

## SECTION 504 COORDINATOR RESPONSIBILITIES: Secondary Schools

Office for Civil Rights  
U.S. Department of  
Education



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## Appendix B to the Title VI reg

Specific regulations which apply to vocational education. They can be found at:

- 34 C.F.R. Part 100, Appendix B, "The Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Disability in Vocational Education Programs"
  - Section IV of the Appendix addresses "Access and Admission of Students to Vocational Education Programs"

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Student with a  
Disability defined

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**A person with a disability is one who:**

34 C.F.R. § 104.3(j)

1. Has a physical or mental **impairment** which **substantially limits** one or more **major life activities**.
2. Has a history of having a disability.
3. Is regarded as having a disability.

-In order to receive services, a person must fall under #1

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**What is an Impairment?**

34 C.F.R. § 104.3(j)(2)(i)

Any physiological condition that affects a bodily system, or any mental or psychological disorder

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**34 C.F.R. § 104.3(j)(2)(i) - the full definition of impairment:**

- **any physiological disorder or condition**, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- **any mental or psychological disorder**, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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**Does the individual's impairment substantially limit one or more major life activities?**

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**Major Life Activities include (but are not limited to):**

- Caring for oneself
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working
- Eating
- Sleeping
- Standing
- Lifting
- Bending
- Reading
- Concentrating
- Thinking
- Communicating

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**Major life activities also include operation of "major bodily functions" such as:**

- Functions of the immune system
- Normal cell growth
- Digestive
- Bowel Functions
- Bladder
- Brain
- Circulatory
- Endocrine
- Reproductive
- Neurological
- Respiratory

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## Substantial Limitation

- Does not mean severe restriction or inability to perform a major life activity
  - When deciding, look to the condition, manner, or duration of the substantial limitation
  - Consider this without regard to the ameliorative effects of mitigating measures, such as medication, hearing aids, assistive technology, prosthetics, etc.

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## Placement

34 C.F.R. PART 100, APPENDIX B, SECTION VI.A

Secondary students with a disability may be placed in a program only after you satisfy the provisions of 34 CFR Part 104 relating to evaluation, placement, and procedural safeguards.

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## Integrated Settings

34 C.F.R. PART 100, APPENDIX B, SECTION VI.A

Recipients must place secondary level students with a disability in the regular educational environment of any vocational education program to the maximum extent appropriate to the needs of the student unless it can be demonstrated that the education of the person with a disability in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.

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## Comparable Setting

### 34 C.F.R. PART 100, APPENDIX B, SECTION VI.A

If a separate class or facility is identifiable as being for persons with a disability, the facility, the programs, and the services must be comparable to the facilities, programs, and services offered to students without a disability.

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## Equal Access (Appendix IV.N cont.)

If necessary, recipients also must:

- (1) For postsecondary students: provide auxiliary aids that effectively make lectures and necessary materials available; or
- (2) For secondary students: provide related aids or services that assure an appropriate education.

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## Other requirements

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## Cooperative Voc Ed, Work-Study, and Job Placement Programs

### 34 C.F.R. PART 100, APPENDIX B, SECTION VII.A

A recipient must ensure that:

- (a) It does not discriminate against its students on the basis of race, color, national origin, sex, or disability in making available opportunities in cooperative education, work study and job placement programs; and
- (b) students participating in cooperative education, work study and job placement programs are not discriminated against by employers or prospective employers on the basis of race, color, national origin, sex, or disability in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, and in pay.

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## Cooperative Voc Ed, Work-Study, and Job Placement Programs – Cont'd

### 34 C.F.R. PART 100, APPENDIX B, SECTION VII.A

*Assurance required* - If a recipient enters into a written agreement for the referral or assignment of students to an employer, the agreement must contain an assurance from the employer that students will be accepted and assigned to jobs and otherwise treated without regard to race, color, national origin, sex, or disability.

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## Cooperative Voc Ed, Work-Study, and Job Placement Programs – Cont'd

### 34 C.F.R. PART 100, APPENDIX B, SECTION VII.A

Recipients may not honor any employer's request for students who are free of disabilities or for students of a particular race, color, national origin, or sex.

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## Coordinator / Grievances

Recipients must also:

- establish grievance procedures for resolving complaints (“prompt and equitable”)
- designate a Coordinator to ensure compliance with Section 504 and/or Title II

34 C.F.R. § 104.7; 28 CFR § 35.107

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## No Retaliation

Recipients may not intimidate, threaten, coerce, or discriminate against individuals because they have:

- asserted rights under 504/Title II
- opposed disability discrimination, or
- participated in a complaint process or hearing

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## Other types of discrimination under 504/Title II include: 34 C.F.R. 104.4

- Any exclusion or denial of benefit based on disability
- Different treatment/impact
- Disability harassment
- “Significant assistance” to an entity that discriminates

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## OCR Contact Information

- <http://www.ed.gov/ocr/>
- OCR Cleveland:  
Tel: (216) 522-4970  
TTY/TDD: (800) 877-8339  
Fax: (216) 522-2573  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

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