

# Accommodations in Higher Education

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## Student Disability Services

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# Talking Points

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- Differences in the provision of accommodations in K-12 and higher education
- Disability disclosure and confidentiality
- The interactive process
- Academic adjustments and auxiliary aids or services for college students with disabilities

# What laws apply?

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- The Individuals with Disabilities Education Improvement Act (IDEIA or IDEA)
  - K-12
- The Americans with Disabilities Act (ADA)
  - K-12, Postsecondary
- Section 504 of the Rehabilitation Act (Section 504)
  - K-12, Postsecondary
- The Fair Housing Act (FHA)
  - Postsecondary

# From Entitlement to Eligibility

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- The change from *entitlement* to *eligibility* for services occurs once the student leaves the public school system.
- Entitlement (IDEIA 2004) and Eligibility (Rehabilitation Act/Section 504 & ADA) are different laws with different requirements for services.
- Section 504 and Title II of the ADA protect K-12 students from discrimination, but several of the requirements that apply through high school are different from the requirements that apply beyond high school.

# Disability Determination

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## K-12

- A child evaluated in accordance with IDEA regulations as having least one of 13 disability categories and a need for special education and related services

## Postsecondary

- Having a physical or mental impairment that substantially limits one or more major life activities (accommodate)
- Having a record of such an impairment (don't discriminate)
- Being regarded as having such an impairment (don't discriminate)

# Responsibility for Identification

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## K-12

- The school is responsible for identifying students having difficulties.
- The school conducts an assessment or evaluation; the school is fiscally responsible.

## Postsecondary

- The student must self-identify to the appropriate person or office in order to receive accommodations.
- The student must submit the appropriate documentation to the designated office at the university or college; the student is fiscally responsible.

# Services

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## K-12

- Individualized Education Program (IEP) dictates the accommodations, modifications, services and activities for an eligible student.
- Parents/guardians must agree to accommodations, modifications, services and activities within the IEP.
- The youth may or may not be involved in the decision process regarding the IEP.
- Parents can ask for changes or alterations to an IEP according to state and federal regulations.

## Postsecondary

- Instead of IEPs, eligible students receive accommodation letters.
- Students must ask in a timely manner for accommodations every semester from the designated person or office.
- Students may be asked to make an appointment with their instructor or professor to submit their accommodation letter.
- Self-advocacy is necessary to obtain accommodations.

# Rights

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## K-12

- The child's parents have authority regarding the child's educational rights while the child is in education.
- Parents/guardians are involved in all decisions related to the IEP.
- Accommodations, special education, and related services are determined with input from the parents during the IEP meeting.
- Throughout the school year, parents/guardians are provided with progress reports (including a report card) documenting progress on the student's measurable goals.

## Postsecondary

- Parent's rights change once a student enters postsecondary education.
- Privacy laws may not allow postsecondary staff to discuss a student's disability or services with parents unless provided written permission from the student.
- The student, not the parent, is now in the driver's seat and makes requests for services and accommodations.
- Students are responsible for keeping track of their progress in their courses.
- Parents are typically not provided with academic progress or even grades.



# Disability Disclosure

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- Disclosure of disability is always voluntary, but it is required to receive academic adjustments and auxiliary aids or services in higher education
- Students may choose to disclose disability information to faculty, parents, peers, etc., but it's never required
- Privacy of disability documentation and accommodation information are protected through the ADA, Section 504, and FERPA
- Disability services will not disclose disability or accommodation information without written consent from student

# Documentation

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- Must demonstrate that the individual’s present functional impairment significantly impacts a major life activity
  - Disability determination is not tied to the diagnosis (e.g., “I have AD/HD; therefore, I need extra time.”)
- Each postsecondary school can determine reasonable [documentation guidelines](#)

# Documentation

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- An IEP or 504 plan may help identify services that have been effective, but they are generally not sufficient documentation because of the differences between postsecondary education and high school education
  - New demands in postsecondary education
  - Nature of the disability may change

# The Interactive Process

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- The process by which a disability services specialist works with a student to determine what reasonable accommodations the college will provide.
  - Required by the ADA for postsecondary institutions
- The shared goal is to identify appropriate academic adjustments and/or auxiliary aids or services that facilitates equal access to the educational process.
  - Deliberative and collaborative process

# The Interactive Process

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- Highly individualized
- Discuss functional limitations related to disability
- Listen to the student, consider every request, and engage in a conversation about each request
- Don't stop at no
- Collaboratively determine necessary and reasonable accommodations

# Essential Components of the Interactive Process

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- It begins when a student with a disability seeks accommodations by contacting the disability services office or designated personnel on campus.
- The student must request accommodations in a reasonable period and in accordance with procedures established by the postsecondary institution for the specific type of the accommodation requested.
- The postsecondary institution must receive timely documentation of the disability for which the accommodation is being sought

# Essential Components of the Interactive Process

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- The student must be able to describe how their disability impacts them, or how they think it will impact them, in a university setting.
- There should be a clear connection, or nexus, between the impact of the disability and the requested accommodation.

# Accommodations

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- Accommodations should mitigate disability-related barriers to provide *equitable access*
- Accommodations should not:
  - Fundamentally alter essential components of a course or degree program
  - Impose an undue financial or administrative burden on the institution
  - Pose a health or safety risk



# Accommodations

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- Appropriate academic adjustments must be determined based on the student's disability and individual needs through the interactive process
- Academic adjustments may include accommodations and auxiliary aids and services as necessary to ensure equal educational opportunity
- A school is not required to provide a student with a specific requested accommodation if an alternative accommodation could be provided that accomplishes the same goal

# Accommodation Examples

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- Priority registration
- Reduced course loads
- Substituting one course for another
- Providing note takers
- Permission to audio record lectures and discussions
- Sign language interpreters
- Extended time for testing
- Screen-reading software
- Text-to-speech
- Flexibility with course attendance policies
- Additional microfridge in residence hall room

# Resources

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- [OCR – Students with Disabilities](#)
- [Preparing for Postsecondary Education: Know Your Rights and Responsibilities](#)
- [ADA National Network – ADA Factsheet on Postsecondary Institutions and Individuals with Disabilities](#)
- [From Entitlement to Eligibility](#) (written by PA department of education, but still good and applicable information)

# Questions?

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## **Student Disability Services**

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