

Db q#4

Education



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Americans with Disabilities Act s 2nd March Discussion The Individuals with Disabilities Education Act contains section 504 that raises questions for learners in K-12 learning institutions who fail to meet the IDEA definition of disability. These questions are; who is eligible? For those eligible, what are they entitled to? The Americans with Disability Act Amendments Act (ADAAA) effected on 1st January 2009 altered the first question and reinforced the operational aspect of the second question albeit without directly addressing it. As a result, the question changes to, are all eligible learners entitled to the 504 plan? Section 504 contains three alternate prongs based on a three criteria (Zirkel, 2009 P. 1, L 3-10).

The first prong is for individuals who have; a) a mental or physical impairment that; b) substantially limits; c) a major life activity. The second and third parts are for people who are not currently meeting these three criteria but have a record of or are regarded as meeting the requirements. The office of civil rights (OCR) is the department within the education department that enforces and administers section 504 in K-12 school setting. They are vocal in the interpretation of the second and third prongs in relation to learners. They have also clarified the regarded as and record of points to provide protection against exclusions. OCR has also ensured that students under the first prong are entitled to a free and appropriate education (Zirkel, 2009 P. 1, L 11-26).

The Americans with Disabilities Act properly covers the deafness disability. It has identified deafness as a condition that substantially limits hearing and also states that hearing is a major life activity. The act has had positive effects on deaf people within public accommodations by ensuring that they are not discriminated against, for example to enter certain premises

(Steinberg, 2013 Paragraph 3). The ADA together with ADAAA fails to recognize partial hearing as a disability. Under ADAs definition of disability, the only issue found in people with one deaf ear is that they have difficulty hearing in noisy surroundings. The definition according to ADA means that partial deafness does not substantially limit the person's abilities, the ruling is evident in the Christine Mengel case (Steinberg, 2013 P. 2, Paragraph 2).

References

Steinberg, S. (2013). Partial Deafness Found Not to Be a Disability Under the ADAAA. *The Legal Intelligencer*, 247(69), 2.

Zirkel, P. (2009). Section 504: Student Eligibility Update. *The Clearing House*, 82(5), 209-211. doi: 10.3200/tchs.82.5.209-211