

What are my rights as a student with a disability at the Maricopa Community Colleges?

The Maricopa County Community College District will not discriminate on the basis of disability in the application, admission, participation, access or treatment of persons in any of Maricopa's instructional programs and activities.

Students of the Maricopa Community Colleges who feel they have been victims of discrimination based on disability are encouraged to use the District's internal complaint procedures. Information regarding these procedures, as well as complaint forms, is available from a college's Student Services office, and from the District Legal Services Department. Students may also lodge complaints with appropriate governmental agencies, such as the Office of Civil Rights of the US Department of Education.

MCCCD's nondiscrimination policy is available on our Web site:

<http://www.maricopa.edu/legal>

or call the Legal Services Department

480.731.8877

Information about District resources for students with disabilities may be found at:

<http://www.maricopa.edu/disab>

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Legal Services Department
Maricopa County Community College District
2411 West 14th Street
Tempe, AZ 85281-6942

CIVIL RIGHTS

The Rights of Students with Disabilities

Legal Services Department
Maricopa County
Community College District



How does the law protect students with disabilities?

The first major legislation protecting college and university students with disabilities was the Rehabilitation Act of 1973—in particular, Section 504 of that statute.

According to Section 504, an otherwise qualified person with a disability may not, “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 “program or activity” includes all the operations of a college, university, or other post-secondary institution. As a recipient of federal funds, the Maricopa County Community College District is subject to the requirements of Section 504.

Nearly twenty years after the passage of the Rehabilitation Act, Congress enacted the Americans with Disabilities Act (ADA). The ADA holds that “[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment” of public accommodations. A “place of education” is deemed a public accommodation under the ADA.

In addition, the ADA requires that examinations or courses in licensing, certification or credentialing for post-secondary education purposes be offered “in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.”

What is a disability?

Under federal laws like Section 504 and the ADA, a disability is a physical or mental impairment that substantially limits one or more of a person’s major life activities, a record of an impairment, or being regarded as having such an impairment.

Both Section 504 and the ADA exclude certain conditions from what may be deemed a disability. Compulsive gambling, kleptomania, and pyromania are not considered disabilities under either statute. In addition, transvestitism, transsexualism, pedophilia, and “other sexual behavioral disorders” may not be claimed as disabilities.

Sometimes, court decisions or federal agency regulations may be relied upon in determining whether a particular condition is a disability. For example, some courts have held that obesity may be a disability under the ADA. Various federal agencies also have determined that “emotional or mental illness” and “specific learning disabilities” can be considered disabilities under Section 504.

Early federal legislation protecting the rights of persons with disabilities (such as the Education of the Handicapped Act of 1970) labeled those persons “handicapped.” But since the passage of the ADA, Congress has eliminated the use of that term. Today, nearly all such legislation refers to persons or individuals with disabilities.

What is an institution’s obligation toward students with disabilities?

In general, Section 504 holds that no qualified student with a disability may be excluded from participation in, denied the

benefits of, or otherwise subjected to discrimination under any academic, occupational training, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation or extracurricular program.

A qualified student is a student who meets the academic and technical standards requisite to admission or participation in the institution’s education program or activity.

An institution may need to modify certain academic requirements to ensure that students not be discriminated against on the basis of a disability. Such modifications might include changes in the length of time permitted to complete degree requirements, substitution of specific courses required for completing degree requirements, and changes to the manner in which certain courses are conducted.

Any academic requirements that are essential to the program of instruction, however, will generally not be regarded as discriminatory and, therefore, will not be subject to modification.

To further ensure against discrimination based on disability—especially one that constitutes an impairment of sensory, manual or speaking skills—an institution may make available auxiliary aids, such as taped texts, interpreters, readers, specially-adapted equipment, and similar services and actions.