



Supporting College Success:

FAQs on the Disability-Related Rights of Student Veterans with Disabilities

The U.S. Department of Education's Office for Civil Rights (OCR) issues this frequently asked questions (FAQ) document to clarify that Section 504 of the Rehabilitation Act of 1973, a federal civil rights law that prohibits disability discrimination, protects the rights of student veterans with disabilities in higher education.¹ The information below is designed to help students and administrators in colleges, universities, and other postsecondary institutions understand how Section 504 covers veterans with disabilities who apply to or attend college.²

1. Does federal civil rights law prohibit colleges from discriminating on the basis of disability against veterans who apply to or attend college?

Yes. College students with disabilities, including veterans, are protected from discrimination by Section 504. Section 504 prohibits discrimination based on disability by colleges that receive any federal funds, which is virtually every college in the United States. Section 504 requires covered colleges to provide appropriate academic adjustments, such as modifications, to all qualified students, including veterans, with disabilities.

2. Who are students with disabilities protected by federal civil rights law?

Under Section 504 the definition of who is a person with a disability is broad.³ It includes a person who has a physical or mental impairment that substantially limits a major life activity. The disability need not have occurred as a result of military service.

Section 504 provides examples, but not a comprehensive list, of major life activities.⁴ Among those who may have disabilities are—

- A student who is substantially limited in the ability to walk, speak, see, hear, concentrate, learn, breathe, or perform other tasks related to caring for oneself or working; or*
- A student who has been burned or otherwise injured, or has diabetes, cancer, depression, anxiety, post-traumatic stress, a traumatic brain injury or other ailment or disorder that substantially limits one or more bodily systems.*

3. If the military or the U.S. Department of Veterans Affairs (VA) has determined that a veteran does not have a total or partial disability, can that veteran still be determined to have a disability under federal civil rights law, and be protected from disability discrimination by colleges?

Yes. The legal standards used to determine disability status under Section 504 are not the same as the standards used by the military and VA. A student may have a disability as defined under Section 504 even if the military and/or the VA have declined to award benefits based on the disability or found that the student is not entitled to a total disability rating (e.g., 10% disabled) and regardless of when or how the student sustained the physical, emotional, or mental injury.

¹ 29 U.S.C. § 794. In addition to Section 504, OCR also enforces Title II of the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of disability by state and local entities, which includes public colleges.

² In this document, “college” or “colleges” refers to colleges, universities, and other postsecondary institutions.

³ 29 U.S.C. § 705(9)(B), (20)(B).

⁴ 34 C.F.R. § 104.3(j)(2)(ii).

4. May a college deny admission based on the applicant's disability?

No. If an applicant meets the essential requirements for admission, a college would violate Section 504 in denying admission simply because the applicant has a disability.⁵ Additionally, in general, colleges may not make pre-admission inquiries about whether an applicant has a disability.⁶

5. What academic adjustments, often called modifications or accommodations, might colleges be required to make for student veterans with disabilities under federal civil rights law?

Section 504 requires colleges to provide academic adjustments (i.e., reasonable modifications or auxiliary aids and services) that are necessary to ensure student veterans with disabilities are afforded an equal opportunity to achieve academic success.⁷ Examples of possible academic adjustments include, but are not limited to, reduced course loads, extra time on examinations and assignments, accessible electronic and information technology, note takers, sign language interpreters, modified desks for wheelchairs, separate and distraction-free spaces for tests and exams, and modified "no pets" policies to allow for service animals on campus.

The academic adjustments a student is entitled to receive are based on the student's circumstances and, so long as they are effective, they might not be the exact academic adjustments the student requests.⁸ Furthermore, Section 504 does not require colleges to make academic adjustments that would result in a fundamental alteration to academic requirements or an undue financial and administrative burden.⁹ For example, a college is not required to substantially modify the essential requirements of a course, such as by changing academic requirements that are essential to the instruction or that are directly related to a licensing requirement.

6. If a student veteran has or believes they have a disability and wants an academic adjustment, what should the student do?

The student should contact the office on campus that serves students with disabilities and seek information on how to make a request for an academic adjustment.¹⁰ The name of that office is often the Office of Disability Services or something similar. Staff in the Office of Disability Services should work directly with students to help ensure they receive the academic adjustments they need.

⁵ 34 C.F.R. § 104.42.

⁶ 34 C.F.R. § 104.42(b)(4).

⁷ 34 C.F.R. § 104.44.

⁸ *Dean v. Univ. at Buffalo Sch. of Med. & Biomedical Scis.*, 804 F.3d 178, 189 (2d Cir. 2015) ("The accommodation [under Section 504] need not be 'perfect' or the one 'most strongly preferred' by the student-plaintiff, but it still must be 'effective.'") (quoting *Noll v. Int'l Bus. Machs. Corp.*, 787 F.3d 89, 95 (2d Cir. 2015)).

⁹ 34 C.F.R. § 104.44(a); *United States v. Bd. of Trustees for Univ. of Alabama*, 908 F.2d 740, 751 (11th Cir. 1990) ("Under the Supreme Court's interpretation of section 504, recipients of Federal financial assistance are required to make 'reasonable' accommodations, but only to the extent that such accommodations would not cause 'undue financial or administrative burdens.'") (citing *Southeastern Cmty. Coll v. Davis*, 442 U.S. 397 (1979) and *Alexander v. Choate*, 469 U.S. 287 (1985)).

¹⁰ A link to the office's webpage can be found on the Department's College Navigator website, <https://nces.ed.gov/collegenavigator> in the General Information section for each college.

7. Does a student veteran with a disability have to pay for any academic adjustments required by federal civil rights law?

No. Student veterans with disabilities are not required to pay for necessary academic adjustments related to their disabilities.¹¹ Colleges must pay or find other sources to pay for them.¹² However, Section 504 does not require colleges to provide personal assistants or other devices or services of a personal nature. If a student needs to secure the services of a personal assistant (e.g., to help with personal care), the college is not required to pay for those services.¹³ A student with a disability in need of services that a college is not required to provide, may be able to receive assistance from their state vocational rehabilitation agency.¹⁴

8. What documentation may colleges ask for before providing academic adjustments to student veterans with disabilities?

College disability services staff may ask a student veteran for reasonable documentation that will help staff confirm the student's disability and determine, in consultation with the student, the academic adjustments that are most appropriate.¹⁵ Examples of acceptable documentation may include results of medical or psychological tests and certain other medical records (including records reflecting a diagnosis), prescriptions, records from the VA or U.S. Department of Defense, and evidence of having received modifications or auxiliary aids or services in the past.

It is the student veteran's responsibility to obtain necessary evaluations to help determine whether the student has a disability and to pay for them if they are not free or covered by insurance.¹⁶ Conversations between the student and college staff about the student's impairment and needs should help clarify what is required and ensure that the student does not undergo unnecessary tests or waste time or money securing unnecessary documentation.

9. Must a student veteran disclose a disability to the college?

No. Student veterans with disabilities are not required to disclose a disability unless they want an academic adjustment.¹⁷

A student with a disability who wants an academic adjustment should notify the appropriate office on campus as soon as possible. If, for example, the student waits until they do poorly on a test or other task to report the disability, the college is generally not required to give the student another opportunity to complete the exam or task; however, the student will still have a right to appropriate academic adjustments going forward.¹⁸ In addition, if a student veteran with a disability notifies the college of their disability but does not request or

¹¹ 34 C.F.R. § 104.44(d).

¹² 34 C.F.R. pt. 104, App. A, #31; *United States v. Bd. of Trustees for Univ. of Alabama*, 908 F.2d 740, 746 (11th Cir. 1990).

¹³ 34 C.F.R. § 104.44(d)(2).

¹⁴ For more information about state vocational rehabilitation agencies, see the Department of Education's Rehabilitation Services Administration page at <https://rsa.ed.gov/>. To find your state vocational rehabilitation agency, see <https://rsa.ed.gov/about/states>.

¹⁵ See 34 C.F.R. § 104.42(b)(4). For further discussion of the legal requirements, see OCR's March 16, 2007, *Dear Colleague Letter – Transition of Students with Disabilities*, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20070316.pdf>, and *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities*, <https://www.ed.gov/ocr/transition.html>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ 34 C.F.R. § 104.44.

receive academic adjustments, the student is still protected against harassment and discrimination related to their disability.

10. Where can student veterans go for help if they experience discrimination or other problems related to their disabilities?

Student veterans with disabilities may have a disagreement with faculty, staff, or others over any number of issues related to disability, including, for example: (i) the provision of an academic adjustment; (ii) the inaccessibility of a program or activity (e.g., due to limited mobility); or (iii) harassment or discrimination on the basis of their disability.

Student veterans with disabilities who believe they may have been discriminated against by a faculty member or other person on their college campus may file a grievance with the institution. Colleges are required to adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of any complaints related to disability that a student may have against staff, faculty, or peers.¹⁹ A copy of these procedures is typically available online and in materials available in the disability services office or in other administrative offices on campus.

Grievance procedures typically include the names or titles of the individuals a student should contact about the problem; the timeframe within which the student must take certain actions (e.g., file a complaint or appeal an initial ruling or decision); and information regarding acceptable formats for submitting information and documentation in support of a student's complaint. Students should pay close attention to timeframes (e.g., for reporting acts of discrimination) outlined in the grievance procedures as failure to meet established deadlines could result in a procedural dismissal of a complaint without consideration of its merits.

Additionally, a student may file a complaint with OCR. OCR is responsible for investigating and resolving discrimination complaints based on race, color, national origin, age, sex, and disability. For more information, please contact OCR at 1-800-421-3481 (TDD 1-800-877-8339) or ocr@ed.gov, or visit www.ed.gov/ocr. Please visit www.ed.gov/ocr/complaintintro.html to learn about filing an OCR complaint.

If you have difficulty understanding English, you may ask OCR to consider providing translation of Department information, free of charge, by contacting OCR at ocr@ed.gov. For requests for documents in alternate formats such as Braille or large print please contact the Department at 202-260-0852 or om_eeos@ed.gov.

*For more information about the rights of students with disabilities in college, please visit *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities* at <https://www.ed.gov/ocr/transition.html> and *Auxiliary Aids and Services for Postsecondary Students with Disabilities* at <https://www.ed.gov/about/offices/list/ocr/docs/auxaids.html>.*

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¹⁹34 C.F.R. § 104.7(b).