



Federal Laws and Disability Rights

Of the hundreds of federal laws affecting people with disabilities, Section 504 of the Rehabilitation Act, the Education for All Handicapped Children Act, and the Americans with Disabilities Act are among most far-reaching and influential. Each seeks to guarantee the place of people with disabilities in American society.

Passed by Congress in 1973, Section 504 is a single sentence in the Rehabilitation Act, a law primarily intended to fund vocational rehabilitation programs for people with disabilities. Section 504 reads: "No otherwise qualified handicapped individual in the United States...shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service." According to federal regulations enacted in 1977, state and local governments and other organizations or entities receiving federal funds are required to provide "reasonable accommodations" to persons with disabilities to enable them to participate in programs and activities under Section 504.

The Education for All Handicapped Children Act, which was later renamed the Individuals with Disabilities Education Act (IDEA) by Congress, was passed in 1975. IDEA, which is sometimes referred to as Public Law 94-142 (it was the 142nd law passed by the 94th session of Congress), requires states receiving federal special education funds to ensure that **all** children with disabilities receive a "free, appropriate public education." All states currently accept federal special education funding and are bound by this law.

Congress was specific in outlining state and school responsibilities under the IDEA. According to this law, states must assure that students with disabilities receive special education and related services provided at public expense and in accord with an individual written education program. Students with disabilities must be educated in the "least restrictive environment" or most integrated setting appropriate. This means regular classes and programs, whenever possible. In addition, under IDEA, parents must be provided due process procedures to enable them to appeal school decisions with which they disagree.

The Americans with Disabilities Act (ADA), which was passed in 1990, was intended by Congress to provide a clear national mandate for the elimination of discrimination against

people with disabilities. Under the ADA, a disability is a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of such an impairment, or being regarded as having an impairment. The ADA incorporates many of the principles contained in the Section 504 regulations. Entities must make reasonable accommodations to qualified individuals with disabilities unless these would impose an undue hardship. The ADA outlaws discrimination in the areas of employment, public services and transportation systems, public and private accommodations, and telecommunications.

All three of these laws were designed to eliminate discrimination against people with disabilities and to ensure equal protection of the law. There is an important difference in these laws, however. IDEA and Section 504 were enacted under the spending authority of Congress. States and schools only must comply with the IDEA if they receive federal special education funds. Organizations and entities are only bound by Section 504 if they receive some form of federal funding. In contrast, the ADA was enacted under the authority of Congress to enforce the 14th Amendment to the Constitution and to regulate interstate commerce. It applies to all organizations and entities whether or not they receive any form of federal funding. The ADA is a civil rights law, similar to laws that outlaw discrimination against people from racial and ethnic minorities and women.

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