

**CAREER-TECHNICAL
EDUCATION: Section 504 /
Title II Admissions Issues**



Office for Civil Rights
U.S. Department of
Education

1

What is OCR?

- Part of the U.S. Department of Education.
- Enforces civil rights laws prohibiting discrimination in education programs on the basis of: race, color, national origin (Title VI), sex (Title IX), disability (Section 504 and Title II), and age.
- Headquartered in Washington, DC and includes 12 regional offices across the U.S.
- OCR's Cleveland Enforcement Office covers Michigan and Ohio.

2

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"

3

**Recruiting, Counseling,
Admissions, and
Placement**

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**Recruitment, Counseling, and
Placement**

34 C.F.R. PART 100, APPENDIX B, SECTION V.A
Recipients must ensure that their counseling materials and activities (including student program selection and career/employment selection), promotional, and recruitment efforts do not discriminate on the basis of race, color, national origin, sex, or disability.

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**Counseling and Prospects for
Success**

34 C.F.R. PART 100, APPENDIX B, SECTION V.B
Recipients that operate vocational education programs must ensure that counselors do not direct or urge any student to enroll in a particular career or program, or measure or predict a student's prospects for success in any career or program based upon the student's race, color, national origin, sex, or disability.

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6

Counseling and Prospects for Success – Cont'd

- Recipients may not counsel students with a disability toward more restrictive career objectives than students without a disability with similar abilities and interests.
- If a vocational program disproportionately enrolls male or female students, minority or nonminority students, or students with a disability, recipients must take steps to ensure that the disproportion does not result from unlawful discrimination in counseling activities.

7

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Admissions Criteria
34 C.F.R. PART 100, APPENDIX B, SECTION IV.A

Criteria controlling student eligibility for admission to vocational education schools, facilities and programs may not unlawfully discriminate on the basis of disability (or race, color, national origin, or sex). A recipient may not develop, impose, maintain, approve, or implement such discriminatory admissions criteria.

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Admissions Criteria
34 C.F.R. PART 100, APPENDIX B, SECTION IV.K

Admissions criteria that have the effect of disproportionately excluding persons on the basis of disability (or race, color, national origin, or sex) may not be used UNLESS:

- Validated as essential to participation in a particular program, and
- Alternative equally valid criteria that do not have a disproportionate adverse effect are unavailable

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Prerequisites (SECTION IV.K cont'd)

- Introductory, preliminary, or exploratory courses may not be established as a prerequisite for admission unless the course has been and is available without regard to disability (or race, color, national origin, or sex)
- A course that was formerly only available on a discriminatory basis may be made a prerequisite for admission to a program if the recipient can demonstrate that:
 - The course is essential to program participation and
 - The course is presently available

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General Standard for Postsecondary Voc Ed Admission under Section 504/ADA

A recipient may not deny admission or continued participation to a student with a disability who is able to meet the **essential** academic and technical standards for admission or participation with or without academic adjustments, reasonable modifications or auxiliary aids and services.

- 34 C.F.R. 104.44

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If admission tests are administered, you must ensure that:

- Test results accurately reflect the applicant's aptitude or achievement level
- Admissions tests designed for persons with impaired sensory, manual, or speaking skills are offered as often as other admissions tests
- Testing facility is accessible

12

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Qualified student with a disability under Section 504/ADA

With respect to postsecondary and vocational education services, a qualified person with a disability means a person with a disability who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity.

- 34 C.F.R. 104.3(l)(3)

13

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Access to programs or courses
34 C.F.R. Part 100, Appendix B, Section IV.N

Access to vocational programs or courses may not be denied students with a disability on the ground that employment opportunities in any occupation or profession may be more limited for persons with a disability than for persons without a disability.

14

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Eligibility for Admission to Secondary Vocational Education Centers Based on Numerical Limits

34 C.F.R. PART 100, APPENDIX B, SECTION IV.F

A recipient may not adopt or maintain a system for admission to a secondary vocational education center or program that limits admission to a fixed number of students from each sending school included in the center's service area if such a system disproportionately excludes students from the center on the basis of race, sex, national origin or disability.

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Equal Access

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Equal Access for Students With Disabilities

34 C.F.R. PART 100, APPENDIX B, SECTION IV.N



- May not deny students access because of:
 - architectural or equipment barriers, or
 - because of need for related aids and services, academic adjustments, modifications, or auxiliary aids

17

18

Equal Access APPENDIX B

(Appendix IV.N cont.)

If necessary, recipients must:

- (1) Modify instructional equipment;
- (2) Modify or adapt the manner in which the courses are offered;
- (3) House the program in facilities that are readily accessible to mobility impaired students or alter facilities to make them readily accessible to mobility impaired students

18

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.

19

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Professional Certification and Licensing Requirements

- Recipient may not deny a student with a disability admission to or participation in a program on the basis that the student would not be able to meet a licensing or certification requirement for the related occupation UNLESS the program has adopted it as an *essential* requirement of the program.

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Characteristics of a Lawful Technical Standard

- Inquiry into a skill or ability, not a medical condition or disability status
- Ability to perform the skill directly relates to functional elements of the program
- Stated so as to inform applicant that it can be met with academic adjustments or auxiliary aids and services if warranted by the disability
- In a licensing program, standard is directly related to skills necessary to obtain the license

21

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Preadmission Inquiries

- Preadmission inquiries into disability are prohibited *unless*:
 - A remedy to prior discrimination
 - Affirmative step to increase participation of students with disabilities
 - Include required notifications

22

22

OCR Contact Information

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23

23
