act](#), which specifies that no one with a disability can be excluded from participating in federally funded programs or activities, including elementary, secondary or post-secondary schooling. "Disability" in this context refers to a "physical or mental impairment which substantially limits one or more major life activities." This can include physical impairments; illnesses or injuries; communicable diseases; chronic conditions like asthma, allergies and diabetes; and learning disabilities - just to name a few. A [504 plan](#) spells out the modifications and accommodations that will be needed for students to have an equal opportunity to perform at the same level as their peers, and might include such things as wheelchair ramps, blood sugar monitoring, an [extra set of textbooks](#), a peanut-free lunch environment, home instruction, assistive technologies, accessible computer, etc. See the Florida Department of Education's [Parent and](#)

[Teacher Guide to Section 504: Frequently Asked Questions](#) as well as [A Teacher's Manual for 504 Planning](#).

What is an "impairment" under the Section 504 definition?

Students may have impairments or disabilities that are not apparent to others, such as: specific learning disabilities, diabetes, epilepsy, asthma, low vision, hearing impairments, and heart disease or chronic illnesses. These can be considered impairments under Section 504 if impairments/disabilities substantially limit a child's ability to receive an appropriate education. For guidance and more information, go to the U.S. Department of Education, Office for Civil Rights' [The Civil Rights of Students with Hidden Disabilities under Section 504 of the Rehabilitation Act of 1973—Pamphlet](#).

What are "major life activities"?

Major life activities covered under Section 504 include, but are not limited to: self-care, manual tasks, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others and working. New guidance from the ADAAG states that Section 504 standards must conform with the ADAAG and is intended to afford a broad scope of protection to eligible persons. As of January 1, 2009, with the reauthorization of the ADAAG, this list has been expanded to also include the life activities of reading, concentrating, standing, lifting, bending, etc. This may include individuals with AD/HD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, Tourette's syndrome, digestive disorders, cardiovascular disorders, depression, conduct disorder, oppositional defiant disorder, HIV/AIDS, behavior disorders and temporary disabilities (e.g., broken writing arm, broken leg, etc.). Conditions that are episodic or in remission are also now covered if they create a substantial limitation in one or more major life activity while they are active. Students who are currently using illegal drugs or alcohol are not covered or eligible under Section 504.

Who decides whether a student is qualified and eligible for services under Section 504?

School districts should have procedures for implementing Section 504 including 504 planning to provide reasonable accommodations and other required services. Parents, guardians or advocates for the child should contribute information such as doctor's reports, outside testing reports, and other information that would be helpful to a Section 504 committee in making a determination of reasonable accommodations that may best help the child.

In accordance with [34 C.F.R. §104.35\(c\)](#) "Placement procedures - In interpreting evaluation data and in making placement decisions, a recipient shall (1) draw upon information from a variety of sources, including aptitude and achievement tests,

teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and (4) ensure that the placement decision is made in conformity with 104.34.”

Can my child be placed under Section 504 without my knowledge?

No. Parents must always be given notice before their child is evaluated and/or placed under Section 504 ([34 C.F.R. §104.36](#)). Parents must also be given a copy of their child’s Section 504 reasonable accommodation plan when a 504 committee develops a 504 plan.

What types of reasonable accommodations should my child receive if determined eligible under Section 504?

Each child’s needs are determined individually. Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to children without disabilities.

Just a few examples of reasonable accommodations include but are not limited to:

- Accessible formats such as Braille, Large Print, audio, and electronic
 - Behavior intervention plans
 - Rearranging class schedules
 - Visual aids
 - Preferred seating assignments
 - Recording lectures
 - Oral tests
- Accessible formats such as Braille, Large Print, audio, and electronic
 - Behavior intervention plans
 - Rearranging class schedules
 - Visual aids
 - Preferred seating assignments
 - Recording lectures
 - Oral tests

Under a 504 plan will my child still be in the regular classroom or be in a “special class”?

A Section 504 eligible child should be in the regular classroom unless unusual or extenuating circumstances exist, such as if the student with a disability is so disruptive in a regular classroom that the education of other students is significantly impaired or the needs of the student with a disability cannot be met in

that environment. See requirements regarding education settings at [34 C.F.R. §104.34, Appendix A, #24](#)).

Can my child still be disciplined under Section 504?

Yes. Children under Section 504 are still expected to follow the school district's student code of conduct. However, when disciplining a child under Section 504, schools must consider the relationship between the disability and the alleged misbehavior if the child is going to be removed from the regular setting.

Will my child still be able to participate in nonacademic services?

Yes. School districts must provide equal opportunity in areas such as counseling, physical education and/or athletics, transportation, health services, recreational activities, and special interest groups or clubs. However, the "no pass, no play" standard used for students in most states also applies to students under Section 504. See [34 C.F.R. §104.37](#).

Transition Planning

Transition services is defined in the Rehabilitation Act of 1973, as amended at [29 U.S.C. § 705\(37\)](#).

(37) Transition services

The term "transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

The mission of the Parent Advocacy Coalition for Educational Rights (PACER) Center is to expand opportunities and enhance the quality of life of children and young adults with disabilities and their families, based on the concept of [parents helping parents](#). [PACER's Technical Assistance on Transition and the Rehabilitation Act \(TATRA\) Project](#) and other Parent Information and Training programs funded by the U.S. Department of Education, Rehabilitation Services Administration (RSA) focus on helping families prepare youth with disabilities for employment and independent living. Projects provide information and training on transition planning, the adult service system, and strategies that prepare

youth to transition to successful employment, postsecondary education, and independent living outcomes. To review technical assistance materials provided by the PACER Center within the U.S. Department of Education, RSA, go to: <http://www.pacer.org/tatra/>.

FAAST, Inc. also offers a comprehensive [*Employment Resources and Self-Help Guide for Individuals with Disabilities*](#) including transition age students. To review this guide, which is user-friendly and hyperlinked to federal and state law, regulation, and helpful websites, go to: www.faast.org/resources/library.

The Americans with Disabilities Act Amendments Act (ADAAA) of 2008 applies to Title II entities, including public school systems

If a public entity has 50 or more employees, it is required to designate at least one responsible employee to [coordinate ADA compliance](#). A government entity may elect to have more than one ADA coordinator. “A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part.... The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee.” See [28 C.F.R. §35.107\(a\)](#).

The [ADA coordinator](#) is responsible for coordinating the efforts of the government entity including public schools to comply with Title II of the ADA covering State and Local Government Programs and Services. The ADA coordinator investigates and works to resolve legitimate ADA Title II complaints. The name, office address, and telephone number of the ADA coordinator must be provided to interested persons. For more information, go to: <http://www.ada.gov/pcatoolkit/chap2toolkit.htm>.

ADA Amendments Act of 2008

Amendments to the Americans with Disabilities Act (ADA) signed into law on September 25, 2008, taking effect January 1, 2009, clarify and reiterate who is covered by this law’s civil rights protections. The ADA Amendments Act of 2008 revises the definition of “disability” to more broadly encompass impairments that substantially limit a major life activity. The 2008 amendments further clarify that mitigating measures (with the exception of eyeglasses and contact lenses) that may need to be provided have no bearing in determining whether a disability qualifies under the law. Mitigating measures can include assistive devices, auxiliary aids, accommodations, medical therapies, supplies, and other accommodations. Additional changes to the ADA Amendments Act of 2008 also clarify coverage of impairments that are episodic or in remission that substantially limit a major life activity when active, such as epilepsy or post-traumatic stress disorder. A complete copy of the [ADA](#) is available as well as the text of the [2008 amendments](#).

The ADA Amendments Act reinstates a broad scope of protection by expanding the definition of the term “disability.” The changes to the definition of disability under the ADAAA apply to all titles of the ADA, including Title I (employment), Title II (programs and activities of State and local government entities including public schools) and Title III (private entities that are considered places of public accommodation).

The changes to the definition of disability under the ADAAA also apply to the Rehabilitation Act of 1973, as amended, including Section 504 of the Rehabilitation Act. Recipients of federal financial assistance and services and programs receiving federal funding include but are not limited to public schools (K-12 and post-secondary educational institutions) that cover students with disabilities eligible for 504 plans to provide reasonable accommodations. The changes to the definition of disability under the ADAAA also apply to Section 501 of the Rehabilitation Act, as amended (federal employment) and Section 503 of the Rehabilitation Act, as amended (federal contractors).

To review a [fact sheet on the final regulations](http://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm) implementing the ADAAA, go to: http://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm.

Title II of the ADAAA - Public entities, state and local government including public schools

The general rule, subject to the provisions of this title, is that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity including but not limited to public school systems. See [42 U.S.C. §12132](#). This general rule also applies to contracting, procurement, site selection, licensing/certification, and more.

Individuals with disabilities protected under Title II of the ADAAA

“[T]o be an individual protected by title II ... the individual with a disability must meet the essential eligibility requirements for receipt of services or participation in a public entity’s programs, activities, or services with or without:

- 1) Reasonable modifications to a public entity’s rules, policies, or practices;
- 2) Removal of architectural, communication, or transportation barriers; or
- 3) Provision of auxiliary aids and services.”

See [II-2.8000 ADA Title II Technical Assistance Manual](#)

Under Title II of the ADAAA, an auxiliary aid can be any device or aid that is designed to provide effective communication and participation. Just a few examples of auxiliary aids and services may include the provision of assistive technologies, augmentative communication devices, qualified interpreters, note takers, computer-aided transcription services, written materials, assistive listening devices, captioning, TDDs, videotext displays, or other methods of making materials available to individuals with hearing disabilities; qualified readers, taped texts, audio recordings, Braille or large print materials, or other methods of making materials available to individuals with visual disabilities. Auxiliary aids and services can also include the acquisition or modification of equipment or devices.

Self-Evaluations

A public entity such as public school systems under Title II of the ADAAA shall, “within one year of the effective date of this part, evaluate its current services, policies, and practices, and the effects thereof, that do not or may not meet the requirements of this part and, to the extent modification of any such services, policies, and practices is required, the public entity shall proceed to make the necessary modifications.” For more information, go to: [28 C.F.R. §35.105\(a\)](#).

Effective Communication

Under Title II of the ADAAA, state and local governments including public school systems are required to take steps to ensure that communications for individuals with disabilities, including students with disabilities, are effective.

What does it mean for communication to be effective? Effective communication means that whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities. Equal access to communications may be provided through auxiliary aids and services provided through a public school system. This is important because some people have disabilities that affect how they communicate. Students who have disabilities that affect hearing, seeing, speaking, reading, writing, or understanding may use different ways to communicate than students who do not.

Generally, public schools are covered under Title II of the Americans with Disabilities Act and are required, as a public entity to:

... take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. See [28 C.F.R §35.160](#).

Accessibility under Title II of the ADAAA

Qualified individuals with disabilities should have the same quality of opportunity offered to persons without disabilities in the most integrated setting possible. A public entity such as a public school system may not charge a fee or surcharge to the individual to cover the costs of making its programs or services accessible. In determining what type of auxiliary aid or service is necessary, a public entity shall give primary consideration to the requests of the individual. Primary consideration means that public school officials must provide the service or aid requested, unless they can show that another service or aid will be equally effective. A public entity should administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

Complaint Procedures

“A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.” See [28 C.F.R. §35.107\(b\)](#). The federal regulations also require entities including public school systems to adopt and publish complaint procedures, and to provide an internal, administrative alternative for resolving disputes.

Program Accessibility under Title II of the ADAAA

A public entity's services, program, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities, including students with disabilities.

Program access allows that a program can be moved to an accessible location, or use some way other than making all architectural changes to make the program, service, or activity readily accessible to and usable by individuals with disabilities. In [Tennessee vs. Lane](#), 541 US 509 (2004), the U.S. Supreme Court affirmed the Title II duty to provide program accessibility. The Title II duty to accommodate is perfectly consistent with the well-established due process principle that, within the limits of practicability, a State must afford to all individuals a meaningful opportunity to be heard in its courts.

There are many ways to make a program, service, or activity accessible other than through architectural modifications. Keep in mind, however, that sometimes making architectural changes is the best solution financially or administratively, or because it furthers the ADA's goal of integration. Removing barriers to access in pre-ADA facilities – or moving programs from pre-ADA facilities to newer and more accessible facilities or even providing those programs in alternate accessible ways – can help ensure full and independent opportunities to participate while minimizing costs.

Architectural Barriers to Physical Accessibility

One of the most confusing aspects of the ADA can be the differing requirements imposed on buildings erected before the Act went into effect and those built later. The ADA requires that all new buildings constructed by a State or local government be accessible. In addition, when a State or local government undertakes alterations to a building, they must make the altered portions accessible.

For ADA compliance purposes, any facility where construction commenced after January 26, 1992 is considered "new" or "post-ADA." Post-ADA facilities must comply with the [ADA Standards for Accessible Design \(ADA Standards\)](#) and be "readily accessible to and usable by" persons with disabilities. The ADA Standards are regulations issued by the U.S. Department of Justice ([28 C.F.R. Part 36](#)) and have the force of law.

If only part of a building is renovated, or an addition is built to an existing building, only the new or renovated part must conform to the ADA Standards (as well as the Florida Accessibility Code for Building Construction, where the Florida code is more stringent). There is a 20% "disproportional" cost rule for alterations to an existing building to expend 20% of the rate of the alteration to make the facility more readily accessible to and usable by individuals with disabilities. [Chapter 11 of the Florida Building Code](#) is modeled after the ADA Standards for Accessible Guidelines (ADAAG). Chapter 11 of the Florida Building Code is more stringent in some areas (i.e., parking and restrooms). Chapter 11 is certified by the U.S. Department of Justice as substantially equivalent to or greater than the ADA Standards.

There must always be an accessible entrance to the building and the route to the new or renovated section must also be ADA compliant. Altering (renovating) a building means making a change in the usability of the altered item. Examples of changes in usability may include but are not limited to: changing a low pile carpet to a thick pile carpet, moving walls, installing new toilets, or adding more parking spaces to a parking lot. Any state or local government facility that was altered after January 26, 1992 is required to be altered in compliance with the ADA Standards.

Facilities built before January 26, 1992 are referred to as “pre-ADA” facilities and there is no grandfather clause exempting pre-ADA facilities from ADA compliance with program accessibility or the need to plan the removal barriers to accessibility. A public entity must ensure that individuals with disabilities are not excluded from services, programs, and activities because existing buildings are inaccessible. A State or local government's programs, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. If pre-ADA structures have accessibility problems, the ADA provides state and local government with two options: (1) remove the barriers using the ADA Standards, or (2) make the program, service, or activity located within the building accessible by providing “program access.”

FAAST, Inc., in collaboration with ADA experts, has created a user-friendly [Americans with Disabilities Act \(ADA\) Site Survey Instrument - Building Accessibility Evaluation Survey](#). The emphasis of this ADA site survey instrument, which was effective as of July 1, 2010, is to promote the removal of architectural barriers. FAAST’s objective in publishing this ADA site survey is to promote assistive services for individuals with disabilities as well as equal access to facilities under the ADA.

Determinations on Undue Burden/Fundamental Alterations

Undue burdens are activities that would result in a verifiable undue financial and administrative burden or a fundamental alteration in the nature of a service, program, or activity. Undue burden is evaluated on a case-by-case basis, relative to the state or local government entity’s overall resources, considering all resources available for use in the funding and operation of the program. For example, if officials with a public school system endeavor to assert that providing accessibility poses an undue burden the standard to verify undue burden requires a much greater showing of hardship than simply contending that accessibility would be difficult or expensive. A claim of undue burden or fundamental alterations must be made by the head of a public entity or designee and must be accompanied by a written statement of the reasons for the conclusion. If after considering all available resources a determination of undue burden is made, a Title II entity such as a public school system must prepare a written statement explaining such a decision. Further, when a particular communication aid or service would cause an undue burden, the public school system must provide another communication aid or service that still is effective but is less difficult or costly, if one is available.

Access to Electronic Information and Information Technologies

With the explosion of computer technologies in schools, homes, and workplaces, access to electronic information and information technologies has become essential to meaningful participation in American society. Florida is obligated to provide access to electronic information technologies and equipment under the ADA, Section 508 of the Rehabilitation Act, as amended, and [§282.601 - .606, Florida Statutes](#). It is important that state agencies, including public school systems, have guidelines, policies and procedures to provide measures for accessibility as well as to establish goals to evaluate accessibility to comply with federal/state laws and regulations. In 2006, the Florida Legislature enacted a law that requires state government entities to ensure that electronic information and technology are accessible to persons with disabilities. The law applies to electronic information or information technology developed, competitively procured, maintained, or used by state entities on or after July 1, 2006.

FAAST, Inc. provides a comprehensive 20-page technical assistance self-help resource guide entitled [*General Self-Help and Resource Information Regarding Accessible Document Preparation and Website Accessibility*](#). This user-friendly self-help resource guide provides a table of contents that hyperlinks through the introduction, to wide-ranging resources to websites, videos, articles, tutorials, and other useful information.

Florida Educational Equity Act (§1000.05, F.S.)

Within Florida Statutes, Section 1000.05 (Fla Stat 2011), the [Florida Educational Equity Act](#) states:

(2)(a) Discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or an employee in the state system of public K-20 education is prohibited. No person in this state shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.

Students with Disabilities in Post-Secondary Education

Students with disabilities in post-secondary education are eligible to receive reasonable accommodations and auxiliary aids and services under Section 504 of the Rehabilitation Act and the ADA Amendments Act.

As students with disabilities prepare to continue their education in post-secondary schools, such as universities, state colleges, and vocational and career schools, you should know that students with disabilities as well as post-secondary education schools have rights and responsibilities. There is [excellent guidance](#) as well as information and assistance provided by the Office for Civil Rights (OCR) in the U. S. Department of Education that detail your rights and responsibilities to reasonable accommodations under Section 504 of the Rehabilitation Act of 1973, as amended, as well as auxiliary aids and services under the ADA Amendments Act regarding post-secondary educational institutions.

In addition, OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the ADA, which prohibit discrimination on the basis of disability. Most school districts and post-secondary schools in the United States are subject to one or both of these laws, which have similar requirements. To review OCR's [Students With Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities](#) frequently asked questions document, go to: <http://www2.ed.gov/about/offices/list/ocr/transition.html>.

To receive more information about the civil rights of students with disabilities in post-secondary education institutions, you may contact OCR at:

Customer Service Team
Office for Civil Rights
U.S. Department of Education
Washington, D.C. 20202-1100
Phone: 1-800-421-3481
TDD: 1- 877-521-2172
Email: ocr@ed.gov
Web site: www.ed.gov/ocr

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Or **call** in your request toll-free: 1-877-433-7827 (1-877-4-ED-PUBS). Those who use a telecommunications device for the deaf (TDD) or a teletypewriter (TTY), should call 1-877-576-7734. If 877 service is not yet available in your area, you may call 1-800-872-5327 (1-800-USA-LEARN).

Or **order online** at <http://edpubs.gov>.

This publication is also available on the Department's Web site at <http://www.ed.gov/ocr/transition.html>. Any updates to this publication will be available on this website.

On request, this publication can be made available in alternate formats, such as Braille, large print or computer diskette. For more information, you may contact the Department's Alternate Format Center at 202-260-0852 or 202-260-0818. If you use TDD, call 1-800-877-8339.

ADA/504/Disabled Student Services Coordinators

As discussed within this guide, public schools covered under Section 504 and the ADA are required to designate 504 and ADA coordinators including post-secondary institutions such as universities, state colleges and vocational schools.

College students with documented disabilities are eligible to receive support services and accommodations. Standard accommodations include extended time on exams, texts in an alternative format, note-takers, and sign language interpreters. Please contact your [local student disability services office](#) for more information. For more information on [Disability Support Services](#), go to: <http://www.fl DOE.org/cc/educators/Disability/dss.asp>.

Additional Federal Acts Related to Access to Electronic and Information Technologies

[Assistive Technology Act of 2004](#)

[21st Century Communications and Video Accessibility Act of 2010](#)

[Telecommunications Act of 1996](#)

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Legal Review by Gordon B. Scott, Esq.

This self-help resource guide is not a substitute for legal advice