Disability Services

Trudie Hughes, Ph.D.
Presentation Objectives

1. Provide definition of disability
2. Review the laws
3. Explain reasonable accommodations and provide examples
4. Provide teaching tips
A disability is described as a mental or physical impairment that substantially limits one or more major life activities, including:

- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working
- Caring for oneself
- Performing manual tasks
- Other medical conditions - spinal cord injury, traumatic brain injury, Tourette's syndrome, epilepsy, cerebral palsy, autism spectrum disorders, AIDS, diabetes, cancer, psychiatric disorders, multiple sclerosis, etc.
According to the CDC, about 1 in 59 children has been identified with autism spectrum disorder.

One in five school age children have a learning disability. (2015 National Center for Learning Disabilities).

79% adults with disability had at least a H.S. diploma, while 90% adults without a disability had H.S. education or more. 17% adults with disability held bachelor’s degree compared to 35% of adults without a disability. (2016 U.S. Census Bureau).
ACCESS & ACCOMMODATIONS

• Colleges and universities have an obligation to provide access to students with disabilities in all institutional programs and activities.
• This obligation is articulated in the following laws:
THE LAW!

Section 504 of the Rehabilitation Act of 1973

Americans with Disabilities Act of 1990

ADA Amendment Act of 2008

Higher Education Opportunities Act
Persons with Disabilities Protection Act (NCGS Ch. 168A)

U.S. Department of Education: Dear Colleague Letter, June 29, 2010 & FAQs

North Carolina Community College System
• First civil rights statute designed to prevent discrimination against people with disabilities. Disabilities here are identified by a physical or mental condition that substantially limits a major life activity, such as reading, learning, or concentrating.

• Forbids discrimination against people with disabilities by programs and activities receiving federal funds.
ADA requires that people with disabilities not be excluded from participation, be denied benefits, or be subjected to discrimination.

Public colleges and universities are covered by Title 2 (Public Services), and private colleges and universities are covered by Title 3 (Public Accommodations and Services Operated by Private Entities).

Provides clear enforceable standards addressing discrimination against individuals with disabilities by ensuring the federal government plays a significant role.

Does not require the institution to receive federal financial assistance.
Senate Bill 3406 broadens coverage of the ADA and Section 504 of the Rehabilitation Act in 4 key areas.

- A uniform definition of “disability” that gives broader coverage and includes episodic and remission impairments.
- Major life activities includes learning, thinking, concentrating and bodily functions.
- Mitigating circumstances includes learned behavior, assistive devices, and others.
- Individuals regarded as disabled do not have to be limited or perceived to be limited in major life activities.
• Those who have qualified for admissions have a right to be in higher education.
• Once admitted, students have a right to access both academic and nonacademic programs.
• Qualified students are eligible to receive academic accommodations.
• Students have a right to confidentiality to all disability information, most institutions operate where students must disclose disability information themselves.
Financial Assistance for Students with Intellectual Disabilities (I.D.)

- Allows for students with intellectual disabilities to be eligible for Pell Grants, Federal Supplemental Educational Opportunity Grand, and Federal Work-Study.
- Prior to this act, students needed a GED/High School diploma and to show the ability to benefit. Now these criteria are lessened for students with I.D.
- This act gives the Secretary of Education the authority to waive any requirements for Pell, FSEOG, FWS, or institutional eligibility.
A qualified person with a disability can make an accommodation request to their employer or public representative and that accommodation must be made if it is reasonable or obvious.

It is discrimination for a person to deny a qualified person with a disability the full and equal enjoyment of the goods, services, and facilities of a public place.
The Departments of Justice and Education sent a joint letter to college and university presidents concerning electronic book readers as a requirement for class and homework.

- “It is unacceptable for universities to use emerging technology without insisting that this technology be accessible to all students.”
- Requiring use of an emerging technology in a classroom environment when the technology is inaccessible to an entire population of individuals with disabilities is discrimination.”

Does this apply to other forms of emerging technology?
- Yes! All school programs or activities must be operated in a manner that complies with Federal disability discrimination laws.

Does this apply to online courses and content? Such as online applications, homework, and housing?
- Yes! The principles of the letter apply to online programs that are a part of the operations of the school.
• Purpose:
  • Establish the disability
  • Provide understanding on the impact of the disability
  • Assist in making informed decisions about accommodations
As suggested by:
the Association of Higher Education and Disabilities (AHEAD), April 2012

Acceptable sources of documentation for substantiating a student’s disability and request for particular accommodations can take a variety of forms:

• **Student’s Self-Report** – interview, questionnaire
• **Observation and Interpretation** – impressions and conclusions formed by disability services personnel
• **Information from External and Third Parties** – educational, medical records/reports
The amount and type of documentation will depend on the individual situation. Colleges should apply a consistent process for documentation instead of requiring identical information. Documentation should be relevant and show current functional impact of the disability. Should illustrate a connection between the impact of the disability, the described barrier, and the requested accommodation.
Purpose…

• is not to improve chances of being successful, but rather to assure equal access to the opportunity, allowing the student to show whether he/she can be successful

• *Guarantees access, not success.*
• Colleges must look at each individual disability and the functional impact of the disability for each student. (case-by-case and class-by-class)
• Colleges must provide reasonable accommodations to ensure equal access.
The process of making accommodations should...

• Follow institutional policies and procedures
• Involve personnel from the Disability Services Office
• Give primary consideration to the student’s request
• Include communication with faculty
• Assure the accommodation is reasonable
Examples of reasonable accommodations...

• Extended time for tests
• Smart pens/laptop computers/tablets
• Visual aids/handouts
• Concise oral instructions
• Reading list in advance
• Seating in front row
• Clear black print on white or pale yellow paper
MORE ACCOMMODATIONS

• Advance notice of class scheduling change
• Computer software to enlarge print
• Notetakers
• Closed circuit TV
• Interpreters
• **Flexible attendance** *(If attendance is an essential requirement of a course or program, a college is under no obligation to waive it as an accommodation)*
• Instructions and demonstrations presented in more than one way
Provide reasonable accommodations for students with documented disabilities.

Do not provide accommodations without communication from Disability Services Office.

Students with disabilities are covered under FERPA and civil rights laws. College employees should not make any statement or implications that the student is any different from the general student population.
• Faculty has a right to request a written agreement before allowing a student to tape record a class.
• Faculty/staff can assume that all students must adhere to the behavior/conduct policy of the college.
• Faculty has the right to challenge an accommodation if he/she feels the student is not qualified.
DO....

• Write key terms or outline on the board or handout
• Create study guides
• Assign advanced readings before the topic is due
• Briefly review the previous lecture
• Use visual aids...Power Points, charts, diagrams, graphic organizers
• Give assignments in writing as well as orally
• Emphasize important points, main ideas, and key concepts
DO....
• leave time for questions
• allow the use of smart pens
• speak distinctly and at a relaxed rate
• explain technical language and terminology
• administer frequent quizzes to provide feedback
• treat an individual with a disability the same way you would treat anyone - with dignity and respect
• Document complaints, conversations, meetings!!!
DON’T….

• turn your back to the class when speaking
• embarrass a student by drawing attention to his/her disability
• assume that certain professions or programs are more suited to persons with disabilities
• assume a student with a disability does not belong in a certain program or cannot perform well in class
• make medical judgments
• feel apprehensive about discussing the student’s needs as they relate to a course or program
Questions

For Additional Information Contact:
Trudie Hughes, Ph.D.
919-807-7208
hughest@nccommunitycolleges.edu