



Lana L. Traynor, LLC  
1221 SW Yamhill Street  
Suite 290  
Portland, Oregon 97205  
p. 503.223.4147  
f. 503.224.3667  
info@traynorlawfirm.com  
www.traynorlawfirm.com

## From the Desk of Lana L. Traynor

Welcome the August issue of The Light! Summer's almost over, and the school year right around the corner! As you prepare for the upcoming school year, it's important to know about the differences between Section 504 and Title II - we've got some answers for you. My son Grant has put together a book review on one of his favorite Summer reads, and if you're looking for a fun vacation for the family, we've got just the person to call - Tim Martin of CruiseOne. We hope you'll find the information useful and informative! Thanks for your consideration!

All the best!

*Lana*  
Lana

## What's the Difference Between Section 504 and Title II?

Acronyms in disability and education law can be overwhelming, but it's important to know the difference between two particular terms: "Section 504" and "Title II." Too often, people use these terms interchangeably. The seemingly subtle differences between these two statutes are significant with respect to the type of entity that is subject to each statute.

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a Civil Rights Act, not a special education statute. Under Section 504, "No otherwise qualified individual with a disability \* \* \* shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance \* \* \* [.]" 29 U.S.C. § 794(a). What this means in the education context is that:

- ▲ The person (student) in question must meet specific criteria to be deemed a "qualified individual with a disability."

- ▲ Only programs or activities that receive federal funds are subject to the requirements of Section 504.
- ▲ Both public and private post-secondary institutions are subject to Section 504.
- ▲ Section 504 requires equal access and equal opportunities only - no specially designed instruction.

Congress extended the reach of this Civil Rights Act to governmental entities, regardless of receipt of federal funds, when it enacted Title II in 1990.

Like Section 504, Title II of the Americans with Disabilities Act (ADA) of 1990 (Title II) is a Civil Rights Act, not a special education statute. Title II "Prohibits discrimination on the basis of disability by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance" from the United States Department of Education. 42 U.S.C. § 12101 et seq. What this means in the educational context is that:

- ▲ The person (student) in question must meet specific criteria to be deemed a "qualified individual with a disability."
- ▲ Title II expands Section 504 to state and local governments, regardless of whether the program or activity receives federal funds.
- ▲ Requires equal access and equal opportunities only - no specially designed instruction.
- ▲ Only public, not private, post-secondary institutions are subject to Title II.

The two significant differences between Section 504 and Title II are: (a) receipt of federal funds is irrelevant under Title II, and (b) only public (not private) post-secondary institutions are subject to Title II requirements. Neither Section 504 nor Title II-covered entities receive federal funding to implement or monitor their programs.

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Complaints about possible Section 504 or Title II violations should be directed to the appropriate office within the U.S. Department of Education's (USDOE), Office for Civil Rights (OCR) within your region. A list of regional offices can be found at <http://www2.ed.gov/about/offices/list/ocr/index.html>.

## Wise Words...

"Courage is what it takes to stand up and speak; courage is also what it takes to sit down and listen."

— Sir Winston Churchill

## Client Testimonial

"Lana listens to my frustrations for school. She is the best at helping me!" -- Christopher

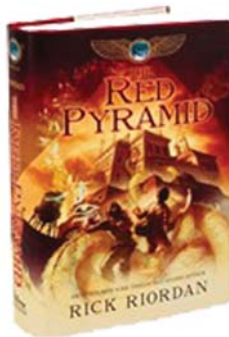
"Thanks for helping me get out of the MSP, because I do not like writing. Lana is the best!" -- Mitchell

## Between the Lines - Book Review

"*The Red Pyramid (The Kane Chronicles, Book 1)*" by Rick Riordan (<http://amzn.com/1423113381>)

Book Review by Grant Traynor

Two completely opposite siblings go on a wild adventure when their father blows up the Rosetta Stone. Carter and Sadie race their way to stop a dangerous god that their father released from the Rosetta Stone. The adventure is filled with mysterious hieroglyphics and dangerous demons. Riordan really makes you feel like you are in the center of the action. This book is amazing and I would recommend it to anyone looking for a good book.



## Someone You Should Know...

### CruiseOne

Looking for a great option for a vacation? How about a cruise? There's something for every member of the family and most of your costs are included in your cabin fare. Most family cruise lines also accommodate people with disabilities, so there are no worries. Whether you're looking for a getaway weekend for just the two of you, or a fun vacation for the whole family - maybe even a family reunion - CruiseOne can provide

everything you need to put the ideal vacation package together.

Contact Tim & Trish Martin, CruiseOne of Beaverton:

[tmartin@cruiseone.com](mailto:tmartin@cruiseone.com)

Phone: (503) 259-2280

[www.cruiseone.com/tmartin](http://www.cruiseone.com/tmartin)

## Events

Any events coming up????

## Socialize with Us!

You can connect with Lana Traynor on the following Social Networks:



[www.linkedin.com/in/lanatraynor](http://www.linkedin.com/in/lanatraynor)



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Lana L.  
**TRAYNOR** LLC  
A Special Needs & Education Attorney

Lana L. Traynor, LLC  
1221 SW Yamhill Street  
Suite 290  
Portland, Oregon 97205  
p. 503.223.4147  
f. 503.224.3667  
[info@traynorlawfirm.com](mailto:info@traynorlawfirm.com)  
[www.traynorlawfirm.com](http://www.traynorlawfirm.com)

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