

Legal Update Article

Education Department Seeks Input to Strengthen Section 504 Protections for Students With Disabilities

By Susan D. Friedfel, Carol R. Ashley & Monika Zarski

May 10, 2022

Meet the Authors



Susan D. Friedfel

Principal
914-872-8027
Susan.Friedfel@jacksonlewis.com



Carol R. Ashley

Of Counsel
Carol.Ashley@jacksonlewis.com



Monika Zarski

Associate
914 872-8017
Monika.Zarski@jacksonlewis.com

Related Services

Education: K-12
Employment Litigation
Higher Education
Sports

To start the process of updating the regulations implementing Section 504 of the Rehabilitation Act of 1973, a seminal disability civil rights law that provides protections to elementary, secondary, and postsecondary students, the U.S. Department of Education's Office for Civil Rights (OCR) has [announced](#) that it will solicit public recommendations from students and their advocates and hold listening sessions to determine ways to improve the current regulations to achieve the present-day needs of America's students with disabilities.

Members of the public interested in providing feedback may do so this month at www.ed.gov/policy/rights/reg/ocr/.

Section 504 prohibits discrimination on the basis of disability in educational programs and activities that receive federal financial assistance. It has remained largely unchanged since its enactment 45 years ago.

On OCR's May 6 announcement, Assistant Secretary for Civil Rights Catherine E. Lhamon noted, "As we observe the 45th anniversary of these important regulations this month, it is time to start the process of updating them. Just as in 1977, the voices of people with disabilities must be heard and incorporated as we engage in that work."

OCR's announcement coincides with Mental Health Awareness Month and the [President Joe Biden's Unity Agenda strategy](#) aimed at addressing the "national mental health crisis." According to OCR, listening to and soliciting input from people with disabilities who also have mental health needs and their advocates will be part of its process toward improving the Department's disability rights regulations.

The Jackson Lewis Higher Education Industry Team will continue to monitor ongoing developments in this area, particularly as they relate to educational institutions' potential compliance obligations. Please contact a Jackson Lewis attorney with any questions about the OCR's announcement and future developments.

©2022 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.