



# SELF-ADVOCACY

For Students Who are Deaf or Hard of Hearing

Second Edition

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# LESSON 3

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## My Legal Rights When I Leave High School: Section 504 and College

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### PURPOSE OF LESSON 3

This lesson describes how Section 504 of the Rehabilitation Act of 1973 continues to protect students' rights as they move from high school to college. Students will learn six specific aspects of college education that are protected by Section 504 and will learn the essential difference between Section 504 and IDEA: that the burden of responsibility for obtaining services shifts from parents and teachers to students.

### EXPECTED LEARNER OUTCOMES

1. Learners will define three terms associated with Section 504.
2. Learners will describe six protections provided by Section 504.
3. Learners will describe a fundamental difference between Section 504 and IDEA.

Instructional Activities	Performance Activities	Materials
1. Warm-up activity: Quote on Worksheet 3a	Group discussion	Worksheet 3a
2. Core material	Students take notes	Worksheet 3a
3. Learning activity: Role Play	Students role play “advisor” to “student”	Worksheet 3b
4. Summary, homework	Homework assignment	Worksheet 3c

## SUGGESTED INSTRUCTIONAL/ PERFORMANCE ACTIVITIES

1. Review main points of Lesson 2: The rights of students with disabilities to a free, appropriate, public education are guaranteed by what law? (IDEA) How long does that law protect a student? (until high school graduation) Any questions about the homework assignment? (reviewing personal IEPs)

2. State today's goal: Today we will begin to look at how a person's rights are still protected after graduating from high school.

3. Warm-up activity: Ask students to read the quote on Worksheet 3a. What does it mean to them? Does it describe a self-advocate? (Yes: Self-advocates collect as much information as possible on their topic and then figure out the best ways to explain their position to others.)

4. Present Lesson 3 Core Material while students take notes by completing Worksheet 3a.

5. Learning activity: The instructor leads a roleplaying activity, taking the role of "student." From information collected in class notes, students take on the role of advisor to provide the "student" accurate information. "Advisors" will find they do not have all the answers based on this initial collection of information. Discussion: What might they do about that?

6. Summarize, and assign homework. Use a search engine with Worksheet 3c to extend the practice of information collection.

7. State topic of next meeting: Next time, we will look at the legal protections available when you go to work and use community services.

## LESSON 3 CORE MATERIAL

In the last meeting, we talked about how a

student's rights for a free, appropriate, public education are protected by a law called IDEA. In the next few meetings, we will look at other laws that protect a student with a disability after high school graduation.

Whether students go on to college, job training or work, there are two laws that will continue to protect their rights. Today we will talk about the Rehabilitation Act of 1973, which protects the rights of students while they are in college and job-training programs. Next time, we will learn about the Americans with Disabilities Act (ADA), which protects the rights of other parts of a person's life. We will see how each law provides different protections in order to provide overall protection and how each is different from IDEA.

The Rehabilitation Act of 1973 is the latest version of a law first passed to help soldiers who were disabled during World War I. Now it is used to protect the rights of all persons who have disabilities. The most important part of this law is Section 504, and that is what we will concentrate on here. Section 504 is very short (found on Worksheet 3a):

No otherwise qualified handicapped individual in the United States . . . 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 assistance. (Federal Register, 1973, p. 394)

This law applies to virtually all colleges and career training programs, since almost all receive federal assistance (money from taxpayers). There are some important definitions to understand here:

1. *Otherwise qualified handicapped individual* means a person who

meets the academic and technical standards required for admission or participation in a program.

2. *Academic standards* means the usual indicators of academic ability, such as grade point average, high school rank, and standardized test scores. If a program requires a B average, a student with hearing loss with a B average qualifies for that program.
3. *Technical standards* means all *non-academic* admissions criteria that are absolutely necessary for a student to complete a program. Examples include upper body strength for a firefighter and good vision for a surgeon. A program may require the "technical standard" of normal or aidable hearing if the safety of other people depends upon it.

### Impact of Section 504 on College Students with HI

Section 504 provides some important protections for students with HI:

1. A student with HI may request that admissions tests (like the SAT) be given with a sign language or oral interpreter. A student with HI also may request written instructions if desired.
2. Colleges cannot ask students if they have a disability when they are applying for admission to a program.
3. Once students have been accepted by a college or job-training program, they will then be informed of the availability of services for persons with disabilities. They will be given the name of a person or office responsible for helping students.
4. While attending college, students with disabilities are guaranteed equal opportunity to participate and benefit from classes, programs, and extra curricular activities. Students with disabilities may substitute

some courses for graduation requirements if their disability prevents them from participating in those courses; for example, students with HI may substitute an art class for a music class, or a set of history courses for a foreign language requirement. In addition, instructors cannot impose rules that would limit participation; for example, instructors cannot prohibit tape recorders, FM systems, or interpreters.

5. Aids and services are available to students with disabilities, including help with registration, interpreters, tape recorders, FM systems, and other assistive devices; dorm modifications (for example, visual fire alarms and smoke detectors); campus and library orientations; and so on.

6. The costs of these aids and services are covered by the college and sometimes also Vocational Rehabilitation, not by the student or parents or guardians. In other words, these aids and services are free to students.

### Why is This Important to Know?

There are two reasons students in high school need to know their rights if they are going to college.

1. When in college, it is the student's responsibility to get the services he or she needs. Throughout elementary and high school, teachers and other adults have been the persons responsible for making sure that a student is tested, taught, and given appropriate supports. But once a student starts college, no teacher has that responsibility. Even the people who run the "office for accessibility" are not responsible for looking out for students and making decisions for them. In college, the student must find that office and ask for what he or she needs. This is the big difference between IDEA and Section 504: The student is now the person in charge of getting what he or she needs to succeed. When students do not

know this difference between high school and college, they often struggle through several difficult semesters trying to figure out what to do.

Although parents are happy to help, **now is the time for the student to learn how to solve these challenges independently.**

2. When students do not know how to find the office of accessibility and obtain the services they need, they are more likely to drop out of college. The college drop out rate of students with HI is 71%, whereas the

dropout rate of students without disabilities is 47%. Students with HI who drop out from college often say that they feel like they are struggling all alone and do not know how to get what they need to succeed. Students who know from the beginning how to find the office of accessibility, know how to ask for the help they need, and know their rights are much better equipped to succeed in college. A college-bound student with HI needs to have this information to deal with the challenges of college. That is why this is important to know!

## WORKSHEET 3a

### Consider this quote:

"First seek to understand, then to be understood" (Stephen Covey).

Discuss with your class: Does this quote describe a self-advocate?

### Section 504:

No otherwise qualified handicapped individual in the United States . . . 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 assistance. (Federal Register, 1973, p. 394)

### Explain the following terms:

1. Otherwise qualified handicapped individual: \_\_\_\_\_

\_\_\_\_\_

2. Academic standards: \_\_\_\_\_

\_\_\_\_\_

3. Technical standards: \_\_\_\_\_

\_\_\_\_\_

### Six ways Section 504 helps college students with hearing impairment:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

## WORKSHEET 3b

Role-Playing Activity: Teacher as "student" and student as "advisor." Teacher presents student's concerns, below. With notes from Worksheet 3a, what information can advisors share to answer this student's questions?

Student: I'd like to be a high school P.E. teacher and basketball coach, but that means I need to go to college. I have good grades but with this hearing loss, I don't think I can get into college. For one thing, there are some entrance exams. How would I take those?

Also: What if the college says they can't accept me if I tell them I have a hearing loss?

If I did get in, I'd be by myself with no one to help me.

What if I have to take a class that depends on hearing extra well, like music?

What if a professor won't allow me to use a note taker?

What if I can't afford a note taker?

## WORKSHEET 3c

### Summary

1. Section 504 of the Rehabilitation Act is a law that protects the civil rights of people with disabilities in many environments, including college settings.
2. Discrimination against persons with disabilities is illegal. For instance, a college cannot refuse admission to a qualified person only on the basis of a disability.
3. College students with hearing loss have a right to services that provide access to the school and classes. Sign language interpreters, note takers, and FMs are available at no cost to the student.

### Homework

Remember the quote, "Seek first to understand, then to be understood." An important skill for a self-advocate is the ability to collect information in order to understand a topic well. Use the Internet to find out more information about Section 504 and college. Locate three additional pieces of information not included in your class notes and share them with your class.

**Note:** Not all websites are accurate or up to date. Which websites would you deem to be trustworthy, and why?

Make a copy of your search results and add it to your Self-Advocacy File, as well as the worksheets from this lesson.