

KNOW YOUR CHILD'S RIGHTS

Students with asthma are covered under Title II of the American Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act (IDEA). Title II and Section 504 ensure access to federally funded services for any handicapped person. IDEA provides funds to help schools serve these students, when schools follow specific requirements.

Title II, Section 202 of the Americans With Disabilities Act of 1990 reads:

"...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

Section 504 of the Rehabilitation Act of 1973 reads:

"No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance ..."

"Handicapped persons means any person who ... has a physical or mental impairment which substantially limits one or more major life activities ... [such as] ... breathing ..."

Section 504 regulations require that schools follow procedures to safeguard the rights of parents, students, and school employees and ensure that decisions and their implementation regarding a child's needs are fair and appropriate. These regulations also require that schools and parents act as partners in the planning and decision making involved in the child's welfare.

State and local Boards of Education have resource staff that can provide specific guidelines. For more information, contact the U.S. Department of Education Office for Civil Rights, 800-421-3481; www.ed.gov/about/offices/list/ocr/

Source: Allergy & Asthma Network Mothers of Asthmatics (2010). Available online at:
<http://www.aanma.org/?s=american+disabilities+act>