
Factsheet : Disability Discrimination in Postsecondary Education Training

Students with disabilities in Postsecondary Education Training programs e.g. Colleges and Universities, in Ohio are protected from discrimination based on their disability. Several federal and state civil rights laws protect students with disabilities:

- Title II of the Americans with Disabilities Act (ADA) protects students with disabilities from discrimination by public colleges and universities.
- Title III of the ADA protects students with disabilities from discrimination by private colleges and universities.
- Section 504 of Rehabilitation Act provides similar protections if colleges and universities receive federal funding, such as federal grants to pay student tuition.
- Under Ohio law, Chapter 4112 of the Ohio Revised Code protects students with disabilities from discrimination by most Ohio colleges and universities.

These laws also require postsecondary education training programs to make reasonable accommodations for students with disabilities so that they have equal access to educational services. Examples of typical accommodations include providing interpreters, audio recordings, extended time for testing, etc. It is important to remember, however, that colleges and universities are only required to make accommodations that are “reasonable,” and they do not have to provide accommodations that would fundamentally change their programs (such as lowering educational standards or program requirements) or that result in excessive costs or administrative burden for the college or university.

If your postsecondary education training program refuses to provide you with accommodations that you need or discriminates against you because of your disability, you have several options.

- **File an Internal Grievance or Complaint.** Most postsecondary education training program have a grievance or complaint process for students who believe their rights have been violated. Ask your school’s ADA/504 Coordinator (or if there is none, perhaps the Dean of Student Affairs) for more information about the process. Check to see if there are timelines you need to follow.
- **File a Complaint with the Office for Civil Rights (OCR).** If you go to a public college or university or a school that receives federal funding, you may file a complaint with the U.S. Department of Education’s Office for Civil Rights (OCR). More information about filing an OCR complaint is available at: (click on <https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint> “Filing a Complaint”). Complaints must generally be filed within 180 days after the discrimination, but there are some exceptions. For example, OCR can grant a waiver under limited circumstances, and students that have filed an internal grievance or complaint with the school have 60 days from completion of that process to file the complaint with OCR.

- **File a Complaint with the U.S. Department of Justice (DOJ).** The U.S. Department of Justice (DOJ) allows students to file complaints about ADA violations by both public and private colleges and universities. The DOJ decides whether to investigate a complaint, and it may refer a complaint to OCR. Therefore, we typically recommend filing directly with the OCR as described above. Information about filing a DOJ complaint is available at: https://www.ada.gov/filing_complaint.htm. Complaints against public colleges and universities must generally be filed within 180 days after the discrimination, unless you have been granted an extension for good cause shown. Complaints against private colleges and universities can be filed with DOJ at any time (but since passage of time can make discrimination more difficult to prove, we typically recommend filing as soon as possible).
- **File a charge of discrimination with the Ohio Civil Rights Commission (OCRC).** The OCRC investigates charges of disability discrimination by most colleges and universities within Ohio. More information can be found at: <https://www.crc.ohio.gov/FilingCharge/DisabilityinHigherEducation.aspx>. A charge must be filed within six months after the discrimination.
- **Lawsuits.** People who believe they have been discriminated against because of their disability can also file a lawsuit to enforce their civil rights in state or federal court. There are different timelines for filing a lawsuit depending on the type of claims and the specific laws being violated. A lawsuit based on disability discrimination violations of Section 504 of the Rehabilitation Act or Titles II or III of the ADA must be filed within two years after the discrimination. A lawsuit based on discrimination by colleges and universities under state law (Ohio Revised Code § 4112.022) must be filed within six years after the discrimination. If you are thinking of filing a lawsuit regarding disability discrimination by a college or university, you should consult with an attorney as soon as possible so you do not miss out on being able to file your claims.

You may also have protections and options to file complaints under other laws. For example, fair housing laws prohibit discrimination in some housing situations such as college housing, and some colleges and universities have standards of accreditation that protect students with disabilities. You may wish to consult an attorney for information regarding your rights and the options for your individual situation. The Ohio State Bar Association's Lawyer Referral Service can be reached at <https://www.ohiobar.org/public-resources/attorneydirectory/> or 800-282-6556.

The information above is provided solely as informal guidance and not legal advice. If you have specific questions about your situation, or need clarification on any of these topics, consult an attorney or call Disability Rights Ohio at 800-282-9181 and select option 2 for our intake department. You can also use our online intake form (<https://www.disabilityrightsohio.org/intake-form>).

