



## Section 504 Protections for Students who Stutter

Section 504 of the Rehabilitation Act of 1973 is a Federal civil rights law that protects students from disability-based discrimination in schools (including preschools, K-12 schools, colleges, universities, and other postsecondary institutions) that receive Federal financial assistance.

Under Section 504, a student who stutters can be a student with a disability for purposes of Section 504 if the student's stutter substantially limits one or more of the student's major life activities. [34 C.F.R. § 104.3\(j\)\(1\)\(i\)](#).

### ***What is Stuttering?***

According to the [National Institutes of Health](#), stuttering is a type of speech disorder that is characterized by the repetition of sounds, syllables, or words; the prolongation of sounds; and interruptions in speech. The exact cause is unknown. Stuttering is often developmental (occurring in young children learning speech and language skills) or neurogenic (occurring after a stroke, head trauma, or other type of brain injury) and in rare instances can be psychogenic (caused by emotional trauma).

### ***Can a student who stutters have a disability under Section 504?***

Yes. A student who stutters has a disability if their stutter substantially limits one or more of their major life activities.

Stuttering can, for example, substantially limit speaking, communicating, and concentrating, which are major life activities under Section 504. [29 U.S.C. § 705\(20\)\(B\)](#) (incorporating [42 U.S.C. § 12102\(2\)\(A\)](#)).

Whether a student stutters can be established by a speech-language pathologist through analysis of the student's speech and language abilities and related behaviors and history. But tests and assessments are often not required to determine that a student is substantially limited in a major life activity. For example, a student's history of difficulty producing a smooth flow of speech may provide sufficient information to determine that a student's stutter substantially limits a major life activity. A school may always accept that a student has a disability without any documentation or medical tests.

The Office for Civil Rights (OCR) enforces Section 504 against entities that receive Federal financial assistance from the Department of Education.

In addition to the rights and obligations discussed in this fact sheet, a child with a disability attending a public K-12 school may have additional rights under Section 504 (such as the right to a free appropriate public education (34 C.F.R. § 104.33)) and the Individuals with Disabilities Education Act. Parents also may have additional rights under those statutes and their implementing regulations.

OCR also shares in the enforcement of Title II of the Americans with Disabilities Act (ADA) with the Department of Justice (DOJ), and DOJ enforces Title III of the ADA. Both Title II and Title III can also apply to schools. For information, see DOJ's ADA home page at [www.ada.gov](http://www.ada.gov) or contact DOJ at 1-800-514-0301, 1-833-610-1264 (TTY).

Under Section 504, the issue of whether an impairment substantially limits a major life activity should not demand extensive analysis. 29 U.S.C. § 705(20)(B) (incorporating 42 U.S.C. § 12102(4)(B), which incorporates § 2(b)(5) of the findings and purposes of the ADA Amendments Act of 2008).

The term substantially limits must be construed broadly in favor of expansive coverage, to the maximum extent permitted by the statutory language. 29 U.S.C. § 705(20)(B) (incorporating 42 U.S.C. § 12102(4)(A)).

An impairment does not need to prevent, or significantly or severely restrict, an individual from performing a major life activity in order to be considered substantially limiting. It is enough that an impairment substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. Additionally, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. 29 U.S.C. § 705(20)(B) (incorporating 42 U.S.C. § 12102(4)(B), which incorporates § 2(a)(7)-(8), (b)(5)-(6) of the findings and purposes of the ADA Amendments Act of 2008, and § 12102(4)(D)).

The beneficial effects of mitigating measures, such as medication, used by an individual, must be disregarded in determining whether an impairment substantially limits a major life activity of an individual. 29 U.S.C. § 705(20)(B) (incorporating 42 U.S.C. § 12102(4)(E)).

## ***How can stuttering affect a student's experience in school?***

Students who stutter may:

- avoid interacting with teachers, participating in class discussions, or working on group assignments;
- fall behind on homework due to hesitation in asking for assistance;
- be absent from school due to medical appointments; and/or
- struggle with making friends and experience isolation from peers in afterschool clubs or athletics to avoid risk of rejection and ostracization.

## ***What might a school need to do to address a student's stutter?***

If the student's stutter has resulted in the student having a disability under Section 504, that student may require certain modifications (sometimes referred to as accommodations) to meaningfully access or benefit from the school's educational opportunities. [34 C.F.R. §§ 104.4, 104.44](#). This is true even if the student is not substantially limited in the major life activity of learning.

Section 504 may require a school to provide modifications. For example:

- allowing the student extra time when speaking in class;
- permitting the student opportunities to practice before oral presentations or projects;
- permitting delayed auditory feedback devices that some research has suggested may help certain students regulate speech cadence; and/or
- allowing the student to make up work, without penalty, and excusing late arrivals and absences when they miss class due to a medical appointment.

Furthermore, even if a student with a stutter has a disability but does not need modifications, they would still be protected from discrimination, such as disability-based harassment. For example, Section 504 may require a school to respond to bullying or harassment targeted at students because of their medical condition, or because they are regarded as or have a record of having a disability. [34 C.F.R. § 104.3\(i\)\(1\)\(ii\) & \(iii\)](#). Such bullying or harassment, for example, could be related to a student's repetition of sounds or interruptions in speech.

## ***What remedies might a school need to provide if the school does not appropriately address a student's stutter?***

If a school violates the Section 504 rights of a student with a stutter, the school may be required to, among other things:

- offer the student an opportunity to re-take classes, tests, or assignments without penalty or negative consequence to the student;
- excuse absences incurred due to their stutter and correct student records regarding unexcused absences; and/or
- train faculty and staff on addressing peer-to-peer bullying and harassment and on how stuttering may manifest and impact a student physically, psychologically, socially, and academically.

## ***What can be done if a student believes a school is not meeting its obligations under Section 504?***

- Section 504 requires schools to develop and implement a system of policies and procedures to address concerns and disagreements that may develop between schools and students. [34 C.F.R. §§ 104.7, 104.36](#). Parents and students may choose to initiate proceedings in keeping with these policies and procedures.
- Students, parents, or others who would like to request technical assistance from the Office for Civil Rights (OCR), or who would like to file a complaint, may do so by contacting the [OCR enforcement office that serves their State](#).

For more information on disability-related issues, please visit OCR's [Disability Discrimination](#) webpage.

To request language access services or resources, which may include oral technical assistance or written translation of Department information, free of charge, contact [OCR@ed.gov](mailto:OCR@ed.gov).

If you need more information about interpretation or translation services, call 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339). To request documents in alternate formats such as Braille or large print, contact the Department at 202-260-0818 or [ofe\\_eeos@ed.gov](mailto:ofe_eeos@ed.gov).

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