



The Instructor Series:
Accommodating Students with Disabilities
in Post-Secondary Environments

Facts on the ADA, Accommodations and Disability



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The Instructor Series: Accommodating Students with Disabilities in Post-Secondary Environments

This booklet is part of a three-part series designed to help college faculty and instructors understand their role in the educational accommodation process. Other booklets in this series include:

- **Accommodating Students with Disabilities in the Classroom**
- **Accommodating for Disabilities Outside the Classroom**

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Division of Adult Studies for more information.**



Notice: This document was created using the definitions and regulations from the Americans with Disabilities Act of 1990. The ADA Amendments Act was passed in 2008 to address different interpretations of what constitutes a disability under the original act, stressing a broad scope of protection under the law. See <http://www.jan.wvu.edu/bulletins/adaaal.htm> for more information.

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“I don’t want to be classified as disabled...I want to be included as a normal student.”

A student with a head injury

Am I expected to become an expert on disabilities?

No. The college has other staff with expertise in verifying disabilities and determining academic accommodations. Many resources are available to assist faculty and staff. The staff at the Disability Support Services office are willing and able to work collaboratively with you in order to ensure that all aspects of your college are inviting, welcoming and inclusive of students with disabilities.

Introduction to the Americans with Disabilities Act

The Americans with Disabilities Act (ADA), landmark civil rights legislation, was enacted in 1990. ADA’s purpose is to ensure that people with disabilities are granted equal access to employment, public services, places of public accommodation, transportation, and telecommunications.

Title II of the Americans with Disabilities Act prohibits discrimination against people with disabilities by public entities. These provisions include publicly funded educational institutions such as universities, colleges, and technical schools. Privately funded educational institutions are subject to similar non-discrimination requirements under Title III of the Act and employers are covered under Title I.

The prohibition against discrimination is very broad and encompasses all the programs, activities, and services that your institution provides.

In general the Act requires...

that people with disabilities have an equal opportunity to benefit from or participate in your services.

A major thrust of the ADA is to ensure that people with disabilities gain access to the mainstream of American society. Access to education is one key to opening the doors of mainstream society to people with disabilities.

One way a college strives to ensure that people with disabilities have equal access is by providing accommodations for qualified people with disabilities. Accommodations are a necessary part of meeting the requirements of the ADA. The college’s obligation to provide accommodations extends to prospective and enrolled students, employees, members of the public who may wish to attend public events or activities sponsored by the college, and to any other individual who is eligible to attend, enroll in or benefit from the college’s programs, services or activities. This bulletin will focus specifically on accommodations for students with disabilities.

Accommodations for Students

Accommodations are a means of providing qualified students with disabilities a similar opportunity to benefit from their educational experience as their non-disabled counterparts.

The obligation to provide accommodations for students with disabilities is not a new concept. Most publicly funded educational institutions have been subject to similar obligations for many years under the Rehabilitation Act of 1973. Whether you have been aware of it or not, your college has probably been providing some type of accommodations for students with disabilities for quite some time.

During the 1995-96 academic year, six percent of first year students reported having a disability that affected hearing, speech, mobility or vision, but that number is increasing. In fact, current reports suggest that 1 out of 11 college students have *reported* that they have a disability (U.S. Dept. of Education, 1999). Not every student with a disability will be eligible for or need an accommodation. However, as more students with disabilities enroll in post-secondary education, the need for accommodations will increase.

What is an Accommodation?

An accommodation is a legally mandated modification or service that gives a student with a disability an equal opportunity to benefit from the educational process. It may be useful to think of accommodations as adjustments to how things are normally done.

From one perspective, accommodations can be grouped into the following categories:

- Changes to a classroom environment or task that permit a student with a disability to participate in the educational process,
- Removal of architectural barriers, Modifications to policies, practices or procedures,
- Provision of auxiliary aids and services, and
- Other adaptations or modifications that enable a student to enjoy the benefits and privileges of the college's program, services and activities.

Accommodations do not lower academic standards or compromise the integrity of an academic program. Academic, conduct and technical standards will always be maintained.

Accommodations are provided at no cost for eligible students. Eligibility for accommodations is discussed on page 6.

The Accommodations Process

Typically the accommodation process starts when a student contacts the Disability Support Services (DSS) office or an instructor and makes a request for a disability related accommodation. If a student asks you for an accommodation and has not had his or her disability verified by DSS you should refer the student to DSS.

Flow Chart of the Accommodations Process

Student makes contact with Disability Support Services and asks for accommodations.

Student may have to provide Disability Support Services with recent, professional documentation of disability.

Disability Support Services and student determine accommodations and **instructor(s)** will be consulted when necessary.

Disability Support Services prepares form or letter stating approved accommodations.

Letter from Disability Support Services is provided to instructor.

Accommodations are provided.

Student and Disability Support Services evaluate accommodations with input from instructor.

Accommodation Responsibilities

<u>Disability Student Services (DSS)</u>	<u>Students</u>	<u>Instructor</u>
<p>Publicize how to request accommodations</p> <p>Maintain written procedures for handling accommodations</p> <p>Verify student's disabilities</p> <p>Implement Individual Accommodations Model in consultation with student and instructor</p> <p>Approve accommodations</p> <p>Lead role in arranging and providing accommodations in a timely manner</p> <p>Respect and maintain a student's right to privacy about disability information and accommodations</p> <p>Maintain the academic and conduct standards of the college</p>	<p>Register with DSS</p> <p>Provide professional documentation of disability</p> <p>Request accommodations</p> <p>Work cooperatively with DSS to determine and implement accommodations</p> <p>Be prepared! Request accommodations as far in advance as possible</p> <p>Maintain the academic and conduct standards of the college</p>	<p>Comply with the college's policies and procedures for providing accommodations</p> <p>Notify students that accommodations are available. This is achieved by putting accommodation information on the class syllabus and/or by announcing it during class</p> <p>Set and enforce academic and course conduct standards</p> <p>Determine essential elements of the course or program</p> <p>Collaborate with student and DSS in arranging and providing accommodations</p> <p>Permit the use of approved accommodations</p> <p>Respect and maintain a student's right to privacy about his or her disability</p>

Types of Accommodations

Here is a list of commonly provided educational accommodations.

- Sign language interpreters
- Note takers or scribes
- Tape recorders
- Test taking accommodations, such as
 - giving exams in alternative formats (e.g., giving a written exam orally, or changing the way answers are recorded);
 - extending the time allowed;
 - permitting use of a dictionary or spell checker (unless test is designed to measure spelling ability);
 - providing quiet room for test taking in order to decrease auditory or visual distractions;
 - repeating instructions.
- Assistive listening devices
- Removal of architectural barriers
 - adapting a dorm room to meet the needs of a student who uses a wheelchair
 - installing better lighting in classrooms to assist students with low vision
- Course substitutions and waivers
- Written materials in alternative formats such as large print, Braille, computer diskette, or audiotope readers

Rather than provide all these accommodations, why don't we create special programs for students with disabilities?

The ADA does not prohibit special or segregated programs designed just to meet the needs of students with disabilities. However, they are generally not the best way to meet the intent of the ADA, which is to integrate people with disabilities into mainstream society. When students leave college they need to be prepared to succeed

in the work world. Integrated classrooms prepare all students, both with and without disabilities for the challenges they will face.

It is important to note that if special programming is offered, a college must still permit qualified students with disabilities to attend the regular programs. The college must also continue to provide accommodations for students with disabilities in the regular program.

What types of accommodations will not be provided?

- Personal devices such as wheelchairs, hearing aids or glasses.
- Personal services such as assistance with eating, toileting or dressing will not be provided.
- Accommodations that would fundamentally alter the nature of a program will not be provided.
- Accommodations which lower or substantially modify academic or program standards will not be provided.
- Accommodations that are unduly burdensome, administratively or financially.
- An accommodation can be denied only after alternative methods of providing the requested accommodation have been explored. The right to reject an accommodation as unduly financially burdensome is reserved for:

Is the college required to provide individual tutoring for students with disabilities?

No. Individual tutoring is not a required

accommodation. Tutoring is considered a personal service and the law does not require a school to provide students with personal services. However, if a college provides tutoring or services such as math or writing labs for non-disabled students, students with disabilities must have the same access to these services as non-disabled students.

Who is eligible for an accommodation?

A student must meet two criteria to be eligible for an accommodation. First, the student must meet the essential or requisite eligibility requirements of the program, service or activity in which he or she wishes to participate with or without an accommodation. This means that the student must meet the requisite eligibility requirements in spite of his or her disability. Second, the student must have a documented disability as defined by the Americans with Disabilities Act or the Rehabilitation Act.

What is a disability under the ADA?

Disability is defined as any physical or mental impairment that substantially limits one or more major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working. "Substantially limited" generally means that a person is unable to perform a major life activity that the average person in the general population can perform. Mitigating or corrective measures such as medication, or corrective lenses may be considered when determining whether a person is substantially limited.

The ADA also prohibits discrimination against individuals who have a record or history of being substantially impaired and individuals who are regarded as having such impairments.

At each college a designated staff decides whether a student meets the definition of disability under the ADA requires. Persons are not entitled to protection of the ADA simply because they have been diagnosed with a disability. The disability must substantially limit their ability to perform major life activities. Thus, this disability determination process is on a case-by-case basis.

A college cannot set-up predetermined categories of what types of disabilities will be accommodated and what types will not.

To help you understand the potential scope of covered disabilities a non-exhaustive list of types of conditions that may be covered by the ADA includes:

- physical, sight, speech or hearing impairments,
- epilepsy,
- muscular dystrophy,
- multiple sclerosis,
- cancer, heart diseases,
- diabetes,
- chronic illnesses,
- HIV or AIDS,
- psychiatric disabilities,
- specific learning disabilities,
- mental retardation, and
- recovered drug or alcohol addiction.

The college uses the Individual Accommodations Model to determine appropriate and effective academic accommodations. The model provides a research-based method for selecting accommodations that are based on a student's needs, strengths, and goals.

How Are Accommodations Selected?

After a student's disability has been verified, a DSS staff person meets with the student to discuss what types of accommodations may be needed. The "Accommodations Interview" is one procedure for helping determine appropriate accommodation strategies. The "Accommodations Interview" is included in the IAM booklet, *Ensuring Appropriate Accommodations for Students with Disabilities*.

The needs assessment considers the setting in which the accommodation will be provided, the characteristics of the student's disability, the student's goals and needs, and the college's legal rights and responsibilities. Based on the results of the functional needs assessment and relevant medical or psychological tests, DSS will approve the use of specific accommodations.

Only accommodations that specifically address identified functional limitations caused by student's disability will be approved by DSS.

Often times more than one way is available to accommodate a student's needs. The law requires that students be provided with effective accommodations, not the best or most expensive accommodation. Consideration will be given to the student's preferred choice of accommodations. However, the college reserves the right to reject a student's choice in lieu of another accommodation provided it is an effective alternative. In addition, the college is not required to provide accommodations that are unduly burdensome or that would fundamentally alter an educational program.

A student with a disability must make

his or her accommodation needs known. Thus, the student is generally responsible for initiating the accommodation process. However, when faculty and staff are aware of a student's disability and suspect that an accommodation is needed, they should refer the student to DSS for assistance.

Communicating With and About People with Disabilities

The Americans with Disabilities Act (ADA), other legislation, and the efforts of many disability organizations have begun to improve accessibility in buildings, increase access to education, open employment opportunities, and develop realistic portrayals of persons with disabilities in television programming and motion pictures. However, more progress needs to be made. Many people still view persons with disabilities as individuals to be pitied, feared, or ignored. These attitudes may arise from discomfort with individuals who are perceived to be different or simply from a lack of information. Listed on the following pages are some suggestions on how to relate and communicate with and about people with disabilities.

We must look beyond the disability and look at the individual's ability and capability--the things that make each of us unique and worthwhile.

Words

Positive language empowers. When writing or speaking about people with disabilities, the person first. Group designations such as "the blind," "the deaf" or "the disabled" are inappropriate because they do not reflect the individuality, equality, or dignity of people with disabilities. The next page provides some examples of positive and negative phrases. Note that the positive phrases put the person first.

Negative Phrases

retarded, mentally defective

the blind

the disabled, handicapped

suffers a hearing loss, the deaf

afflicted by MS

CP victim

epileptic

confined or restricted to a wheelchair

stricken by MD

crippled, lame, deformed

normal person (implies that the person with a disability isn't normal)

dumb, mute

fit

has overcome his/her disability;
courageous (when it implies the person has
courage because of having a
disability)

crazy, nuts

the deinstitutionalized

admits she has a disability

Affirmative Phrases

person with mental retardation

person who is blind, person who is
visually impaired

person with a disability

person who is deaf, person who is hard
of hearing

person who has multiple sclerosis

person with cerebral palsy

person with epilepsy, person with
seizure disorder

person who uses a wheelchair

person who has muscular dystrophy

physically disabled

person without a disability

unable to speak, uses synthetic speech

seizure

successful, productive

person with psychiatric disability

person who no longer lives in an
institution

says she/he has a disability

Actions

Outlined below are the “Ten Commandments of Etiquette for Communicating with People with Disabilities” to help you in communicating with persons with disabilities.

1. When talking with a person with a disability, speak directly to that person rather than through a companion or sign language interpreter.
2. When introduced to a person with a disability, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can usually shake hands. (Shaking hands with the left hand is an acceptable greeting.)
3. When meeting a person who is visually impaired, always identify yourself and others who may be with you. When conversing in a group, remember to identify the person to whom you are speaking.
4. If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
5. Treat adults as adults. Address people who have disabilities by their first names only when extending the same familiarity to all others. (Never patronize people who use wheelchairs by patting them on the head or shoulder.)
6. Leaning on or hanging on to a person’s wheelchair is similar to leaning on hanging on to a person and is generally considered annoying. The chair is part of the personal body space of the person who uses it.
7. Listen attentively when you’re talking with a person who has difficulty speaking. Be patient and wait for the

person to finish, rather than correcting or speaking for the person.

If necessary, ask short questions that require short answers, a nod or shake of the head. Never pretend to understand if you are having difficulty doing so. Instead, repeat what you have understood and allow the person to respond. The response will clue you and guide your understanding.

8. When speaking with a person who uses a wheelchair or a person who uses crutches, place yourself at eye level in front of the person to facilitate the conversation.

9. To get the attention of a person who is deaf, tap the person on the shoulder or wave your hand. Look directly at the person and speak clearly, slowly, and expressively to determine if the person can read your lips. Not all people who are deaf can read lips. For those who do lip read, place yourself so that you face the light source and keep hands, cigarettes and food away from your mouth when speaking.

10. Relax. Don’t be embarrassed if you happen to use accepted, common expressions such as “See you later,” or “Did you hear about that?” that seems to relate to a person’s disability. Don’t be afraid to ask questions when you’re unsure of what to do.

The information for parts of this bulletin came from three sources: The President's Committee on Employment of People with Disabilities; Guidelines to Reporting and Writing About People with Disabilities, produced by the Media Project, Research and Training Center on Independent Living, 4089 Dole, University of Kansas, Lawrence, KS 66045; and Ten Commandments of Etiquette for Communicating with People with Disabilities, National Center for Access Unlimited, 155 North Wacker Drive, Suite 315, Chicago, IL 60606.

Resources on Disabilities

AHEAD

The Association on Higher Education and Disability (AHEAD) is an international, organization promoting excellence through education, communication and training. Founded in 1977, AHEAD addresses the need and concern for upgrading the quality of services and support available to persons with disabilities in higher education.

(614) 488-4972

<http://www.ahead.org/>

National Rehabilitation Information Center (NARIC)

Complete literature collection, including commercially published books, journal articles, and audiovisuals, averages around 200 new documents per month. Serves anyone, professional or lay person, who is interested in disability and rehabilitation, including consumers, family members, health

<http://www.naric.com/>

National Health Information Center (NHIC)

The National Health Information Center is a health information referral service. NHIC puts health professionals and consumers who have health questions in touch with those organizations that are best able to provide answers. They maintain an extensive database of resources on virtually all disabling health conditions.

(800) 336-4797

<http://nhic-nt.health.org/>

Additional Resources

Alzheimer's Association

800 272-3900 www.alz.org

American Association on Mental Retardation

800 424-3688 www.aamr.org

American Autoimmune Related Diseases Association

800 598-4668 www.aarda.org

American Cancer Society

800 227-2345 www.cancer.org

American Council for the Blind

800 424-8666 www.acb.org

American Diabetes Association

800 232-3472 www.diabetes.org

American Foundation for the Blind

800 232-5463 www.afb.org

American Lung Association

800 586-4872 www.lungusa.org

American Parkinson's Disease Association

800 223-2732 www.apdaparkinson.com

American Speech-Language-Hearing Association

800 638-8255 www.asha.org

Amyotrophic Lateral Sclerosis (ALS) Association

800 782-4747 www.alsa.org

Arthritis Foundation

800 283-7800 www.arthritis.org

Asthma and Allergy Foundation of America

800 727-8462 www.aafa.org

Autism Society of America

800 328-8476 www.autism-society.org

Crohn's and Colitis Foundation of America

800 343-3637 www.ccfa.org

Cystic Fibrosis Foundation

800 344-4823 www.cff.org

Epilepsy Foundation of America

800 332-1000 www.efa.org

Huntington's Disease Society of America

800 345-4372 www.hdsa.org

Immune Deficiency Foundation

800-296-4433

www.primaryimmune.org

International Dyslexia Association

800 222-3123 www.interdys.org

Learning Disabilities Association of America

888-300-6710 www.ldanatl.org

Lupus Foundation of America

800 558-0121 www.lupus.org

Multiple Sclerosis Foundation

800 441-7055 www.msfacts.org

Muscular Dystrophy Association

800 572-1717 www.mdausa.org

National AIDS Clearinghouse

800 342-2437 www.cdcnpin.org

National Alliance for the Mentally Ill

800 950-6264 www.nami.org

National Attention Deficit Disorder Association

www.add.org

National Center for Disability Services
800 949-4232 www.ncds.org

National Center for Stuttering
800 221-2483 www.stuttering.com

National Clearinghouse for Alcohol and
Drug Information
800 788-2800 www.health.org

National Down Syndrome Congress
800 232-6372 [www.members.carol.net/
ndsc](http://www.members.carol.net/ndsc)

National Down Syndrome Society
800 221-4602 www.ndss.org

National Easter Seal Society
800 221-6827 www.easter-seals.org

National Head Injury Foundation
800 444-6443 www.nhif.org

National Health Information Center
800 336-4797 nhic-nt.health.org

National Institute on Deafness and Other
Communication Disorders
800 241-1044 www.nih.gov/nidcd

National Institute of Mental Health
Information Line
800 647-2642 nimh.nih.gov

National Kidney Foundation
800 622-9010 www.kidney.org

National Mental Health Association
800 969-6642 www.nmha.org

National Neurofibromatosis Foundation
800 323-7938 www.nf.org

National Organization for Rare
Disorders
800 999-6673 www.rarediseases.org

National Spinal Cord Injury Hotline
800 526-3456 www.scihotline.org

National Sexually Transmitted Disease
Hotline
800 227-8922 www.ashastd.org

National Stroke Association
800 787-6537 www.stroke.org

Spina Bifida Association
800 621-3141 www.sbaa.org

Tourette's Syndrome Association
800 237-0717 tsa.mgh.harvard.edu

United Cerebral Palsy
800 872-5827 www.ucpa.org

