

**NYS DISABILITY SERVICES COUNCIL**  
**NEW PROVIDER RESOURCE GUIDE**

**REVISED FALL 2011**

My name is Kathy Hoffman and I have been honored to be the leader in compiling this resource guide. To all who are joining the family of postsecondary disability service providers in NYS—WELCOME!! Ours is an ever evolving field. In many ways it reminds me of the fable of stone stew—everyone brought something to add to the stone and water and the results were delicious. The base for our professional stew are Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) with a touch of the Family Educational Rights Privacy Act (FERPA), a dash of the NYS Human Rights laws and a hint of the Individuals with Disabilities Education Act (IDEA) in the background. Spice is added to our soup by the variety and range of background and experience of our diverse colleagues.

If you think I am trying to tell you that ours is profession defined by laws, you're right, I am. However, it is *the interpretation and implementation* of the law within your institution that will give your soup a different flavor than anyone else's. I come from an institution that has 3 full campuses and a variety of satellite sites and an ever growing online course option. We provide access across the board, and I assure you that delivery varies from site to site. So here is your first lesson:

**Accessibility, both programmatic and physical access is an *institutional* responsibility.**

This is a theme that will be repeated and explained again and again throughout this document. The SUNY Disability Services Council first published this guide in fall 2003. The main components required little revision to bring it up to date and make it applicable to both public and independent institutions when it was revised in 2007. This new edition will add more resources, information about the Americans with Disabilities Amendment Act and much more. The one thing that is absolutely true of our field is that it is ever changing and we must be prepared to help our institutions adjust to the challenges that change brings.

**There are several points that you MUST understand before you start, and maybe this is the most important one: If you are a person who sees the world only in terms of black and white with no gray areas, perhaps you should consider a different career. There is very little about what we do that is absolute.** With that in mind:

1. **Providing access—both physical and programmatic access is an INSTITUTIONAL RESPONSIBILITY.** The day to day function of making decisions about accessibility and accommodations for students—and perhaps for faculty and others—may be assigned to your office, but it is a responsibility shared by everyone in the institution.
2. Every situation is different, which is why all accommodations are made on a case-by-case basis. Because it is case-by-case, you set no precedent. What is done once may become a commonly used accommodation or may be unique to that situation and NEVER be used again. So remember: **case-by-case.**
3. Unlike the K-12 system, **a college education is NOT an entitlement;** students must be able, with or without **reasonable** accommodation, to meet the requirements of the college and the academic program. Requirements that are essential to the program or to licensure or certification cannot be modified or waived. Accommodations can only be made when they do not fundamentally alter the nature of the course or program and do not pose a danger to others.
4. Students have the right to request a specific type of accommodation and method of delivery (ex. live notetaker rather than a tape recorder). The institution has a responsibility to consider that option but the institution has the right to make the final decision and that choice must be effective, not just cost efficient. The exception to this is in the area of communication. In areas dealing with communication, you must give first preference to the individual's preferred method of access to information. Most often this applies to students who are deaf or blind. Both conditions are language acquisition disabilities and therefore the student's preferred mode of communication takes precedence; a student who is literate in Braille may prefer that for rather than an audio format for some print material such as tests; the communication must be effective. A student may be accustomed to and prefer the use of an interpreter, (see [www.ada.gov](http://www.ada.gov) for new definitions of qualified interpreters) but that might not be the most effective **sole** accommodation in a physics course or other course with technical vocabulary. If you choose not to defer to the individual's method of communication, you must be prepared to defend your alternate form of communication as being **as effective as, or more effective than** the requested method of communication.
5. Some of us work in public institutions. The argument that 'we can't afford that' in most instances will not hold up in court. The courts and the Office for Civil Rights have both been very clear on this point. Some of our colleagues are from private institutions. While the undue financial burden is different, it still going to be very

hard to play the “We can’t afford to pay for interpreters” card. A new elevator? Maybe. But interpreters, assistive technology like JAWS, ZoomText or alternate format, not a chance.

6. **Much of what we do requires simple (or not so simple) common sense. Use it.**
7. There have been repeated indications that the Department of Justice which has ADA oversight is going after college and university websites and online courses. See the Resource Section for the Joint DOE/DOJ Dear Colleague Letter to College Presidents regarding emerging technology.

Finally, included at the end of this document is a list of veteran service providers who have agreed to serve as a resource as you find yourself facing new challenges.

## CHAPTER 1: STARTING AT THE BEGINNING: THE LAW

You cannot begin to provide accommodations and services without a basic understanding of the pertinent legislation. What we do is provide legally mandated services that level the playing field so that students with disabilities in our institutions have the same access to programs and services as any other student. The purpose of the laws is not to give students with disabilities **AN UNFAIR ADVANTAGE, BUT RATHER TO ELIMINATE** barriers - physical, attitudinal or programmatic - that would deny students with disabilities equal access.

**The Americans with Disabilities Amendment Act of 2008 (ADA)** gives us a revised set of definitions for itself and the Rehabilitation Act of 1973, Section 504 (Section 504). ADA Title II extends the prohibition on discrimination established by section 504 of the Rehabilitation Act of 1973, as amended. For a list of terms, explanations and changes to the ADA see pages 18-23

Regarding physical accessibility standards:

The 2010 Standards for Accessible Design consist of the 2004 ADAAG and the requirements contained in subpart D of 28 CFR part 36. Because the Department has adopted the 2004 ADAAG as part of its title II and title III regulations, once the Department's final rules become effective, the 2004 ADAAG will have legal effect with respect to the Department's title II and title III regulations and will cease to be mere guidance for those areas regulated by the Department. Provisions of this rule generally take effect six months from its publication in the Federal Register (September 15, 2010). The Department has determined, however, that compliance with the requirements related to new construction and alterations and reservations at a place of lodging shall not be required until 18 months from the publication date of this rule.

**The Americans with Disabilities Amendment Act of 2008 states:**

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

### **Qualified individual with a disability**

The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

The term individual with a disability does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use.

**The term "disability" means, with respect to an individual**

- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment;
- (C) being regarded as having such an impairment

The phrase *is regarded as having an impairment* means—

- (i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a public entity as constituting such a limitation;
- (ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
- (iii) ... is treated by a public entity as having such an impairment

*Disability* means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

(1)

(i) The phrase *physical or mental impairment* means—

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase *physical or mental impairment* includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness,

specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

(iii) The phrase *physical or mental impairment* does not include homosexuality or bisexuality.

- The term *disability* does not include—
  - (i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
  - (ii) Compulsive gambling, kleptomania, or pyromania; or
  - (iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

### **Major Life Activities**

Major life activities include, *but are not limited to*, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

### **Major bodily functions (NEW)**

A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

### **Substantially limits means:**

- To be substantially limited in performing a major life activity under the ADA an individual must have an impairment that prevents or severely restricts the individual from doing activities that are *of central importance to most people's daily lives*.
- An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- An impairment that is episodic or is in remission is a disability *if it would substantially limit a major life activity when active*.

**Examples of disabilities include, but are not limited to:**

Conditions such as:	Chronic illnesses such as:	The Operation of a major bodily function such as
blindness/visual impairment Cerebral Palsy Deafness/hearing impairment Epilepsy or seizure disorder orthopedic/mobility impairment specific learning disability speech and language disorder spinal cord injury Tourette's syndrome traumatic brain injury	AIDS Chronic asthma cancer cardiac disease diabetes Multiple Sclerosis Muscular Dystrophy Bi-Polar Disorder Major Depression Post-Traumatic Stress Disorder Obsessive Compulsive Disorder (OCD) or other mental health, psychiatric or cognitive conditions	functions of the immune system normal cell growth digestive bowel bladder neurological brain respiratory circulatory endocrine reproductive functions

- ◆ Subpart E applies to postsecondary education, which is discussed below.

**Section 504 of the Rehabilitation Act of 1973 states:**

***No otherwise qualified person with a disability in the United States ... shall, solely by reason of ... disability, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance ...***

Section 504 is civil rights/anti-discrimination legislation that applies to any entity (business, organization, school etc.) that receives federal funds of any kind. The purpose of Section 504 is to give qualified individuals with disabilities **equal access to programs and services available to the non-disabled person.** It has different sub-parts that apply to elementary, secondary, and post-secondary education. Subpart D applies to K-12; subpart E applies to postsecondary education. The regulations for Section 504 give us the federal definitions for 'a person with a disability', 'otherwise qualified', 'programs and services' etc. The next reauthorization of the Rehabilitation Act is expected to bring it into line with the ADA where any disparities currently exist.

- ◆ Subpart D applies to K-12. In the K-12 system, 504 plans are written for students with disabilities who do not need special education services as defined under the Individuals



with Disabilities Education Act (IDEA) but are still in need of academic or programmatic adjustments.

In postsecondary education, a **qualified student with a disability** is one who can:

- meet the admission requirements for both the college or university and the specific program of study which s/he wishes to pursue AND
- Voluntarily self-identifies with the Disability Office on campus and provides adequate documentation of a disability to support the need for accommodation of that disability. By providing documentation the individual also invokes his or her right to protection from discrimination.
- May request accommodations for the identified disability based on the documentation that details the current impact of the disability on everyday life functions.

Under the provisions of **Section 504**...

Colleges and universities that receive federal assistance such as PELL grants, ROTC, federal grant money etc., may not discriminate on the basis of disability in the recruitment, admission, educational process or treatment of students in any of the institution's programs, services or activities.

The **Americans with Disabilities Act** (ADA) extends the provisions of Section 504 to private entities such as private colleges, regardless of whether or not they receive federal funding. Special exemptions exist for **solely** religiously funded institutions. Substantially, however, the ADA requires the same things from colleges and universities as does Section 504.

**Section 504** specifies that colleges and universities **may not**:

- Limit the number of students with disabilities who are admitted.
- Make pre-admission inquiries as to whether or not an applicant has a disability. (There are limited exceptions to this rule; however students are never **REQUIRED** to disclose during the admissions process.)
- Use admissions tests or criteria that inadequately measure the academic qualifications of students with disabilities because special provisions were not made.
- Exclude qualified students with disabilities from any course of study, program, service or activity.
- Establish rules or policies that might adversely affect students with disabilities.

**Individuals with Disabilities Education Act (IDEA):** Federal legislation that ensures that all children with disabilities in the United States ages 3-21, inclusive of preschool and grades K-12, will receive a free, and appropriate public education in the least restrictive environment. IDEA mandates that school districts identify children with

disabilities and design an Individualized Education Program (IEP) to meet the specific educational needs of each child. IDEA requires that all children with disabilities within a school district participate in transition planning from age 12 until graduation or age 21. The reauthorization of IDEA 2004, indicates that transition services must be identified on the IEP beginning at age 15. According to the federal regulations to implement IDEA of 2004, transition services are “designed to be within a results-oriented process that is focused on improving the academic and functional achievement of a child with a disability to facilitate the child’s movement from school to post school activities”. IDEA does not apply to postsecondary education.

IDEA Terminology:

**Least Restrictive Environment:** This is the determination of what size and style of learning environment is most appropriate for the student. Current options include:

- ◆ mainstreamed regular education classes with resource room support or a consulting teacher.
- ◆ smaller self-contained classes of a 12:1:1 or 6:1:1 ratio of students to teacher and aide. Generally, the smaller the class, the more severe the student’s disability and its impact on learning. This may require more modifications to the curriculum to meet individual needs.
- ◆ a school or class specifically set up to address that student’s needs, such as a school or class for students who are visually impaired, deaf, or developmentally disabled (ex. St. Mary’s School for the Deaf). The chart compares and contrasts these three laws.

**Americans with Disabilities Amendment Act (ADA):** Civil rights/Anti-discrimination legislation. ADA's main purpose is to extend the legal mandate of Section 504 beyond recipients of federal funds. It has five major Titles that cover employment, public accommodations, private entities, telecommunications, and miscellaneous topics. In terms of postsecondary education, ADA reinforces the requirements of Section 504.

**ADA Terminology :**

Other new/clarified definitions from the ADA Amendments Act 2008 and excerpted explanation from the Federal Register:

General Terminology:

**Direct threat:** Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

Explanation: In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical

knowledge or on the best available objective evidence, to ascertain: The nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Auxiliary Aids and Services:

**Examinations and courses:** Any request for documentation, if such documentation is required, is reasonable and limited to the need for the modification, accommodation, or auxiliary aid or service requested.

**Explanation:** When considering requests for modifications, accommodations, or auxiliary aids or services, the entity gives considerable weight to documentation of past modifications, accommodations, or auxiliary aids or services received in similar testing situations, as well as such modifications, accommodations, or related aids and services provided in response to an Individualized Education Program (IEP) provided under the Individuals with Disabilities Education Act or a plan describing services provided pursuant to Section 504 of the Rehabilitation Act of 1973, as amended (often referred to as a Section 504 Plan).

The entity responds in a timely manner to requests for modifications, accommodations, or aids to ensure equal opportunity for individuals with disabilities.

**Qualified interpreter** means an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

**Explanation:** Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

**Video remote interpreting (VRI) service** means an interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed,

wide-bandwidth video connection that delivers high-quality video images as provided in Sec. 36.303(f).

Explanation: Video remote interpreting (VRI) services. A public accommodation that chooses to provide qualified interpreters via VRI service shall ensure that it provides—

- (1) Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
- (2) A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;
- (3) A clear, audible transmission of voices; and
- (4) Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

***VRI may not be effective in situations where there are multiple people in a room and the information exchanged is highly complex and fast paced.***

**Qualified reader** means a person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.

Explanation: Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

### **Effective communication.**

(1) A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. This includes an obligation to provide effective communication to companions who are individuals with disabilities.

(i) For purposes of this section, "companion" means a family member, friend, or associate of an individual seeking access to, or participating in, the goods, services, facilities, privileges, advantages, or accommodations of a public accommodation, who, along with such individual, is an appropriate person with whom the public accommodation should communicate.

(ii) The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. A public accommodation should consult with individuals with disabilities whenever

possible to determine what type of auxiliary aid is needed to ensure effective communication, but the ultimate decision as to what measures to take rests with the public accommodation, provided that the method chosen results in effective communication. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

(2) A public accommodation shall not require an individual with a disability to bring another individual to interpret for him or her.

(3) A public accommodation shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication, except--

(i) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or

(ii) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

(4) A public accommodation shall not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

### **35.136 Service animals**

**Definition:** *Service animal* means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. (**Please Note i below from the regulations which expands the category to include miniature horses**)

- (a) **General.** Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.
- (b) **Exceptions.** A public entity may ask an individual with a disability to remove a service animal from the premises if—
  - (1) The animal is out of control and the animal's handler does not take effective action to control it; or
  - (2) The animal is not housebroken.
- (c) **If an animal is properly excluded.** If a public entity properly excludes a service animal under § 35.136(b), it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.
- (d) **Animal under handler's control.** A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- (e) **Care or supervision.** A public entity is not responsible for the care or supervision of a service animal.
- (f) **Inquiries.** A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).
- (g) **Access to areas of a public entity.** Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.
- (h) **Surcharges.** A public entity shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

- (i) *Miniature horses.*
  - (1) *Reasonable modifications.* A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
  - (2) *Assessment factors.* In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider—
    - (i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
    - (ii) Whether the handler has sufficient control of the miniature horse;
    - (iii) Whether the miniature horse is housebroken; and
    - (iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
  - (C) *Other requirements.* Paragraphs 35.136 (c) through (h) of this section, which apply to service animals, shall also apply to miniature horses.

***Please note that the above guidance has not been shown to apply to colleges and universities where there are necessary restrictions and expectations different from other places of public accommodation. For example, barring a service animal from a chemistry lab, an animal science lab and other spaces may be required. (This editorial note is not part of the explanation in the Federal Register .***

***Access to areas of a public accommodation.*** Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees, as relevant, are allowed to go.

***Surcharges.*** A public accommodation shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public accommodation normally charges individuals for the damage they cause, an individual with a disability may be charged for damage by his or her service animal.

**Wheelchair** means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

### **Housing at a place of education**

Housing operated by or on behalf of an elementary, secondary, undergraduate, or postgraduate school, or other place of education, including dormitories, suites, apartments, or other places of residence." This definition does not apply to social service programs that combine residential housing with social services, such as a residential job training program.



**THE DIFFERENCES IN LEGAL RIGHTS AND RESPONSIBILITIES IN  
SECONDARY AND POSTSECONDARY EDUCATION**

	<b>K-12 Education</b>	<b>Postsecondary Education</b>	<b>Practical Application</b>
<b>Laws</b>	<p><b>IDEA:</b> Individuals with Disabilities Education Act  <b>504:</b> Section 504 of the Rehabilitation Act of 1973.  <b>ADA:</b> Americans with Disabilities Act of 1990  <b>ADA Amendments Act 2008</b></p>	<p><b>504:</b> Section 504 of the Rehabilitation Act of 1973, particular reference to Subpart E  <b>ADA:</b> Americans with Disabilities Act of 1990 amended 2008</p>	<p><b>Section 504(e) and ADA are not about special education services, they are about nondiscrimination and access for eligible individuals with disabilities.</b></p>
<b>Laws' Intents</b>	<p><b>IDEA:</b> To provide a free, appropriate public education in the least restrictive environment to identified students with disabilities, including special education and related services.  <b>504/ADA:</b> To ensure that no other-wise qualified person with a disability is denied access to, benefits of, or is subject to discrimination solely on the basis of disability.</p>	<p><b>504/ADA:</b> To ensure that no other-wise qualified person with a disability is denied access to, benefits of, or is subject to discrimination solely on the basis of disability.</p>	<p><b>IDEA meets the specific special Education needs of the student and modifies the program accordingly. 504(e) and ADA allow eligible individuals with disabilities the same access to programs, activities and services as their nondisabled peers.</b></p>
<b>Laws Apply To</b>	<p><b>IDEA:</b> All children and youth requiring special education services until age 21 or graduation from high school.</p>	<p><b>504/ADA:</b> All qualified persons with disabilities who, with or without reasonable accommodations, meet the college's admissions requirements and the specific entry level criteria for the specific program and who can document the existence of a disability as defined by Section 504.</p>	<p><b>Not every student who received special education services under IDEA will be a qualified individual with a disability under 504(e) or ADA. And once admitted, not every request for accommodation will be deemed to be reasonable.</b></p>

<p><b>Disability Definitions</b></p>	<p><b>IDEA:</b> A list of 13 disability classification areas are defined in IDEA and include specific learning disabilities.  <b>504/ADA</b> have no such list. A person with a disability is defined as anyone who has: (1) any physical or mental impairment which substantially limits one or more major life functions; (2) a history of such an impairment; (3) or is regarded as having such an impairment.</p>	<p><b>504/ADA:</b> A person with a disability is defined as anyone who has:  (1) any physical or mental impairment which substantially limits one or more major life functions;  (2) a history of such an impairment;  (3) is regarded as having such an impairment.  <b>ADA</b> also includes HIV status and contagious and non-contagious diseases.</p>	<p><b>An emotional disturbance label, under IDEA, may or may not result in a diagnosis of a mental impairment impactful enough to qualify as a disability.</b></p>
<p><b>Identification and Documentation Responsibility</b></p>	<p>School districts are responsible for identifying and evaluating potential students with disabilities. When such a determination is made, the district plans educational services for classified students at no expense to the family.</p>	<p>Students are responsible for self-identification and for obtaining disability documentation from a professional who is qualified to assess their particular disability; cost of the evaluation must be assumed by the student, not the post-secondary institution.</p>	<p><b>Just because documentation is sent on behalf of students, does not mean the students will receive services without the student coming in to specifically request them.</b></p>
<p><b>Service Delivery Responsibility</b></p>	<p>School districts are responsible for identifying students with disabilities and providing special education programs and services, including related services, and transition services as delineated in an Individualized Education Program.</p>	<p>Students are responsible for notifying the Disability Support Services staff of their disability and of their need for reasonable accommodations. Accommodations (<b>not special education</b>) are provided on a case-by-case, as-needed basis in order for students with disabilities to have equal access to the institution's programs, services and activities.</p>	<p><b>Students must request accommodations in a timely manner. Resource rooms are not a typical service in college.</b></p>

<b>Enforcement Responsibility</b>	<p><b>IDEA</b> is an entitlement law, enforced by the Office of Special Education and Rehabilitation Services in the US Department of Education. Local enforcement is the responsibility of the NYS Department of Education Office of <b>Vocational and Educational Services for Individuals with Disabilities</b> (ACCES-VR)</p>	<p><b>504/ADA:</b> are civil rights statutes overseen by the <b>Office of Civil Rights</b> (OCR), and the US Department of Justice in conjunction with the <b>Equal Employment Opportunity Commission</b> (EEOC).</p>	<p><b>All colleges and universities as well as the K-12 system are required to have appeals processes in place. Self-enforcement of these laws is also expected.</b></p>
<b>Advocacy</b>	<p>The parent or guardian is the primary advocate. Students with disabilities from age 14 on must be invited to participate in the IEP process. If the student does not attend, the district must ensure that the student's preferences and interests are considered.</p>	<p>Students must be able to self-identify and discuss their disability and needs in order to work with the Disability Support staff to implement reasonable accommodations. <b>The Family Educational Rights Privacy Act (FERPA) provides for student privacy. Conversations with parents regarding confidential information without written consent from the student are illegal, unless required by law, in college. In K-12, FERPA rights for the student are vested in the parent or guardian.</b></p>	<p><b>Students must become self-advocates at the college level. Disability Support staff can assist students with the self-advocacy process.</b></p>

## CHAPTER 2: POLICIES AND PROCEDURES

**If the US Department of Education Office for Civil Rights (OCR) investigates a complaint at your institution, among the first things they will ask for are your policies and procedures.** The following article is written by Jane E. Jarrow, Ph.D., President of Disability Access, Information and Support and is copied here with her full knowledge and permission.

### **Policies and Procedures Guiding ADA Implementation**

(Excerpt from *Higher Education and the ADA: Issues and Perspectives c 1995*)

One of the most urgent lessons we have learned in the last five years is the importance of written policies and procedures for the institution to use in guiding its response to students with disabilities and the ADA. For purposes of this text, the following working definition of policy and procedure will be used:

- If the statement(s) tells what must be done, it is *policy*
- If the statement(s) tells how something is to be done, it is *procedure*

Neither definition incorporates information as to who shall be responsible or when certain actions will take place. These elements can be woven into either policy or procedure as needed. Moreover, sometimes policy and procedure are intertwined, and will be used jointly in the discussion that follows.

There are a number of reasons why written policies and procedures are critical. Development and adherence to written policies/procedures help to demonstrate a good faith effort on the part of the institution to meet its responsibilities to persons with disabilities in an equitable and consistent manner. Review of written policies and procedures can help to identify gaps in the existing compliance mechanism. Policies/procedures that clearly assign authority and responsibility for action help to protect institutional personnel who are operating within the scope of that assigned responsibility. Such documentation also assists individuals with disabilities by detailing the actions they must take to initiate a request for accommodation/support and the protections provided within the system for assuring access.

In discussing this issue with long-time service providers, many have been reluctant to consider putting in writing the policies/procedures they have had in place for some time and that are working well for their students. Usually, this reluctance occurs on behalf of service providers who get a great deal accomplished through informal channels, based on their personal credibility within the institution and their established working relationship with “key players” at that institution. They hesitate to see things become more formal either because they fear that strictly spelled out policies/procedures may limit their ability to negotiate a successful resolution on behalf of students or because they actually have gotten a great deal done on a case-by-case basis because nobody knew it was happening and they believe some of those options may disappear if they must stand up to the scrutiny of institutional review. Either situation may be inherently dangerous to the institution and to the population of students these service providers hope to protect.

If too much of the cooperation and accommodation is based on the personal working relationships and credibility of the key service provider, then a change in personnel may bring an abrupt end to that cooperation. If the service provider were to leave tomorrow, would the individual replacing him/her have equal success in advocating on behalf of students? What if a new faculty member comes into the institution -- one who has no history with the institution or with the service provider -- and questions the actions being taken or the decisions being made? Any mechanism that is based more on the people involved than on clearly defined roles and responsibilities for those individuals may fall apart quickly if the cast of players changes.

On the other hand, if the only reason certain things have gotten done for and with students is because the institution as a whole was not aware of them, the service provider is living with a false sense of security. The Office for Civil Rights would not likely look with favor on a setting in which an accommodation can be had for a student in one area of study but not in another because the Dean of College A is laid back and the Dean of College B is uptight! Moreover, if the activities will not stand up to scrutiny and are not backed by institutional authority and commitment, the ability to call these options into play could disappear overnight when someone does learn of them and order them stopped. The only assurance of ongoing opportunities and equal treatment for all students with disabilities is to formalize the service providers right to initiate these activities.

There can be no single listing of policies/procedures that will be right for every campus to adopt. The determination of level and scope of commitment/involvement (*policy*) must be an individual decision on the part of each institution (or system). The delineation of how various services will be provided or how the support mechanism will operate (*procedure*) will vary dramatically from one institution to another depending on the personnel and resources available for implementation. It may be possible, however, to list areas for which policy/procedure should be developed and suggest elements to be included within those guidelines. The following list is certainly not exhaustive, but may be useful in helping to focus initial efforts to formalize policy/procedure.

**• A policy reinforcing the institution's understanding of its responsibility to provide reasonable accommodation should include**

- a. Specific reference to Section 504 and applicable title (II or III) of the ADA
- b. Reference to reasonable adjustments/accommodations in order to assure that there will be no discrimination on the basis of disability
- c. Reference to the broad responsibility for implementation of this policy (i.e., the responsibility of all staff, faculty, and students to adhere to the philosophy of equal access to opportunity)

**• A policy/procedure as to how someone with a disability declares their need for consideration or accommodation should include**

- a. Delineation of trigger action on the part of someone with a disability to initiate consideration for accommodation/service/support; a clear statement of responsibility by the student to initiate the recognition process
- b. Specific reference to person or Office to which the individual with a disability must declare themselves and provide documentation; may wish to delineate form of notification that can trigger action. It may be as important to state what will not constitute official notification as what will! (Is email acceptable? Will a phone call or letter from parent or transfer institution be considered acceptable?)
- c. General reference to the provision of complete, adequate documentation from “an appropriate source” prior to recognition and consideration as a student with a disability
- d. (May be appropriate to include) General guidelines for the length of time needed between providing documentation and providing accommodation

**•A policy as to what form of documentation is required for students with various disabilities should include**

- a. Clarification of the two purposes for providing documentation -- establishing that the individual is a person with a disability vs. establishing that the individual has a need for accommodation; reference to the equal access/nondiscrimination nature of federal mandates
- b. Reference to documentation which demonstrates that the physical or mental disability creates a substantial limitation to a major life activity to establish eligibility for protection under the law
- c. Reference to documentation which demonstrates need for accommodation in order to assure equal access as distinguished from documentation showing the existence of a disability, affording the promise of nondiscrimination. While some institutions have traditionally set timelines on recency of documentation, such practice is open to question for individuals with disabilities that are static (such as blindness) or that are not likely to have altered dramatically in such a manner as to affect necessary accommodation (such as the older adult with a learning disability). By simply stating that the documentation must establish a current need for accommodation, the service provider can use discretion in determining whether age of testing is relevant in establishing need on a case-by-case basis.
- d. Reference to documentation being provided by an appropriately credentialed professional. While some institutions have chosen to list specific professionals appropriate to provide documentation, it may be safer to leave written policy open to allow for the broad range of professionals involved with the global population of students with disabilities (from medical practitioners to learning specialists) and to allow service providers to use their common sense and good judgment in instances of obvious disability (e.g., a wheelchair user or blind student with a cane or dog guide)

- ***A policy assigning the responsibility for determining disability-related accommodations under typical circumstances should include***

- a. Clear recognition of the individual or Office assigned the authority for making decisions regarding accommodations necessary to provide equal access
- b. Clear recognition that such responsibility/authority is being assigned by the highest levels of the administration and is undertaken on behalf of the institution

- ***A procedure for requesting/receiving accommodations should include***

- a. Clear indication of specific actions to be taken in requesting accommodation including who the request must come from, how the request is to be made, and to whom
- b. Indication of the timelines as to when requests must be made and how quickly such requests will be acted on (may vary depending on the type of accommodation)
- c. Clear indication of how faculty will be notified of accommodations determined to be appropriate and necessary for the student
- d. Reference to separate procedural statements that define roles and responsibilities for giving/receiving specific accommodations (e.g., testing accommodations, interpreter or notetaker services)
- e. Clear statement as to what actions should be taken by students if the agreed accommodations are not provided appropriately; this may simply involve reference to separate policy/procedure statements regarding initiating a complaint/grievance

- ***A policy, with appropriate procedures to support this policy, regarding confidentiality of disability-related information should include***

- a. Recognition of the highly confidential nature of disability-related information and of the federal guidelines regarding control and restricting access to this information
- b. Assignment of responsibility for collecting and holding disability-related information on behalf of the institution
- c. Discussion of how information regarding disability will be protected and who will have access to confidential files
- d. Discussion of how information regarding disability that exists in other areas (such as Admissions Office or the Financial Aid Office) shall be safeguarded

- ***A policy/procedure for handling course substitution requests should include***

- a.. Delineation of the steps involved in considering substitution requests from initiation through consideration through appeal
- b. Clear assignment of roles and responsibilities in this process; what must the student do, what input will be sought from the service provider, who shall be involved in considering such a request, and who shall have the final authority on ruling on such requests on behalf of the institution
- c. Listing of the information that may be requested and considered in the granting of a course substitution including disability documentation, evidence of disability-related need for substitution, justification for regarding the request as reasonable, and/or supporting documentation

- ***A policy/procedure that governs how a student with a disability can be designated a full-time student with less than the traditional full-time load should include***

- a. Assignment of authority to some individual or office within the institution to make such determination (Registrar? Chief Financial Aid Officer? Dean of Students? Other?).
- b. Determination of information that must be presented to justify the request and the source(s) of that information
- c. Clear indication that this designation provides the student access to all the rights and privileges of any full time student at the institution including such things as insurance coverage, living in the residence hall, participation in extra-curricular activities, academic honors such as Dean's List designation, and scholarship/financial aid awards available on the basis of full-time status.

- ***A policy/procedure as to how anyone in the system (students/staff/faculty) may question the granting of a given accommodation should include***

- a. Clear delineation of steps in requesting reconsideration of accommodation decisions/action; clarification of the party to whom initial challenge scan be made (e.g., faculty should ask questions of service providers, not students!)
- b. Timelines for raising question as to appropriateness of assigned/provided accommodation
- c. Individual(s) who shall have responsibility for reconsideration of disability-related actions/decisions and their scope of authority in altering those actions/decisions
- d. Clarification of ongoing responsibility during the time needed to complete the process of reconsideration (i.e., accommodation is to be provided until decision to the contrary is made)



• ***A policy that establishes the institutional commitment to access to technology and technological-based educational opportunities for persons with disabilities and a procedure that delineates proactive efforts to accomplish this goal. At a minimum, this policy should include***

- a. A CLEAR COMMITMENT ON THE PART OF THE INSTITUTION TO EQUAL ACCESS to technology and to the internet, including the institution's web presence. In other words, the institution articulate its intention that new technology purchases be made with appropriate consideration to access issues. In addition, the institution should make a written commitment to trying to assure that the institutional website and ALL web pages posted there are accessible to people with disabilities.
- b. CLEAR ASSIGNMENT OF RESPONSIBILITY TO THE INSTITUTIONAL UNIT charged with monitoring technology purchases and policies to insure consideration of disability access
- c. CLEAR ASSIGNMENT OF AUTHORITY TO THIS INSTITUTIONAL UNIT TO MAKE DEMANDS ON OTHER UNITS AS NECESSARY to assure compliance with both the letter of the law and the spirit of the institutional commitment.

#### **Updates:**

Policies on

- Assistive technology
- Alternate format: See Chapter 6
- **VOTER REGISTRATION (PUBLIC INSTITUTIONS)**

**Emergency information:** Be prepared for students, parents, faculty and staff to ask how they receive notification of an emergency whether it is a snow closing, tornado, bomb threat or violent or terrorist incident. It is imperative that as campuses wrestle with these issues that they remember to include individuals with disabilities in their planning and execution. It is also important that not all the planning be reactive—proactive or preventative action needs to be implemented also. Go to the [nysdsc.org](http://nysdsc.org) website to access emergency preparedness materials entitled: *Be Prepared: Emergency Planning for All Hazards, All People, All Stages*. Presented at AHEAD 2007 by L. Irene Bowen, US Depart of Justice - OCR and Emily Singer, Catholic University of America. This information is available with their full knowledge and permission.

## CHAPTER 3: PROVIDING ACCESS ON CAMPUS: INSTITUTIONAL RESPONSIBILITY

Take a moment to think about an answer to this question: Why does your office exist? The answer that most of us would immediately give is that we exist to provide accommodations to students with disabilities in order to level the playing field. That's true, but it's only worth partial credit. Our institutions have a responsibility to protect students with disabilities from discrimination solely on the basis of their disability. One way they do that is to have offices or services like ours to provide accommodations, *but that alone does not absolve the institution from discrimination in policies, programs, activities etc.*

The disability service provider on campus, especially at a small campus, is often expected to be an expert in all disability-related issues. Some campuses assign the dual responsibilities for provision of services and legal compliance (504/ADA officer) to the same person. Such is the case with physical access. You may get calls asking about the number of accessible parking places, the height of urinals, the height of towel racks in bathrooms, the height of emergency phones, etc.—you get the general idea. You don't have to know all the answers, but it helps to have them at your fingertips so put [www.ada.gov](http://www.ada.gov) on your favorites list on your computer. It will give you quick answers to many of the ADA questions you will be asked which brings us to the real issue for this chapter: Institutional responsibility for compliance with 504/ADA.

### What does institutional responsibility mean?

The ADA and Section 504's statute of non-discrimination on the basis of disability applies to **ALL** programs, services and activities of the institution—that's institutional responsibility. It means that admissions has materials in alternate formats such as large print; it means that your technology staff understand that if students can apply to the college or register or take a class online it means ALL students can do so—including those who use screen readers such as JAWS and that the accommodations that they would receive in a seated class are available in a comparable manner when the course is through some distance learning format such as online or alternate site.

It means that Residence Life handles dorm access issues and food service handles dietary accommodations for those with meal plans who need special diets. It means that maintenance may need to change cleaning supplies or provide non-latex gloves for employees. It means that accessible parking lots and routes of travel get cleared of snow first. It means that all college-sponsored events advertise how to request accommodations such as sign language interpreters and are held in physically accessible locations.

It means that emergency notices are sent out in formats that are accessible to everyone so auditory, visual and text alerts. It means that if your campus is used as a community emergency center that plans include individuals with disabilities.

It means that when the college negotiates student insurance policies that they also cover students with disabilities.

**YOU don't have to do all these things—but you probably have to help educate the departments and units about their responsibilities to do them.**

Institutional responsibility also means differentiating between the letter of the law and the spirit of the law. Example: The Americans with Disabilities Act accessibility regulations require that there be a ramp and a platform to an outside entrance of a building but do NOT require that the door have an electric eye or a door opener making it possible for an individual with a disability to enter with ease. This is a good example of being in compliance with the law without providing access! Compliance means following the minimal letter of the law, access requires going beyond the regulations to the spirit of the law.

### **Academics or Student Services: Where should the Disability Office be located?**

***Institutional responsibility*** ... the issue again is access. Accommodations, auxiliary aids and services must be provided when required to ensure equal access to the college's programs, services and activities. HOW that is achieved depends on the institution. There is no single right way to address this issue. In a good mystery novel the hero often mutters, "Follow the money." Not a bad piece of advice for service providers " Which is strongest at your institution -- academics or student services? Many service providers claim they get more respect and cooperation with the faculty because they, too, are faculty. At various times I have reported to academics, finance and, finally, student services and for me it has never made a difference (Hoffman). What we do is a crossover between the two divisions, so get located in the strongest position in your institution and then set about building networks and friends on both sides of the house; it will make your life much easier.

### **LIST OF THE TOP 15 PEOPLE YOU NEED TO SCHMOOZE (in no particular order of importance)**

1. The head of the maintenance/buildings and grounds. Be very, very nice to this person because s/he can make your life much easier—or much harder. Think about snow, and moving chairs and tables to classrooms, and wheelchairs with flat tires, and rooms that need lighting changed, and ... you get the idea.
2. The secretary to the President, the Dean of Students and the Academic Dean or Provost. S/He will know where everything is, can facilitate appointments and HER (or HIS) boss is possibly YOUR boss—who controls the funds and helps with staffing etc.
3. Get to know Security and the health offices, too. You want them to treat your students with respect and overlook some behaviors; then there are times when you

want them to understand you need them NOW! In the post Virginia Tech world this contact may be one of the most important for you to make early on. A recent national report on the incidence of mental health issues on campuses since 9/11 notes a substantial increase in the reporting of mental health issues. Every campus is struggling with safety, notification, legal rights etc. Get to know both of these offices ASAP. Be sure to also include discussion about emergency notifications in your conversations so that students who are hearing impaired or visually impaired are not left out of the loop.

4. The Director of Judicial Affairs/Behavioral Intervention Team (BIT) are also important contacts. **Remember, behavior is the yardstick by which all students, regardless of disability, are deemed acceptable for campus participation.** The Judicial Officer and BIT can be very helpful intervening with problematic students and giving them a reality check about how close they are to the line. They can also be helpful in cases of academic dishonesty or suspected cases if the student is testing under the auspices of DSS. Our populations are changing. As numbers of returning veterans with mental health issues such as post-traumatic stress disorder and students with diagnoses on the Autistic Spectrum flood our campuses they bring with them new and ever changing challenges. Campuses that establish programs for students with intellectual deficits with have a whole new array of issues to consider.
5. Residence life: If you have dorms you already know why you need to be close with these folks—it will save you many a midnight call. It is useful to help the Department of Residence Life to develop a written housing policy for students with disabilities. Be sure to include emergency evacuation procedures. Help them in making decisions about disability-related housing assignments. You will spend less time assisting them in making the right decisions than dealing with the repercussions of them having made a wrong decision. PS. See #4!! There was a court case recently of a student attending one of the programs for the intellectually challenged who wanted to live in campus housing and the court upheld that student's right to do so.
6. Library staff: Don't want to have to do the library research with students yourself? Don't have funds for Disability Compliance in Higher Education or for videos? I do trade offs with them. Buy them their first accessible computer workstation and have district software licenses so students can access JAWS and Zoomtext from their computers. Have them buy books and videos—and discuss the feasibility of having them distribute and collect tape books from RFB&D.
7. Campus computer techies. These folks should be among your first contacts. You want JAWS installed and Zoomtext to run? You need the computer upgraded and need a 25" monitor in the lab? You say you have a virus or your printer just died? A student needs internet access in the dorms? You get the idea. We bribe them with cookies etc. on a regular basis.

8. The bookstore staff—all those students and not all the vouchers! Need additional copies of books? What about book rentals? Alternate formats? Whole new issues arising with these folks.
9. Math and English faculty. - All students are required to take these courses and these two areas may give you more headaches than all other faculty combined. Want to start a war? Mention use of a calculator in a developmental math class—or a reader for a developmental reading test. Like the military ‘don’t ask, don’t tell’ is not a best practice, but sometimes the most effective.
10. Student Government/student activities: They ARE the students and you need their recognition and support and they can help with activities and funding that you can’t handle with your departmental budget. Students also can voice criticisms and complaints that you can’t because you work for the institution.
11. Dean of Students/Counseling/Veterans affairs: You can’t be everywhere and there will be issues with some of your students. These are folks who should be predisposed to help students deal with difficult situations. The challenge is to make them hold SWD to the SAME standard as other students—not more and definitely not less.
12. Advisement Services - Think about the relationship you want to have with advisors. This is a valuable opportunity for you to educate faculty regarding specific disabilities such as: head injuries, learning disabilities, psychiatric issues autistic spectrum disorders or newly injured wheelchair users that will help them better assist students. Also, they are frequently the first to realize a student has a disability and can refer them to your office. It is a mutually beneficial relationship. Foster it!
13. The President of the College. You will get NOWHERE if s/he is not on the same page you’re on. This office is the one that receives official copies of documents you need to see. Play nice and you may actually get them.
14. Your immediate Secretary/Office Staff – No explanation needed! No one can make your life better—or more miserable.
15. Registrar’s and financial aid office staff: Think priority registration; full time status for part time students; moving classes to accessible sites. Financial Aid for processing all those applications and figuring in disability-related expenses and helping students determine their options when it comes to Aid for Part Time Students (APTS) versus part time TAP versus accumulating credits to earn a full TAP award — not to mention ACCES-VR or CBVH!

Obviously this list is not exhaustive, or even nor does it necessarily reflect your institution. The point is to reinforce the concept of institutional responsibility. Accessibility is a shared responsibility. So what are we really talking about?

## College or University Rights and Responsibilities

### ***Colleges and universities have the right to:***

- Maintain academic, admissions, conduct and graduation standards.
- Establish reasonable and non-discriminatory policies and procedures regarding students with disabilities and the provision of services
- Require that a student with a disability provide current documentation to verify the need for accommodations, academic adjustments, and/or auxiliary aids or services. Current documentation does not need to be “written” – it can be observable. (Example – a student comes in with her hand in a cast and requests a notetaker and extended time to take her tests. Requiring her to bring in documentation that her hand is broken is unnecessary and may violate the new guidelines provided by the ADA. And if you’re thinking that a temporary disability is not covered by the ADA, you’re right, except that it IS one under the NYS Human Rights Law and therefore you need to provide accommodations under ADA.)
- Discuss a student’s need for reasonable accommodations, academic adjustments, and/or auxiliary aids with the professional source of his documentation with the student’s signed consent authorizing discussion.
- Select among equally effective and appropriate accommodations, adjustments, and/or auxiliary aids for each student on a case-by-case/course-by-course basis.
- Deny a request for accommodations, adjustments, and/or auxiliary aids or services if:
  - a) the request is unreasonable or inappropriate, and/or
  - b) the request is not made in a timely manner.
- Refuse to provide an accommodation, adjustment, and/or auxiliary that:
  - a) poses a direct threat to the health and safety of others;
  - b) constitutes a substantial change or alteration to an essential element of a course or program;
  - c) fundamentally alters the nature of the service provided; and/or
  - d) poses undue financial hardship or administrative burden on the institution.

***Colleges and universities have the responsibility to:***

- Review and revise institutional, programmatic, employment and other policies and procedures to assure that they do not discriminate against qualified individuals with disabilities.
- Ensure that the institution's courses, programs, services, jobs, activities, and facilities, when viewed in their entirety, are offered in the most integrated and appropriate settings based on a review of what the law requires.
- Provide information regarding policies and procedures to students with disabilities in a timely manner and assure its availability in accessible formats upon request.
- Evaluate students on their abilities, not their disabilities.
- Provide reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids for students with documented disabilities after a timely request by a student. It may be appropriate depending on the nature of the request, the cost involved, or other variables to have the request put in writing by the student so that there is an official record of it.
- Maintain appropriate confidentiality of records and communication concerning students with disabilities except where there is a legitimate educational need to know in order to achieve appropriate purposes.
- Develop and disseminate information about how to file a grievance if an individual feels that he has been discriminated against due to disability.

***More specifically, institutions have the responsibility to:***

- Assist students with disabilities who self-identify and meet the college's or university's criteria for eligibility in receiving reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids determined on a case-by-case/course-by-course basis.
- Ensure that the handling of information regarding an individual's disability be in compliance with all federal and state mandates regarding such information.
- Inform students with disabilities of the college or university policies and procedures for filing a formal grievance both internally and/or through external agencies (e.g., US Department of Education Office for Civil Rights).

The first set of questions relate to our previous discussion on institutional responsibility.

## Who should pay for accommodations?

### Part 1

Institutional responsibility ... are you starting to hear the refrain here? **It doesn't matter who pays for what.** *What matters is that your institution and all its component parts recognize that there is a legal requirement that accommodations be made, and then establish some sort of mechanism to make accommodations achievable in a timely fashion.* For those of you who follow the discussions on the DSSHE listserv, you know that at least once or twice each year someone raises the question about who pays for the interpreter, the computer desk, JAWS, etc. Should the disability office pay or should the academic department? Arguing about who pays is just a way of delaying and denying access. **The institution has the ultimate responsibility; how it chooses to fulfill that responsibility is the decision of the administration.** The point is that there is no one size fits all answers to these or most of the other issues you will face; the solution will depend on how your institution operates.

### Part 2:

We should call this the Bruce Pomeroy section because he's the one who brought it up! On occasion, an administration will try to play the undue financial hardship or undue administrative burden card. They seem to think these two are equivalent to a get out of jail free card in Monopoly. Can't have deaf students—cost of interpreters is an undue financial burden. Can't make dorm rooms accessible--undue financial hardship. Can't have a student move into the dorm early (athletes often do) for mobility training--undue administrative burden ... can't make online courses accessible--costs too much again you catch the recurring theme.

After the Rehabilitation Act was passed in 1973, there was an outcry from postsecondary institutions all over the country. The then Secretary of Health and Human Services (precursor to the Department of Education) responded thus, "We have never before put a price tag on the cost of civil rights we do not intend to start now." The point has come up several times in the courts and in complaints investigated by the Office for Civil Rights (OCR). SUNY/CUNY members: Ours are public institutions. If a complaint or a lawsuit is filed and the defense argument of the institution is cost, they are going to lose. The court/OCR will look not only at the financial resources of the institution, but also the SUNY or CUNY system and ultimately, the budget of the state of New York. They will go to the deepest pockets. Both the courts and the Office for Civil Rights (OCR) have made it clear that a public institution will never play that card and win. Private institutions, you may have a little more latitude here, but it would be a very uphill battle. Independent colleges and universities are held to a slightly different standard but the rule of thumb is "readily achievable". You may not have to install an elevator but the more common accommodations of alternate format, computer access,



interpreters, accessibility software or hardware etc. are inescapable. All of us can look to whatever resources are at our institutions such as endowments, foundations, etc. or ACCES-VR/CBVH , VA, Educational Opportunity Program (EOP), Reader's Aid etc. to help defray the costs but the ultimate responsibility still falls with the institution.

### **Does the institution have a legal responsibility to make accommodations outside the classroom?**

**YES!!!!** Section 504 specifically states **all** program and activities. Therefore, if a campus has dorms and requires all freshman and sophomore students to live in the dorms, a student with a disability who is qualified to attend the institution must live in the dorm (unless of course the accommodation is that the student NOT live in the dorm!). In either event, the dorm must be accessible to a student and any family or friends who might reasonably be expected to visit the student. However, that student must follow the college's procedure for applying for housing, including use of a private room. Having a disability does not automatically allow students to cut to the head of the line or to disregard timelines for services. The student with a disability who demands a private room after room assignment have been made can justifiably be denied that semester. Having a disability does not necessarily justify a private room. Like all accommodations, the request must be reasonable, must be made in a timely fashion and must be supported by documentation from an appropriate professional.

Very little about what we do is black and white, and that is certainly true of issues related to residence life. Best advice here, use a life line and call a colleague at a campus that has dorms and get some input from someone with more experience.

### **Do accommodations extend to sports, clubs and other extracurricular events?**

Again, we refer back to Section 504, which states that any qualified person with a disability can participate in any program or activity of the institution. So a student with a disability wants to play on an intercollegiate sports team. The student must meet two sets of eligibility criteria: eligibility to be admitted to the college and eligibility standards of the athletic administrative body i.e. National College Athletic Association (NCAA governs 4 year colleges) or the National Junior College Athletic Association (NJCAA governs 2 year colleges). These organizations establish standards for academic eligibility in addition to physical/health requirements. Both organizations have websites where anyone who is interested can access the eligibility requirements.

If a student with a disability meets both the college and the athletic eligibility requirements and accommodations are required, then accommodations must be provided. The deaf student will probably require interpreters for practice and games—both at home and on the road. How you meet that need depends on how creative you can be.

Let's consider clubs and activities: If it is an activity of or sponsored by the institution, the individual with a disability must have a mechanism to request accommodations. It is also appropriate to require a timeframe for requesting accommodations. Requesting an interpreter or a special meal for an event that is the next day is unreasonable. However, when accommodations are reasonable and requests are made in a timely fashion, they must be provided. **All activities must be held in locations that are physically accessible**; if transportation to an event is provided, transportation must be provided for an individual who uses a wheelchair. Interpreters should be scheduled for any major lecture or conference including commencement and convocation. When food is served, alternatives must be made available to individuals with dietary restrictions.

Notices of events are usually posted on bulletin boards, but must also be publicized in alternate formats such as a telephone activity line, online and in other formats that allow maximum access to information and events.

Do a little research and you will see repeated lawsuits and citations of institutions that had to make modifications to athletic facilities and theaters for seating and stage access.

Other frequently overlooked areas include: field trips, internships and co-ops and foreign exchange programs where the student receives academic credit from a US college or university for the experience.

Another relatively new phenomenon are high school students who are taking college courses—do they receive accommodations under IDEA or Section 504 Subpart E. The answer to this one may come down to whether the student is paying college tuition for the course so that it is originally posted on a college transcript? If so, it is clearly a college course and accommodations may be required. This may be the case of students taking college courses in their high school but who need the college text in alternate format. The high school may not be able to acquire the text and you may need to assist in this situation. Some students take courses for dual high school and college credit. In this case the legal basis for accommodation may depend on where the course is being taken at the high school or the college.

These are situations where a question posted to the NYSDSC listserv may bring you advice and guidance from those who have experience with the issue.

## Advice for Prospective Students

These questions are adapted from *Effective College Planning 10<sup>th</sup>*

**Ed.** compiled and edited by the members of the WNY Collegiate Consortium of Disability Advocates. They are intended to help students and parents acquire the kinds of information they will need to make informed decisions about college choices. They are samples of the kinds of questions you should be prepared to answer—or be able to direct them to the person or office who can provide the information.

### Student Activities/ Clubs

- What student activities are available on campus? Are they accessible to students with disabilities? Are films, videos, and TV programs open captioned? Are athletic facilities such as locker rooms, gym, and pool accessible? Are interpreter services available for events such as lectures and plays? How does a student with a vision impairment access information about clubs and activities? Is accessible transportation available for college-sponsored off campus events? Is there a student club for students with disabilities on campus? If so, how does a student get more information and how does s/he join the club?

### Support Services/Auxiliary Aids and Services:

#### Counseling:

- Is there personal counseling available? Is there only short term counseling or is there a full service counseling department including mental health services? Is there a psychologist/psychiatrist connected to the department?

**TUTORING:** It is very important for potential students to ask questions about tutoring, the answers may influence their decision about which college to attend. Most people think that tutoring is an accommodation. **Section 504** regulations say that it is not, that studying and tutoring are personal services or responsibilities. Most colleges provide some tutoring, but how much, how it is provided, and who does the tutoring are all important questions. *If the institution provides free tutoring for students, it must be accessible to students with disabilities. Having equivalent tutoring ONLY through the disability office is no more acceptable than having separate rest rooms based on race.* It is important to understand that if the college doesn't provide tutoring for all students, it does not have to provide tutoring for a student with a disability, even if the student needs or could benefit from that service. It is the decision of the institution whether or not to provide that non-mandated service.

### Health Services:

- Describe the health service available on campus: nurse only during the day? Doctor available on specific days and times? Full medical clinic with MD

services? Hospital associated with university? What does student health insurance cover? Are emergency medical services (EMS) available on campus? If not, how do you access EMS if needed? Can anyone on staff write prescriptions? Can they fill prescriptions? Is there someone to monitor medications for students with psychiatric or learning disabilities who are attending school from outside of the region?

### **Transportation:**

- Does the campus offer on campus transportation? If so, what are the hours and how does the student make arrangements to access it? Is it wheelchair accessible (if not, what are the alternate arrangements for students in wheelchairs)? Is there a standard route or is it rider destination with call ahead reservations? If there is call-ahead reservations, is there at tty, or do staff know how to handle relay calls? When transportation is being provided to off-campus events, are faculty, staff and student organizations aware of their responsibility to provide **accessible** transportation if requested?

### **Assistive/Adaptive Technology:**

- Are there computers accessible to persons with disabilities on campus? Are they located in places that are accessible both day and evening? Is there help available if needed? Are computers with adaptive and/or assistive technology available in both teaching and open labs? Do dorm room computers have access to assistive software located on the college network? Is there training available in the use of technology? Is it possible to borrow technology? How does a student get instruction in assistive technology?

Books in Alternate Format. One of the hottest issues of the last few years is how to quickly, efficiently convert to alternate format in a timely fashion. Go to the [sunydsc.org](http://sunydsc.org) website look under resources and download the materials on Chapter 219 which is the NYS law that requires publishers OF TEXTBOOKS published since 2004 to provide those materials in alternate format. List of publisher contacts, etc. are also on the website and are updated when appropriate See Chapter 6 for much more information on this topic.

### **Housing (see Chapter**

- Are there physically accessible residence facilities including toilet and bath? Are accessible housing facilities available in the range of options that are available to non-disabled students? Are there air conditioned rooms for students with respiratory conditions or severe allergies? Are there attendants available on campus? If yes, how are they contacted? What are the rules about equipment and electrical use? What is the policy/procedure regarding students with

disabilities applying for single rooms? Can students access assistive computer technology such as JAWS or ZoomText from their dorms?

- See page \_\_\_\_\_ for ADA definitions of housing for educational purposes.

### **Service Animals**

- See pages \_\_\_\_\_ ADA terminology for changes to the definition of acceptable service animals and procedures for handlers.

## CHAPTER 4: STUDENTS

Many of your students, especially if you are at a 4 year institution, are going to be traditional aged (18-22 year olds) recent high school graduates which means that they will either have received services under IDEA (Special Education) or will have a 504 Plan.

Traditional aged high school graduates who were in Special Education classes received services under the ***Individuals with Disabilities Education Act (IDEA)***. Students covered by IDEA are ENTITLED to Special Education and related services in the K-12 system (note that it DOES NOT APPLY to postsecondary education). IDEA requires that every student in Special Education have an Individualized Education Plan (IEP); that it be reviewed and revised annually by the district or building Committee on Special Education; and the student's parents or guardian be included in the process. The IEP defines the learning environment, and the related services such as OT, PT, speech etc. that the student might require. Federal regulation also requires that transition planning be included in the IEP starting at age 15. In New York State, if that student is age 12 or older, that IEP is to be based on the student and family's goals for adulthood including employment, leisure, community integration and independent living. The activities to achieve those goals are called the transition plan and are the basis for the IEP.

**504 Plans:** Some traditional aged students have disabilities which did not require special education and related services. Examples would be a student in a wheelchair who is in an accessible building or students who are able to fully participate in regular education with only accommodations for testing and class notes. 504 Plans are a recent phenomenon in the postsecondary disability arena. We have seen some in the past few years written as a transition Senior year from Special Education to college or as a final document to carry with them to the College—which has no requirement to implement them, although with the changes in documentation regulations under the ADA 2008 they may become more common. They are not written in the mandates of either IDEA or Section 504. Unlike the IEP, there are no parameters for their content. Different states use them in different ways. What seems to be standard about them is that they are:

- Written for students with disabilities in grades K-12 who can function in a regular education class environment with accommodations such as alternate location for tests, use of technology or test readers, etc., but are not in need of special education or related services such as OT, PT or Speech therapy.
- These students are enrolled in Regents or non-regents courses and expect to earn Regents or local diplomas.

We have seen some school districts write 504 plans for students who have English as a second language or for a student who is a senior and is approaching graduation. In some cases, the 504 plan is written at the end of the senior year and is handed to the student to carry to his or her college of choice for implementation at that institution. Neither of these last two examples is an appropriate—or legal—use of a 504 Plan. Like the student with an IEP, the student with a 504 plan must still provide appropriate and

current documentation of disability in order to receive accommodations in college. It is important to note, however that “documentation” does not solely need to be a specific document, letter or report from an outside source.

**The US Department of Education site Q&A on Secondary Transition Revised June 2009 states:**

A postsecondary student who has identified him or herself as an individual with a disability and has requested academic adjustments, auxiliary aids or modifications of policies, practices or procedures from an institution of postsecondary education may, consistent with an institution’s documentation requirements, provide the institution with the SOP as part of the documentation to be used by the institution to determine whether the student has an impairment that substantially limits a major life activity, as defined under Section 504 of the Rehabilitation Act (Section 504) and/or the Americans with Disabilities Act (ADA), and requires academic adjustments as defined in the Section 504 regulations at 34 CFR §104.44. ***Institutions may set their own requirements for documentation so long as they are reasonable and comply with Section 504 and the ADA.***

and what the ADA 2008 states is:

When considering requests for modifications, accommodations, or auxiliary aids or services, the ***entity gives considerable weight to documentation of past modifications, accommodations, or auxiliary aids or services received in similar testing situations***, as well as such modifications, accommodations, or related aids and services provided ***in response to an Individualized Education Program (IEP) provided under the Individuals with Disabilities Education Act or a plan describing services provided pursuant to Section 504 of the Rehabilitation Act of 1973, as amended (often referred to as a Section 504 Plan).***

The entity responds in a timely manner to requests for modifications, accommodations, or aids to ensure equal opportunity for individuals with disabilities.

**Adult students:**

Adult students are going to fall into three different categories: never before identified, identified and returning, identified but the situation has changed. The issue for many of these students will be compiling **current** documentation as a basis for arranging accommodations and services. There is a lot of discussion in our field about whether or

not to allow accommodations for a student until the documentation arrives. Like all things disability, this is a case-by-case decision. If your professional judgment is that this person has a disability, you CAN initiate accommodations such as extended time for tests, etc. You do want to set a time limit to receive the documentation, such as the beginning of the next semester. This allows for scheduling with medical or other professionals and allows out of town students to use resource people from their home area. Keep in mind that the ADA 2008 regulations state: ***Any request for documentation, if such documentation is required, is reasonable and limited to the need for the modification, accommodation, or auxiliary aid or service requested.***

***To summarize: Providing temporary or short term accommodations until a student can provide appropriate documentation is a decision to be made by you and your institution. There are professionals who will argue passionately on both sides of the issue and there are strong arguments to be made for both positions. Please note if you have SOME documentation, but it is more limited than what you would normally require, it is probably prudent to provide some accommodations on this basis.***

See Chapter \_\_\_\_ for an in depth discussion of documentation



## CHAPTER 5: ELIGIBILITY

If you are at a 4-year institution, eligibility for **admission to your institution** is clear cut: no high school diploma or GED or previous matriculated transferrable college credits, no admission. That is NYS Education law and is non-negotiable. Admission to a particular department will depend on the requirements for that academic program. Non-matriculated status at a community college is another story altogether since NYS community colleges are full opportunity, open admission institutions (community colleges that accept students who have not completed a high school diploma or GED).

A few thoughts on financial aid. It has been well documented over the years that 40% of college freshmen who go away to college return home or do not successfully complete their freshman year. This statistic reflects all college freshman, not students with disabilities, but there is no reason to think the numbers improve when disability is added to the mix. It has always been difficult for students who dig themselves into academic or financial aid holes to dig themselves out again. The NYS 2010 budget that was finally approved in August included changes to the Tuition Assistance Program (TAP) that make it even more difficult. The following is downloaded from the Higher Education Services Corporation (HESC) website

### **TAP Coach - Satisfactory Academic Progress**

For financial aid purposes, good academic standing consists of two elements: satisfactory academic progress and pursuit of program. Satisfactory progress is a measure of the student's *achievement*, of earning credits toward a degree or certificate with a specified grade point average. Pursuit of program is a measure of the student's *effort* to complete a program.

In accordance with section 145-2.2 of the *Regulations of the Commissioner of Education*, each institution participating in State student financial aid programs must determine whether a student is in good academic standing based on a standard of satisfactory academic progress comprising a minimum number of credits to be accrued (earned) with a minimum cumulative grade point average in each term an award payment is received. The progress standard is most clearly presented in chart format (see below).

Initially, the regulation provided that each institution establish and submit for the Commissioner's approval its proposed standard of progress. However, for the 1995-96 academic year and thereafter, new legislation mandated a minimum cumulative C average after a student has received four full-time semester award payments or the equivalent (24 payment points). Further legislation mandated specific standards of satisfactory academic progress for students receiving their first State award in academic year 2006-07 and thereafter, as follows:

### **Satisfactory Academic Progress: Semester Calendar**

<b>Baccalaureate Program</b>										
Before Being Certified For This Payment	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
A Student Must Have Accrued At Least This Many Credits	0	3	9	21	33	45	60	75	90	105
With At Least this Grade Point Average	0	1.1	1.2	1.3	2.0	2.0	2.0	2.0	2.0	2.0

<b>Satisfactory Academic Progress: Semester Calendar</b>						
<b>Associate Program</b>						
Before Being Certified For This Payment	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>
A Student Must Have Accrued At Least This Many Credits	0	3	9	18	30	45
With At Least This Grade Point Average	0	.5	.75	1.3	2.0	2.0

Students who received their first award prior to the 2006-07 academic year continue to be subject to the standards of satisfactory academic progress approved by the Commissioner of Education. However, institutions may choose to adopt for all students standards mandated in Education Law by requesting State Education Department approval.

Since the implementation of the Rehabilitation Act Section 504 in the late 70s colleges and universities have been cautioned about counseling students out of possible academic programs on the basis of their disability. There is a difference between counseling students out and providing them with sufficient information to be an informed decision. Many parents want their young adults in college because it is an age appropriate place to be while they mature some. Others want their kids here because they need the medical insurance coverage. The second scenario should be less of an issue due to the changes in the Obama health insurance plan that allows parents to include children under their family health insurance up to their 26<sup>th</sup> birthday regardless of whether or not they are full time students. The first scenario remains an issue and is why the TAP chart was included. We need to have serious conversations with parents and students about becoming full time students and receiving financial aid if they are not ready to be here. Too often we meet students who enrolled at 18, had a less than stellar first year in college and quit or were academically dismissed and then 3, 5, 8 or more years later, when they have the focus and drive to be successful, are mired in the mess they created when they first attended. Now they have a QPA which is crippling and renders them ineligible for financial aid.

TO: Chief Executive Officers

FROM: Robert J. Maurer, President

SUBJECT: Part-Time TAP Eligibility for Students with Disabilities

DATE: August 4, 1998

**CC: *Financial Aid Administrators, Certifying Officers, Bursars, Registrars, Campus Coordinators of Disabled Student Services***

On July 14, Governor Pataki signed Senate Bill 7072 into law as Chapter 332 of the Laws of 1998. This new law provides that students who are disabled, as defined by the 1990 Federal Americans with Disabilities Act, do not have to be in full-time attendance to be eligible for Tuition Assistance Program payments. These students are now eligible for TAP if they are attending part-time, as defined by the Commissioner of Education. This new law is effective immediately.

Under prior law, regulation and policy, students with disabilities who attended school part-time because of their disability were eligible for a TAP award payment only after the number of credits they took equaled the number necessary to be considered a full-time student. This was usually after two or more semesters. Chapter 332 provides these students are eligible for a partial TAP award payment in the first term in which they attend on a part-time basis. The law does not require students with disabilities to attend part-time; students with disabilities who attend full-time continue to be eligible, as any other student, for a full TAP award.

For the purposes of application processing, students with disabilities should follow the same procedures as other students. HESC will continue to calculate a full-time TAP award for any eligible student who applies. Schools will be asked to certify the eligibility of students with disabilities who are attending less than full-time for a part-time TAP award. Once the school certifies a student's eligibility, HESC will calculate the part-time TAP award and post it to the remittance advice. HESC will then notify the student of the award by issuing an award certificate. We will shortly issue a technical bulletin giving full details on the methodology for computing the amount of the TAP award and the impact on TAP point accumulation.

The new law did not change any of the other TAP eligibility requirements, including students be matriculated in a program of study, be in good academic standing, or have achieved a C average at the completion of their second academic year. HESC is working with the State Education Department to further define how these existing TAP requirements will be applied to these students.

It is important that the Financial Aid Office and the TAP Certifying Officer work jointly with the office or staff responsible for administering the Americans with Disabilities Act (ADA). The TAP Certifying Officer must be able to document that the student is ADA

eligible. Those records can be obtained from the designated campus ADA representative. Since we do not yet have a list of the campus coordinators for the disabled, we have included two copies of this bulletin in the mailing to the Financial Aid Officers.

If you have any questions or require additional information about the new law, please call the Office of Field Services at (518) 474-3552.

The following self assessment is a good way for potential students to determine their personal readiness for college and is copied from the WNY Collegiate Consortium's Effective College Planning 10<sup>th</sup> Ed with their full knowledge and permission

**PERSON CENTERED ASSESSMENT  
BASIC INFORMATION & SKILLS CHECKLIST**

The following check list was developed to help an individual with a disability determine whether or not s/he is ready for college. ***It is not likely that you will have all these skills! Do NOT let the fact that you do not have some of them frustrate or discourage you.*** The list has been compiled by professionals to identify skills that successful college students demonstrate. Not all of the questions will necessarily apply to you. The purpose of the list is to getting you thinking about college and the differences it will make in your life and whether or not you are ready to face those changes. This is a document for your personal use, so be honest with yourself. Sometimes more than one answer will seem appropriate; check all that apply.

**STUDENT SELF-ASSESSMENT  
BASIC INFORMATION & SKILLS CHECKLIST**

Student Information	Yes	No	Working On	Don't Know
1. Can I name and describe my disability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Can I describe my strengths?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do I know what accommodative services I need? (e.g., extended time, separate location, use of a word processor, notetaker, books in alternate format)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Do I know what assistive equipment I need to use? (e.g., screen reader, screen enlarger, audio format)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Academic Preparation Skills	Yes	No	Working On	Don't Know
1. Do I have at least basic keyboarding skills?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have I had at least three years of high school mathematics, including algebra?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Have I had at least three years of high school science, including at least one lab science?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Do I have one or more years of a foreign language?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Do I understand what I read?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Do I understand things better if I hear them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Can I write a well-developed essay?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Can I use email; the internet etc	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Do I have the computer and personal discipline for an online or distance learning course?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Do I need a calculator to perform math functions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Technology Use and Etiquette</b>				
1. Am I able to use a computer for word processing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Do I know how to use the internet for research?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do I know how to decide which internet sites are safe and which may be dangerous for me?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Do I know how to use a cell phone and texting in case of an emergency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Do I know when to leave my cell phone on, and when to turn it off?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Do I know how to leave a polite phone or email message for a faculty member or other professional?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. If I need tests read do I know how to use voice output technology like Kurzweil or Premier?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Do I know how to use a Lifescribe pen, CART services, Braille or other technology for notes or classroom access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Have I ever used textbooks on tape or CD to improve my reading comprehension?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Study Skills</b>	<b>Yes</b>	<b>No</b>	<b>Working On</b>	<b>Don't Know</b>
1. Do I know how to do research in a library? Online? Using an online library?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Do I know when and how to seek tutorial assistance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Can I take notes from a lecture either by hand or computer or from other device?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Do I know how to take notes from a book?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Do I know how to take notes from a video or online course?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Do I know how to study for different kinds of tests?				
7. Do I know how to take different kinds of tests?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Do I need extra time for tests?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Am I usually prepared for class?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Am I usually on-time for classes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Do I skip classes often?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Is my school work and notes neat and organized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Am I good at organizing my work? (E.g. folders/computer files?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Are my assignments completed on time?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Is my behavior in class appropriate and not distracting to others in the class	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Do I stay focused during class?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Can I work with a group and do I do my share of a project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Social Skills</b>	<b>Yes</b>	<b>No</b>	<b>Working On</b>	<b>Don't Know</b>
1. Do I communicate appropriately with teachers? In person? By telephone? By email?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Do I interact appropriately with peers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do I know how to interact appropriately with different kinds of people in various situations: in class, at work, in the instructor's office, on a date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Can I make decisions for myself without being influenced by others?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Do I know how to let someone know I like them? (dating etiquette)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Can I handle rejection appropriately?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Do I know how to use the telephone effectively?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Do I know when a conversation or discussion is over?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Do I know how to work appropriately with a sign language interpreter, note taker, tutor or scribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Can I demonstrate problems-solving and decision-making skills?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Do I know how to deal with anger without using violence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Do I respect other people's ways of looking at things, their lifestyles, and their attitudes even if I don't agree with them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Can I choose appropriate friends, social and recreation activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Do I know how to order from a menu, pay my share of the bill and add a tip when out with friends or on a date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



15. Do I know when to make decisions for myself and when I need to call my parents?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Do I know how to speak up for myself without asking my parents to advocate for me?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Basic Life Skills</b>	<b>Yes</b>	<b>No</b>	<b>Working On</b>	<b>Don't Know</b>
1. Do I know how to use transportation to go to and from campus, job, and internships?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Do I have leisure activities such as sports or a hobby?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do I know how to locate appropriate assistance when needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Do I have adequate knowledge of my medical needs in regard to medications and health problems and am I able to express these needs to others?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Can I schedule and manage medication refills, appointments and treatments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Can I manage money appropriately?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Can appropriately use checking accounts and credit/debit cards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Do I have basic cooking skills using stove, oven, microwave and toaster oven?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Can I do my own laundry?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Can I do my own food and clothes shopping?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Do I take care of my service animal (e.g. guide dog, etc.) including feeding, bathing and toileting and clean up	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Can understand and follow safety and evacuation procedures and equipment both home and away?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Knows how to make a 911/711 call in case of an emergency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Self-Care Skills</b>	<b>Yes</b>	<b>No</b>	<b>Working On</b>	<b>Don't Know</b>
1. Can I manage my own daily routine of medications, diet or treatments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Can I handle my personal hygiene without assistance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do I Carry appropriate personal identification such as student id, driver's license, car registration and insurance, health ID and insurance in case of emergency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Do I practice safe sex and use safety precautions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Do I know how to refuse if I don't want to be touched and can I say no?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Can I recognize unsafe situations, and prevent or avoid them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Do I present an age and situation appropriate appearance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Can I navigate and use the internet safely?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Assistive Technology</b>				
1. Do I know how to use Kurzweil or Premier to read print material to me?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Do I know how to use a tape recorder, Lifescribe pen or other device to take notes in class?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do I know how to use alternate format for print materials such as textbooks to improve my comprehension?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Eligibility v Entitlement

Remember IDEA: Every child in the United States is *entitled* to a free public education in the least restrictive environment. Parents assume that because SUNY is NYS' public postsecondary system that this law still applies. IT DOES NOT. IDEA's jurisdiction is wholly contained in the K-12 system and ends when the student in special education receives a local or Regents diploma or ages out of the educational system at age 21.

To be *eligible* for admission to a college or university, all students applying to postsecondary institutions must be able, with or without accommodations, to meet the entry criteria for the institution and then the academic program they wish to pursue.

**This section should be of particular interest to Open Admission Institutions:**

*Individualized Education **Programs** v. Individualized Education Program **Diplomas**:*

It is important that you understand that **having an Individualized Education Program while in high school is not the same as receiving an IEP diploma**. Many students with Individualized Education Programs pass all their competency exams and earn local and Regents diplomas. However, students in special education, who earn an IEP diploma or reach the age of 21 without completing the requirements for a local or Regents diploma *may* have postsecondary educational opportunities. **Students who**

**have an IEP diploma are non-high school graduates and must therefore follow the requirements of non-high school graduates when applying to college or registering for courses.** Students who earn an IEP diploma have the legal right to remain in their school district until age 21 to pursue completion of local or GED diploma requirements or other goals on their Individualized Education Program. Students who complete the local or GED requirements are then high school graduates and are entitled to the same rights and privileges as any other high school graduate.

## **Chapter 6: Housing and Judicial Affairs**

First and foremost...get to know everyone on campus. Make it one of your priorities during your first year. While it may take much more of your time than you are comfortable with, it will definitely pay off. Always try to be reasonable with requests and thank people often and profusely....

### **Housing (Residence Life):**

- Get a feel for what is available on campus.
  - Are your Residence Halls corridor style, suites (how many per suite), townhouses or some other configuration?
  - How many accessible rooms do you have? What is meant by accessible (shower, doors etc.)
  - Are there some with private bathroom facilities, or are all shared?
  - Kitchen facilities shared? What is available (microwave, fridge, stove).
  - How far are the halls from main campus academic buildings.
    - Do you provide any kind of transportation from the halls to academic area? Where are the pick-up points?
    - Is there handicap parking near Residence Halls?
  - Check the rate of occupancy on campus-re: are the halls overbooked?
- Who has traditionally made decisions about special housing (whether that means accessible rooms, single rooms, rooms near bathrooms or kitchens etc.)
  - Develop a housing policy in collaboration with Residence Life/your administration that outlines procedures and details how special housing decisions are made.
  - Are you the sole arbitrator? Do you have ANY say in who gets special housing?
  - Utilize health and counseling services on campus for help with what would be considered NECESSARY (depending on diagnosis/records already received in Health Center), what would be considered BENEFICIAL, or what is unnecessary.
  - Does Residence Life help in making decisions? (I would caution against allowing them to have a say in WHETHER someone can have a single etc..but have heard of it.)
  - Make sure you let Residence Life know that they cannot charge extra for a single room if it is considered an accommodation.
- Keep in close touch with Residence Life as they make room assignments in the Spring for the Fall semester. And in the summer for incoming freshmen and transfer students.
  - KEEP RECORDS!! Make sure you know who is in special housing/the type of housing and why . It makes it so much easier!!
  - Contact all students in special housing early in the Spring semester to inquire about their plans for the next year. Remind them to indicate the need for special housing on their Residence Life agreements for the next year. Also a good idea to contact Res Life yourself and send them a list of continuing students.

- As college acceptances come in, make sure you are telling students how to apply for special housing and get documentation early. This will be very helpful to Res Life and helpful in maintaining a good relationship. The less surprises in the Fall, the better.
- Indicate the type of HOUSING needed...not the disability. i.e.
  - Needs single room
  - Single room in Suite is okay
  - Single room as close to the bathroom as possible, or roommate okay, but needs to be close to bathroom.
  - Wheelchair accessible room and bathroom
  - Quiet area in Res Halls (often at the end of a hall-away from doorways).
  - Strobes or special alarms
  - Lower floor or with elevator
  - Nearest to academic buildings/shuttle stop/handicap parking.
- Make sure you clearly explain the procedures for getting a single room, or the reason they are being denied special housing (usually a single). Keep a waiting list-this often helps considerably.
- Typical disabilities requiring special housing include: People who use wheelchairs/scooters or have other mobility impairments, some (most) students with Autism or serious Aspergers Spectrum Disorders, students who are immune-suppressed for any reason, or have Crohn's disease, or those with serious emotional disabilities. (I am careful about housing a student with depression alone as that may make the depression worse-and gives them the ability to isolate themselves. This issue is really tough because you also have to consider the roommate's well being.) We also allow singles for students with serious OCD.
- We do NOT provide single rooms for students with ADD/ADHD unless they have co-morbidity that makes it necessary. Randy Borst once told me that he tells students that we guarantee a room to sleep, not a quiet study space. There are other areas on campus for that.
- MOVING OFF CAMPUS: Students sign a contract to live on campus for a year. Rarely, students want to move off campus due to issues directly associated with a disability. I am VERY careful to work closely with both the student and Res Life to see if we can solve it on campus first. If that is NOT possible and the student has a very compelling disability-related reason, I will support a move off campus with or without the cancellation penalty.

### **Judicial Affairs:**

Bottom line: Students with disabilities are held to the same standard as any other student. Students cannot use their disability as an excuse (i.e. Oppositional Defiance Disorder, sexual self-stimulation for students with Aspergers). The college needs to make sure they have a comprehensive Student Code of Conduct in place. Disability Services coordinator, would be

wise to review the policy and let students and their parents understand the expectation during the initial interview. This should also be stated on the Disability Offices website if possible. If a college affords all students a chance to describe mitigating circumstances which may impact their decision, the SWD can then submit evidence that the actions may be related to their disability, but this is rare, and it doesn't guarantee by any means that the student will be forgiven the infraction.

Here is the finding from an OCR case that was published in the Pavela Report that specifically addresses SWD and Conduct.

### **OCR Letter ruling: Disciplining students with disabilities**

**KEY QUOTATION:** "Prior to [enrolling] the Student contacted several University offices notifying them of his disability and requesting services. One of the services the Student requested was an exemption from the University's Code of Student Conduct . . . "

The United States Department of Education recently honored our Freedom of Information Act request for a January 12, 2010 letter ruling pertaining to Ohio State University (OCR Docket #15-09-2021). The OCR letter ruling is best introduced by inviting our readers to answer this True/False question:

#### **TRUE or FALSE:**

*"Title II and Section 504 [laws protecting people with disabilities] allow a university to discipline a student for misconduct, unless it can be proven the misconduct resulted from the student's disabilities."*

The answer to the question [can be found here](#) and in the OCR letter ruling below.

It's also noteworthy that OCR reaffirmed its position that adequate due process --seen as a means to challenge false assumptions and stereotypes about people with disabilities-- enhances the level of deference OCR gives to college and university disciplinary decisions.

*Excerpts from a January 12, 2010 letter ruling pertaining to Ohio State University (in added question and answer format):*

#### **WHAT ARE THE FACTS OF THE CASE?**

Prior to [enrolling] the Student contacted several University offices notifying them of his disability and requesting services. One of the services the Student requested was an exemption from the University's Code of Student Conduct (Conduct Code) . . .

According to the University, the Student [subsequently engaged] in behavior the University considered to violate its Conduct Code. Such alleged behavior included . . . being disruptive in class; speaking to staff using sexually offensive terminology; being aggressive with a female instructor; being confrontational and belligerent with staff and students in University libraries, including allegations of sexually harassing female patrons . . . touching staff inappropriately; and yelling obscenities in the Office of Continuing Education and at a library. Some of this conduct necessitated University officials physically removing the student from a library on one occasion.

*Editor's note: The student in this case was temporarily suspended and charged with multiple disciplinary violations, including "Endangering Behavior"; "Sexual Harassment"; and "Disorderly*

*or Disruptive Conduct." He did not attend subsequent campus disciplinary proceedings and filed a complaint with OCR. The student was found responsible for most of the charges (but not for sexual misconduct) and dismissed from the university.*

## **WHAT STANDARDS APPLY TO DISCIPLINING A STUDENT WITH A DISABILITY?**

Like any other students, a student with a disability may be disciplined if he or she fails to meet a university's technical standards [e.g. conduct standards], so long as the discipline is not a pretext for discrimination (e.g. holding the student with a disability to a higher conduct standard than other students, fabricating examples of misconduct to dismiss a student, or holding a student accountable for non-violent misconduct directly related to an authorized but undelivered accommodation). Both Title II and Section 504 permit a university to establish reasonable rules to maintain a safe and orderly environment. Title II and Section 504 also allow a university to discipline a student for misconduct, even though that misconduct may have resulted from the student's disabilities, if the behavior violates an essential conduct code.

For the purposes of Title II and Section 504, a student's disability generally does not play a role in the disciplinary process except in three limited circumstances. The first exception is where the student's inability to comply with the conduct code resulted from the university's failure to provide necessary academic adjustments or auxiliary aids and services. The second exception is where, as part of its regular disciplinary process, a university takes into account mitigating situational factors, such as the loss of a parent; if such factors are taken into account, a student's disability should be considered as a mitigating factor. Third, a university cannot treat a student with a disability worse than other students who also violated the code of conduct; i.e. a university may not treat a student differently based on that student's disability.

## **HOW DO THOSE STANDARDS APPLY IN THIS CASE?**

In the instant case, the student requested a complete exemption from the University's conduct code. OCR determined that the University's ADA coordinator informed the student that such a request was not reasonable, asked the Student to provide documentation supporting his disability, and attempted to work with the Student to provide provisional services while the University was awaiting documentation. Under these circumstances, OCR does not find that the University's refusal to grant the student's request for an exemption from the Conduct Code constitutes a violation of Section 504 or Title II for failing to make reasonable modifications to its policies or practices.

OCR also investigated whether the Student was disciplined for conduct that resulted from his disability. Specifically OCR considered whether the University discriminated against the student based on disability by placing him on interim suspension . . .

In the instant case, OCR determined that the three typical exceptions to the rule that a student's disability generally does not play a role in the disciplinary process set forth above are not applicable here. First, as noted above, the student's inability to comply with the Conduct Code did not result from the University's failure to provide necessary academic adjustments or reasonable modifications to its policies or procedures. As noted above, the University informed the Student that a waiver of the Conduct Code was not a reasonable modification and requested documentation from the Student so that it could identify appropriate academic adjustments based on his disability related needs. Second, the University gave the Student an opportunity to present mitigating measures at meetings and in the form of a judicial hearing, but the Student did not attend the meetings or hearing. For example, the Student failed to attend a

scheduled meeting to discuss his situation with the Director from the Office of Student Judicial Affairs on December 12, 2008.

Then . . . The Director sent the Student a letter reminding him to bring factual information relevant to his case to the . . . hearing. The Student did not show up to the hearing or submit anything on his behalf. As the student did not officially raise his impairment or disability when challenging his disciplinary sanction through the appropriate process, the University had no obligation to consider that as a mitigating circumstance. Moreover, OCR accords significant discretion to decisions of post-secondary institutions made where due process is afforded to the student.

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**"OCR accords significant discretion to decisions of post-secondary institutions made where due process is afforded to the student."**

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There is also no evidence to suggest that the University treated the student less favorably than students without disabilities who similarly violated the conduct code. A review of students recently disciplined by the university demonstrates that both students with and without disabilities who behaved in behavior similar to the Student's conduct were disciplined for violating the University's Conduct Code. Specifically, OCR reviewed the records of other students the University placed on interim suspension. The records showed that although the student may not have engaged in any one individual action that would be considered as severe as the actions leading to the interim suspensions of other students, the documentation suggests that it was the frequency, volume, and escalating intensity of the incidents involving the Student, and not his disability, that served as the University's basis for its decision to place him on interim suspension and ultimately dismiss him from the program.

### **WHAT IS THE CONCLUSION?**

OCR has determined that there is insufficient evidence to support a finding that the University discriminated against the Student in violation of Title II of the ADA and Section 504 as alleged. OCR is therefore closing this complaint effective with the date of this letter. Please note, the complainant may file a private suit pursuant to Section 203 of the Americans with Disabilities Act, whether or not OCR finds a violation of Title II.

This is a letter of finding issued by OCR to address an individual OCR case. Letters of findings contain fact specific investigative findings and dispositions of individual cases. Letters of findings are not formal statements of OCR policy, and they should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public."



## CHAPTER 7: ALTERNATE FORMAT TEXTBOOKS

Heartfelt and sincere thanks to Sharon Trerise from Cayuga Community College for researching and writing this chapter on a topic that has become a major issues for many of us.

### Who needs Alt Format books and other course materials?

Students with learning disabilities that impact word decoding and reading comprehension, students who are blind, students who are visually impaired and cannot utilize standard print, and students with physical disabilities that limit their ability to hold a book or turn pages can all benefit from access to textbooks and other print-based course materials in alternate formats. Alternate formats may include:

- E-text (Electronic text which can be utilized on a computer; includes PDF, Word or RTF files, DAISY files, TIFF files)
- Braille
- Large print
- Audio

The provision of textbooks in alternate format is governed by both State and Federal laws.

#### Related Federal legislation:

Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act state that “A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.” Auxiliary aids can include textbooks and other required course materials in alternate format. The Americans with Disabilities Amendment Act of 2008 defines a **Qualified reader**: a person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.

Explanation: Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

It is the school's responsibility to provide these auxiliary aids and services in a timely manner to ensure effective participation by students with disabilities.

**Higher Education Opportunities Act of 2008 Section 709:** Programs to Support Improved Access to Instructional Materials establishes a definition of a “student with a print disability” as a student with a disability who experiences barriers to accessing instructional material in non specialized formats, ....”

**Chafee Amendment / Copyright laws:** In 1996, the U.S. Copyright Law (Section 121) was amended to allow authorized entities to reproduce or distribute copies of previously published non dramatic literary works if the copies were reproduced or distributed in specialized formats exclusively for use by blind or other persons with disabilities.<sup>1</sup> There is disagreement between disability advocates and publishers as to whether colleges are considered “authorized entities” and therefore legally able to convert texts to alternative formats as well as who qualifies as a person with a print disability and therefore has a right to access a book in an alternative format. See the AHEAD position paper on this issue: AHEAD Analysis of Section 121: Chafee Amendment (<http://fairuselab.net/2009/04/10/ahead-analysis-of-section-121-chafee-amendment/>).

### **Related State legislation:**

In New York State, Chapter 219 of the Education Laws of 2003 and, more recently, Chapter 194, Laws of 2010, require publishers and manufacturers of instructional materials to share, with colleges, the responsibility for the timely provision of alternate format materials to students with print disabilities in the higher education setting. A Disability Services office can request textbooks in alternate format, generally e-text, directly from the publisher. Contact information can be found at the Publisher Lookup Service (<http://www.publisherlookup.org/>).

Chapter 219 states: “A print disability: The disability services coordinator or 504/ADA compliance officer should use professional judgment to determine whether a student has a disability that prevents him/her from using standard instructional materials. In general, a print disability results in the inability to effectively utilize print material and may include blindness, some specific learning disabilities, or the inability to hold a book.” Find more information about the responsibilities of the publishers and the college at <http://www.emsc.nysed.gov/specialed/publications/persprep/chap219.htm> . Also included in this document is the Student Agreement Form requiring students to abide with copyright laws regarding e-text files and other alternate format materials.

### **Textbooks vs Other Course Material**

Legislation covers only those materials provided through publishers, so other required course materials such as handouts are the responsibility of the college to provide in alternate format. Coordinating with faculty is essential to providing these materials in a timely manner. Once faculty understand the needs of the student, often they can email to the student materials that they have in electronic form. If necessary, Disability Services may have to scan and convert other materials to e-text for the student’s use.

## What format is most appropriate?

The appropriate format can be determined best by conversations with the student. A blind student may request that their textbooks be in Microsoft (MS) Word format and that their exams be in Braille. One student with a reading-related learning disability may prefer textbooks in PDF format to allow him to look at the text on the computer screen and use text-to-speech software for listening to content while another student may not be able to tolerate a computerized voice and prefers voice-recorded audio texts from RFB&D. Some students who have never gotten their textbooks in alternate format before may not know what format works best for them. In this case, it may be necessary to demonstrate the various options and allow them to “try them out” to determine the best format.

We are not always required to provide the format that works “best” for a student as long as we provide one that meets the need. However, if the student is not satisfied with what they receive, there is less chance they will use it.

### Common Formats:

**Microsoft (MS) Word:** a typical Word document. Generally it contains only text, no graphics. Often if you receive this format from the publisher, the layout, font sizing and formatting are very difficult to read. However, if you will be converting the text to computer-voiced audio, i.e. MP3, this is probably the best format to start with.

**Portable Document Format (PDF):** a proprietary format created by Adobe software which is now widely used on the web and in business because what you see on the screen generally looks exactly like the printed page. This is currently the format provided most commonly by publishers. The advantage of this format is that it is easy for a student to get the whole book experience including charts, graphs, photos, tables, etc. PDF files typically are opened with Adobe Reader which is a free download from the Adobe website ([www.adobe.com](http://www.adobe.com)). Adobe Reader has a rudimentary text-to-speech feature which can be accessed under the “View / Read Outloud” menu, however it has very few controls making it difficult to use on pages that have numerous captions and sidebars. However, PDF can be read aloud by several other text-to-speech software packages such as Premier Assistive Technology, Kurzweil, TextHelp Read & Write, Natural Reader and many more.

**TXT or Rich Text Format (RTF):** plain text files, generally containing no graphics. These files can be opened by MS Word and utilized by almost all of the text-to-speech software products. This is the most universally accessible format, the biggest drawback being that it does not contain any graphic information. Files in TXT or RTF format can easily be converted to computer-voiced audio files.

**XML (eXtensible Markup Language):** primarily used for web content. XML was created to carry data or information (rather than display data as is the function of HTML) on the web. Files of this type generally look very much like plain text and are used as a component of DAISY formatted content. XML files can be opened in a browser or in MS Word.

**Digital Access Information System Standards (DAISY):** a relatively new format that has the potential to provide a full digital talking book that is navigable, i.e. including page and chapter markers, etc. It contains several files including a voice file, text file and navigation file. DAISY files can generally only be opened by software specifically designed for DAISY such as Bookshare's Victor ReaderSoft and READ: Outloud, TextHelp's Read & Write Gold, and others. If DAISY reader software is not available, the text file (.xml file extension) can also be opened by MS Word and then used with text-to-speech software that reads MS Word files.

**Tip:** XML markup will appear in the file when you first open it in MS Word. Change the "View" setting in MS Word to Full Screen to remove the markup or "Save" it as a TXT file format to create a new file that does not contain the markup.

**MP3 / WMA audio:** an audio file that can be played on most MP3 players as well as in Windows Media Player or QuickTime on the computer. For students who can't or don't want to be tied to a computer to hear their textbooks read, MP3 is a good solution. An MP3 player can be purchased for as little as \$20. There are many software options for converting text to computer-voiced MP3 files such as Premier's Text to Audio, Read & Write Gold, and many others. This format works best for novels, but can be effective for other content when the student is also following along in the book. It is important to know the student's preferences for voice type and speed before creating the voiced MP3 files.

**TIFF:** an image file format which represents the page of a book as a picture. It can only be used by a software product which is capable of converting an image file into real text such as Kurzweil, Omnipage, and others. It is not typical that you would receive a file in this format unless the book has been scanned and no further processing has been done in order to make it readable by a wider variety of text-to-speech software.

When textbooks are ordered from publishers, typically there are only one or two e-text format options available, Microsoft Word, PDF and XML being the most common. Texts obtained through Bookshare are generally available in DAISY and BRF (Braille formatted file). See information above about utilizing DAISY files without a DAISY reader.

## Sources of alternate format textbooks

### AccessText Network

- [www.accesstext.org](http://www.accesstext.org)
- Membership fee required
- Provides an interface for requesting e-text from the largest college textbook publishers
- E-text formats commonly available: PDF, DOC, XML

### Publisher Lookup

- [www.publisherlookup.com](http://www.publisherlookup.com)
- Provides contact information for dozens of publishers (a great resource for ordering e-text from publishers who do not participate in the AccessText Network).

### Recordings for the Blind and Dyslexic (RFB&D)

- [www.rfbd.org](http://www.rfbd.org)
- Membership fee for institutional membership
- Currently offering free membership to students for their personal accounts
- Historically has provided primarily audio files
- Many books are recorded in human voice (vs computer generated voice)
- Formats provided: DAISY CD, Downloadable DAISY, WMA (Windows Media Player audio file)
- Does not have an extensive selection of college textbooks

### Bookshare

- [www.bookshare.org](http://www.bookshare.org)
- Formats provided: DAISY (generally only the text is available, not a human voice recording) and BRF formats (Braille formatted file for creating hard copy Braille books printed on an embosser)
- Provides many popular novels as well as some textbooks.

### Louis Database

- <http://louis.aph.org/catalog/CategoryInfo.aspx?cid=152>

- Formats provided: Publisher text files (not including graphics), Embosser-ready Braille files
- These files are generally designed for people who are blind or visually impaired who use a screen reader or for creating hard copy Braille

### **Converting e-text files to the needed format**

If the student needs book content in a format other than that provided by the publisher or other source, it will be necessary to convert it. For example, if a student needs an audio (MP3) file because they cannot be tied to a computer when reading their books, then Premier's Text to Audio software, as well as many others, can be used to convert a DOC file to MP3 or WMA format.

Be careful however when converting from PDF to any other format. There are many tools available to save a PDF file in TXT or DOC format, such as Adobe Acrobat Professional, Abbyy FineReader, etc. However, you need to be very vigilant about reviewing and editing the final content to get a proper read order, especially if the book has numerous captioned graphics and/or sidebars.

Converting textbook files for a student who is blind and using a screen reader requires some decisions. For the student to have the "full" textbook experience, all graphics would need to be described if the caption alone does not suffice in conveying the meaning of the graphic, tables would need to be properly labeled with table header information and the proper read order of the file (if it is a PDF) would need to be set up. This can be a full-time job so it is important to 1) check all sources to see if the book is already available in the necessary format and 2) work closely with the student to determine their needs and requirements.

### **Creating your own e-text**

Warning! Use this as a last resort. It can be very time consuming!

Manuals and tutorials regarding the necessary computer hardware and software and techniques for creating e-text is available through the California Community College High Tech Center Training Unit

(<http://www.htctu.fhda.edu/trainings/manuals/tutmain.htm>).

The basic steps for creating e-text are as follows:

- Obtain a print copy of the book or course material
- Scan each page (it goes MUCH faster if you have an automatic sheet feeder on your scanner rather than a flatbed scanner). Typically each chapter is scanned and saved as a separate file.
- Use OCR (Optical Character Recognition) software such as OmniPage or Abbyy FineReader to convert the scanned image into real text
- Proofread and correct any spelling errors that result from the OCR process (and there will definitely be some)

- Save the file in the appropriate format, i.e. PDF, Word, TXT, etc.

For detailed information, see the High Tech Center Training Unit manual: *Creating E-text* at [http://www.htctu.fhda.edu/trainings/manuals/alt/Creating\\_E-Text.pdf](http://www.htctu.fhda.edu/trainings/manuals/alt/Creating_E-Text.pdf).

## Software for reading e-text aloud

There are currently dozens of software products for computer-voicing of e-text files. They range in price from free to \$300+. Generally the more expensive products include additional features such as natural sounding voices, highlighting and extracting highlighted text, built in voiced dictionaries, etc. Almost all products include the ability to change the voice and the speech rate. The student can experiment with these options to find the combination that works best for them. If you are completely unfamiliar with text-to-speech technology, [CAST's Text-to-Speech Technology Resource Guide](http://www.cast.org/system/galleries/download/pdResources/tts.doc) ([www.cast.org/system/galleries/download/pdResources/tts.doc](http://www.cast.org/system/galleries/download/pdResources/tts.doc)) provides a good introduction.

Below is a partial listing of the many text-to-speech products available:

### Free

- Natural Reader free version
  - <http://www.naturalreaders.com/download.htm>
- ReadPlease free version
  - <http://www.readplease.com/>
- Adobe Reader (built-in Read Outloud feature)
  - <http://get.adobe.com/reader/>
- WordTalk (reads only text opened in Microsoft Word)
  - <http://www.wordtalk.org.uk/Home/>
- Ultra-Hal;
  - <http://www.zabaware.com/reader/index.html#Interface>

### Less than \$50

- NextUp Text Aloud
  - <http://www.nextup.com/?gclid=CPbl-OCpraQCFYXV5wodOA8ibw>
- Natural Reader Professional version
  - <http://www.naturalreaders.com/personal.htm>
- Read Please Plus 2003
  - <http://www.readplease.com/>
- Dolphin Easy Reader
  - <http://www.yourdolphin.com/productdetail.asp?id=9>

### More than \$50

- Premier's Universal Reader and E-text Reader
  - <http://www.readingmadeez.com/products/UniversalReaderPlus.html>
  - <http://www.readingmadeez.com/products/EtextReader.html>
- Premier's PDF Equalizer ML
  - <http://www.readingmadeez.com/products/PDFEqualizer.html>

More than \$100

- TextHelp Read & Write Gold
  - [http://www.texthelp.com/page.asp?pg\\_id=10275](http://www.texthelp.com/page.asp?pg_id=10275)
- Kurzweil 3000
  - [http://www.kurzweiledu.com/kurz3000v11\\_default.aspx](http://www.kurzweiledu.com/kurz3000v11_default.aspx)

Include Magnification (with many of the text-to-speech tools listed above, you can set the font size and therefore provide large print on the screen. The following products provide general screen magnification in addition to read out loud features)

- Zoomtext with Reader
  - [http://www.aisquared.com/products?qclid=CNr\\_ieWqraQCFaTY5wodV2x6cA](http://www.aisquared.com/products?qclid=CNr_ieWqraQCFaTY5wodV2x6cA)
- Magic
  - <http://www.freedomscientific.com/products/lv/magic-bl-product-page.asp>

Screen Readers for students who are blind and need full keyboard access to all functions

- JAWS
  - <http://www.freedomscientific.com/products/fs/jaws-product-page.asp>
- WindowEyes
  - <http://www.gwmicro.com/Window-Eyes/>

### **Distributing Alternate Format materials**

It is important that the student understands the copyright protections that are associated with alternate format materials. New York State Chapter 219 requires that students sign a copyright agreement

(<http://www.emsc.nysed.gov/specialed/publications/persprep/chap219.htm#appb>) to acknowledge these provisions.

Whether your college distributes e-text files on CD, flash drive, via email, the web or other means, it is important to protect against unauthorized possession of the files which would be in violation of copyright and could jeopardize future collaboration between college disability services and publishers.



Questions/Comments: contact Sharon Trerise, Coordinator of Disability Services at Cayuga Community College, [trerise@cayuga-cc.edu](mailto:trerise@cayuga-cc.edu), 315-294-8606.

## **Resources**

NYS DSC Alternate Format Handbook: <http://www.tc3.edu/bcl/altformhandbook>  
AHEAD E-text Solutions Initiative: <http://www.ahead.org/resources/e-text>

Chapter 219 memo:  
<http://www.p12.nysed.gov/specialed/publications/persprep/chap219.htm>

High Tech Center Training Unit of the California Community Colleges:  
<http://www.htctu.net/>

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## **]Footnotes**

<sup>1</sup> AHEAD Analysis of Section 121: Chafee Amendment,  
<http://fairuselab.net/2009/04/10/ahead-analysis-of-section-121-chafee-amendment/>, July 15, 2010

## CHAPTER 8 Community Colleges: Things the Textbooks Never Taught You

I think it is becoming apparent that there is much about our profession that falls well outside of our control. NYS community colleges are full opportunity institutions; most have open enrollment or to quote the NYS Lottery, admission eligibility is based on “A Dollar and a Dream”. Two related topics that fall within this topic are: IEP Diplomas and Ability to Benefit. This article appeared in the March 1992 issue of Memo to Counselors addresses the IEP Diploma. The following section is information about Ability to Benefit.

### SUNY AND THE IEP DIPLOMA

In recent months, SUNY has been asked frequently whether students who receive a high school Individualized Education diploma (IEP diploma) must be considered high school graduates and treated accordingly under Education Law 6304, which requires community colleges to accept ‘into an appropriate program of the college’ all applicants from the sponsorship area ‘who graduated from high school within the prior year.’

The State Education Department has ruled that an IEP diploma is different from a high school diploma in that it is not an indicator of successful completion of high school study. A student earns a high school diploma by demonstrating mastery of the high school curriculum in accordance with regulations adopted by the State Education Department. Similarly, persons qualifying to sit for the high school equivalency exam may make this demonstration of mastery by passing a comprehensive examination on the subject matter in the high school curriculum. Certain students with handicapping conditions, however, are unable to make this showing.

State regulations mandate public schools and permit private schools to award IEP diplomas to recognize the personal accomplishments of handicapped students who are unable to earn a high school diploma. A school may award a qualified student with a handicap an IEP diploma at the end of any school year in which the student has attained the age of 21, or upon application of the student or his/her parent, after the student has attended school for 12 years. State regulations require that an IEP diploma clearly indicate on its face that it is awarded solely on the basis of the student’s successful completion of an individualized education program.

**The IEP diploma**, unlike either the high school diploma or the high school equivalency diploma, **does not represent passing 4 years or their equivalent in grades above grade nine**; it reflects a purely subjective measure of achievement. As further indication that the award of the IEP diploma is not indicative of high school graduation, students awarded such diplomas before their 21<sup>st</sup> birthday remain eligible to attend the public schools in their district without tuition until their 21<sup>st</sup> birthday, or until they have earned a high school diploma, whichever is earlier.

**Assuming that Education Law 6304 was intended to extend the full opportunity mandate to high school graduates indicating successful completion of the high**

**school curriculum, students with IEP diplomas are not high school graduates in the sense intended by the law. Community Colleges are therefore under no legal obligation to accept such students for degree programs under the terms of the full opportunity policy.**

#### ABILITY-TO-BENEFIT:

Ability-to-Benefit is one of the most confusing issues a student and family may face in the transition to college planning process. Many people think that 'Ability-to-Benefit' is the name of a specific test like the Scholastic Aptitude Test (SAT) or the American College Test (ACT). It is not. Perhaps a little background will clear up the misconceptions.

In 1996, the US Congress decided to address the issue of the staggering number of people who signed contracts for guaranteed student loans and later defaulted on those loans. The result of this decision was the implementation of the 'Ability-to-Benefit' (ATB) legislation. It is important to remember that the intent of the ATB legislation was to significantly reduce the number of defaulted student loans. To achieve this goal, the US Department of Education pursuant to Section 484 (d) of the Higher Education Act of 1965 identified **a list of commonly administered standardized tests any one of which an individual who is a non-high school graduate can take to demonstrate that s/he has the intellectual ability to benefit from a college education.** It should be noted that in September 2002, the ACT was removed from that list.

**It is the responsibility of the student to take one of the tests.** The NYS community colleges generally require a placement test for incoming students including students who do not have high school diplomas. Since the individual must demonstrate the ability to benefit from college classes in order to be eligible for financial aid, the placement test administered is from the list of approved tests. The list of approved tests for students with disabilities follows in the section on Resources.

**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF  
NEW YORK / ALBANY, NY 12234**

**SENIOR DEPUTY COMMISSIONER OF EDUCATION –**

**P-16** Office of Elementary, Middle, Secondary and Continuing Education Office of  
Higher Education

CEO 07-03

September 27, 2007

To: Chief Executive Officers/Presidents of Institutions of Higher Education

From: Johanna Duncan-Poitier

Subject: Requirements related to Tuition Assistance Program (TAP) awards for students receiving their first award beginning in 2007-08 who do not hold U.S. high school diplomas or the recognized equivalent

I am writing to share with you information on two actions that the Board of Regents took this month regarding student eligibility for the Tuition Assistance Program (TAP) and other State grant programs.

**Regulation Concerning State Student Aid Grants for College Students without a U.S. High School Diploma.** In July, CEO memo 07-02 was sent to you with information on a regulation (Section 145-2.15) approved by the Board of Regents to implement a newly enacted statutory requirement and to help ensure that all students are prepared to succeed in higher education before entering college and to protect the public investment in higher education.

Beginning in 2007-08, first-time applicants for TAP, who do not hold U.S. high school diplomas or the recognized equivalent, must achieve a passing score on a federally designated ability-to-benefit (ATB) test identified by the Board of Regents and independently administered as defined by the Commissioner. In addition, this new regulation will require colleges to identify an appropriate pass point on its ATB examination and requires approval of that pass point by the Board of Regents. In approving a college's pass point on the ATB test, the regulation requires the Commissioner to consider the following factors:

(1) the level of curricula offered;

(2) the admission criteria and procedures it uses to evaluate a student's capacity to undertake a course of study and the institution's capacity to provide instructional and other support services to ensure that the student can complete the course of study;

(3) evidence that the institution's admission criteria and procedures are effective in admitting only persons who have the capacity to undertake a course of study and that it provides proper instructional and support services;

(4) the adequacy of the academic support services it provides; and

(5) evidence that it evaluates the success of its academic and other support services in providing instructional and other support services that the student needs to complete the program.

The new regulation went into effect immediately and affects eligibility for State student aid of applicants without a U.S. high school diploma or the recognized equivalent for terms following the fall 2007 term

Based on feedback on the regulation that we shared in June, the regulation adopted in September differ from the regulation approved in June as follows:

(1) References to loans were removed in response to the legislative intent that the ability-to-benefit provisions are intended to apply only to awards;

(2) a provision was added authorizing eligible nondegree schools to administer ability-to-benefit (ATB) tests in accordance with federal standards; and

(3) the requirement that degree-granting institutions administer ATB tests to all students together, with the administrator unaware of which students were taking the test for ATB purposes, was eliminated because several institutions reported using tests differently depending on whether a student is an ATB student or a high school graduate being placed into specific courses. A copy of Section 145-2.15 is enclosed. The Board will be asked to confirm it as a permanent rule at its October 2007 meeting.

**Identification of Ability-to-Benefit Tests.** The Board's second action identified the following four federally approved ATB tests as appropriate for use by higher education institutions for the purpose of eligibility of first-time TAP applicants who do not hold U.S. high school diplomas or the recognized equivalent:

Accuplacer

ASSET

COMPASS

CELSA, with the condition that passing scores approved by the Regents for that test be accompanied by Regents-approved passing scores on the numerical/qualitative elements of the Accuplacer, ASSET, or COMPASS tests.

The Department is developing guidelines that will be helpful as you seek approval of the passing scores on these four ability-to-benefit tests and for the annual certification of independent administration of tests provided on-campus by higher education institutions. The guidelines will be developed in consultation with the working group of academic and student financial aid officers from the four sectors of higher education

and the Higher Education Services Corporation. Until institutions receive approval of their passing scores, they may continue to use their current passing scores that are not lower than those approved by the U.S. Secretary of Education.

I would like to thank all the educators who have collaborated with the Department on this policy issue.

If you have any questions, please contact Associate Commissioner Joseph P. Frey at (518) 486-3633 or via E-mail to [jfrey@mail.nysed.gov](mailto:jfrey@mail.nysed.gov).

Enclosure

cc: Chief Academic Officers

James C. Ross, President, Higher Education Services Corporation

Joseph P. Frey

Please note: this information is primarily for persons with admission responsibilities, but is useful for you to have a sense of with respect to admission eligibility.

## AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 215 and 661 of the Education Law and Chapter 57 of the Laws of 2007.

Section 145-2.15 of the Regulations of the Commissioner of Education is added, effective September 27, 2007, as follows:

§145-2.15. Administration of ability-to-benefit tests for purposes of eligibility for awards.

(a) Applicability. To the extent authorized by Chapter 57 of the Laws of 2007 and section 661 of the Education Law, this section identifies certain ability-to-benefit tests approved by the Board of Regents and the passing scores for such tests, for purposes of eligibility for general awards and academic performance awards prescribed under section 661 of the Education Law. This section also establishes the criteria the commissioner will utilize to determine whether an approved ability-to-benefit test is independently administered and evaluated. Such requirements shall be applicable to students who first receive aid pursuant to section 661 of the Education Law in academic year 2007-2008 and each academic year thereafter.

(b) Definitions. For purposes of this section:

(1) Assessment center means a center that:

- (i) is not located at and/or affiliated with an eligible institution as defined in this subdivision; or
- (ii) is located at an eligible institution if the following requirements are met:

- (a) the center is responsible for gathering and evaluating the information about individual students for multiple purposes, including appropriate course placement;
- (b) the center is independent of the admissions and financial aid processes at the institution in which it is located;
- (c) the center is staffed by professional employees who have been trained in test administration and federal guidelines regarding the administration of ability-to-benefit tests and who are not employed through the admissions, student financial aid, or registrar's offices of the institution; and
- (d) the center does not have as its primary purpose the administration of ability-to-benefit tests.

(2) Federally approved ability-to-benefit test means an ability-to-benefit test approved by the Secretary for federal financial aid purposes.

(3) School providing secondary education from a state within the United States means a school authorized, recognized or approved by a State of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

(4) Secretary means the Secretary of the United States Department of Education or any official or employee of the Department acting for the Secretary under a delegation of authority.

(c) Ability-to-benefit tests approved by the Board of Regents for eligibility for awards under section 661 of the Education Law.

(1) For students first receiving aid pursuant to Section 661 of the Education Law in the 2007-2008 academic year and each academic year thereafter, students shall have a certificate of graduation from a recognized school providing secondary education from a state within the United States, or the recognized equivalent of such certificate, or receive a passing score on a federally approved ability-to-benefit test identified by the Board of Regents as satisfying the eligibility requirements of this section that has been independently administered and evaluated, as defined by the commissioner in subdivision (e) of this section.

(2) For purposes of eligibility for awards under section 661 of the Education Law, the department shall publish a list of ability-to-benefit tests that the Board of Regents has identified as satisfactory in determining eligibility to receive a first award in the academic year 2007-2008 and each academic year thereafter for students without a certificate of graduation from a school providing secondary education from a state within the United States or the recognized equivalent of such a certificate. The identification of such tests shall be without term unless the department determines that a test is no longer satisfactory in determining eligibility for awards under section 661 of the Education Law or the Secretary discontinues federal recognition of such test.

(d) Satisfactory passing score. For purposes of eligibility for awards under section 661 of the Education Law, an eligible institution shall submit for approval by the Board of Regents, the passing score it proposes to utilize on any ability-to-benefit test approved by the Board of Regents under subdivision (c) of this section, in a form prescribed by the commissioner. Such score shall not be lower than the score set by the Secretary and the eligible institution shall submit an explanation of its reasons for selecting such passing score and any other information the commissioner may require. Approval of such passing score shall be without term unless the department determines that the passing score is no longer satisfactory in determining eligibility for awards under section 661 of the Education Law or the institution seeks to change such passing score or no longer offers the approved ability-to-benefit test.

In determining whether to approve the proposed score or scores, the Commissioner shall take into consideration the following factors:



- (1) the level of curricula the institution offers, as provided in section 52.2(c) of this title;
- (2) the admission criteria and procedures the institution utilizes to evaluate the capacity of a student to undertake a course of study and the capacity of the institution to provide instructional and other support services to ensure that the student can complete the course of study, as is required by section 52.2(d)(2) of this Title;
- (3) evidence that the admission criteria and procedures that the institution utilizes are effective in admitting only persons who have the capacity to undertake a course of study and that the institution provides proper instructional and support services;
- (4) the adequacy of the academic support services the institution provides under section 52.2(f)(2) of this Title, which shall be evidenced by the institution's record in promoting successful student outcomes; the percentage of first-time students enrolling in noncredit remedial courses; the percentage of first-time students returning at the beginning of the next academic year; the percentage of first-time students earning an associate degree within three years or a baccalaureate degree within six years from the date they entered the institution and such other information as the commissioner shall specify; and
- (5) evidence that the institution evaluates the success of its academic and other support services in providing instructional and other support services that the student needs to complete the program and that the institution uses the evaluation to improve those services and to modify its admission criteria and procedures.

(e) Independent administration and evaluation of ability-to-benefit test. For purposes of meeting the eligibility requirements for awards under section 661 of the Education Law, the institution shall independently administer and evaluate ability-to-benefit tests approved by the Board of Regents in accordance with the requirements of this subdivision. The department will consider an ability-to-benefit test to be independently administered and evaluated if the following requirements are met:

- (1) the test is administered at an assessment center that is not located at and/or affiliated with the institution for which the student is seeking enrollment and the test administrator is an employee of such center; or
- (2) the test is administered at a degree-granting institution that confers two-year or four-year degrees or an institution that qualifies as an eligible public vocational institution and the chief executive officer of such institution certifies annually, in a form prescribed by the commissioner, that:
  - (i) the test is administered by a unit of the institution that is responsible for other forms of testing or for a provision of academic support services, or both, and such unit does not report to officers responsible for admissions or the administration of student financial aid for such institution;

- (ii) the test is administered in an environment that is separate, secure, closed and continuously monitored during testing;
- (iii) students are required to provide written verification of identity, such as a photo identification, and to sign in prior to taking the test and students are prohibited from bringing into the test area any materials prohibited by the test publisher and are required to leave the test area immediately upon completion of the test;
- (iv) the test is proctored by professional employees who have been trained in test administration and federal guidelines regarding the administration of ability-to-benefit tests and who are not employed through the admissions, student financial aid, or registrar's offices of the institution;
- (v) the scoring of ability-to-benefit tests is overseen by institutional employees who are not employed through the admissions, student financial aid, or registrar's offices and such scores are verified by more than one employee;
- (vi) all tests, test results, and test databases, if any, are kept in locked and secure containers;
- (vii) the test administrator has no prior financial or ownership interest in the institution, its affiliates, or its parent corporation, other than the interest obtained through its agreement to administer the test;
- (viii) the test administrator is not a current or former member of the board of directors, a current or former employee or a consultant to a member of the board of directors or a chief executive officer;
- (ix) the test administrator is not a current or former student of the institution;
- (x) the test administrator is not scoring the test; and
- (xi) the annual certification shall also include the following information relating to the previous academic year: the number of students examined, the number of re-tests administered, the scores on all ability-to-benefit tests for each student examined, the number of students achieving passing scores on such tests, the number of students tested that are enrolling in such institution and the success of tested students in terms of retention and graduation.

(3) the test is administered at an eligible institution that does not have degree-conferring authority and the test is given by a test administrator who:

- (i) has no current or prior financial or ownership interest in the institution, its affiliates, or its parent corporation, other than the interest obtained through its agreement to administer the test, and has no controlling interest in any other educational institution;
- (ii) is not a current or former employee of or consultant to the institution, its affiliates, or its parent corporation, a person in control of another institution, or a member of the family of any of these individuals;
- (iii) is not a current or former member of the board of directors, a current or former employee of or a consultant to a member of the board of

directors, chief executive officer, chief financial officer of the institution or its parent corporation or at any other institution, or a member of the family of any of the above individuals; and

(iv) is not a current or former student of the institution;

(v) is certified by the test publisher to give and score the publisher's test;

(vi) administers the test in accordance with instructions provided by the test publisher and in a manner that insures the integrity and security of the test;

(vii) makes the test available only to a test-taker, and then only during a regularly scheduled test;

(viii) secures the test against disclosure or release;

(ix) submits the completed test to the test publisher within two business days after test administration in accordance with the test publisher's instructions; and

(x) upon request, gives the commissioner guaranty agency, accrediting agency, and law enforcement agencies access to test records or other documents related to an examination, audit, investigation, or program review of the institution or test publisher.

(4) The commissioner will not consider a test independently administered if an institution:

(i) compromises test security or testing procedures;

(ii) pays a test administrator a bonus, commission, or any other incentive based upon the test scores or pass rates of its students who take the test; or

(iii) otherwise interferes with the test administrator's independence or test administration.

(5) Any institution administering an ability-to-benefit test shall maintain a record for each student who sat for an ability-to-benefit test under this section, including the name of the test taken by such student, the date of the test and the student's scores on such tests.

6) Upon request, the eligible institution shall provide the commissioner with access to test records or other documents related to an audit, investigation or program review of the institution.

(7) If the commissioner finds that an institution has violated the certification procedures or the ability-to-benefit test procedures under this section, the commissioner shall have the authority to require an eligible institution to employ an assessment center independent of such institution.

## LIST OF APPROVED "ABILITY-TO-BENEFIT" TESTS AND PASSING SCORES

### *2006 Federal Register*

#### Approved List of Ability to Benefit Tests

**ASSET Program: Basic Skills Tests (Reading, Writing, and Numerical) Forms B2, C2, D2 and E2. (Please note: effective January 1, 2011 or shortly thereafter, the ASSET will no longer be available for ATB purposes, per letter from ACT.)**

Passing Scores: The approved passing scores on this test are as follows: Reading (35), Writing (35), and Numerical (33).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: ACT, Inc.,

500 ACT Drive, Iowa City, Iowa 52243-0168.

Contact: Dr. John D. Roth; Telephone: (319) 337-1030, Fax: (319) 337-1790.

#### **Career Programs Assessment (CPAT) Basic Skills Subtests (Language Usage, Reading and Numerical)--Forms B and C.**

Passing Scores: The approved passing scores on this test are as follows: Language Usage (42), Reading (43), and Numerical (41).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: ACT, Inc.,

500 ACT Drive, Iowa City, Iowa 52243-0168,

Contact: Dr. John D. Roth, Telephone: (319) 337-1030, Fax: (319) 337-1790.

#### **COMPASS Subtests: Prealgebra/Numerical Skills Placement, Reading Placement, and Writing Placement.**

Passing Scores: The approved passing scores on this test are as follows:

Prealgebra/Numerical (25), Reading (62), and Writing (32).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: ACT, Inc.,

500 ACT Drive, Iowa City, Iowa 52243-0168.

Contact: Dr. John D. Roth, Telephone: (319) 337-1030, Fax: (319) 337-1790.

#### **Combined English Language Skills Assessment (CELSA), Forms 1 and 2.**

Passing Scores: The approved passing scores on this test are as follows: CELSA Form 1 (97) and CELSA Form 2 (97).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are:

Association of Classroom Teacher Testers (ACTT)

1187 Coast Village Road, Suite 1

378, Montecito, California 93108-2794

Contact: Pablo Buckelew, Telephone: (805) 965-5704, Fax: (805) 965-5807. Note: The CELSA test is approved only for certain students whose native language is not English and who are not fluent in English as provided in 34 CFR 668.153(a)(2).

**Computerized Placement Tests (CPTs)/Accuplacer (Reading Comprehension, Sentence Skills, and Arithmetic).**

Passing Scores: The approved passing scores on this test are as follows: Reading Comprehension (55), Sentence Skills (60), and Arithmetic (34).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are:

The College Board,

45 Columbus Avenue, New York, New York 10023-6992

Contact: Technical Support, Telephone: (800) 486-8497.

**Descriptive Tests: Descriptive Tests of Language Skills (DTLS) (Reading Comprehension, Sentence Structure and Conventions of Written English)--Forms M-K-3KDT and M-K-3LDT; and Descriptive Tests of Mathematical Skills (DTMS) (Arithmetic)--Forms M-K-3KDT and M-K-3LDT.**

Passing Scores: The approved passing scores on this test are as follows: Reading Comprehension (108), Sentence Structure (9), Conventions of Written English (309), and Arithmetic (506).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are:

The College Board

45 Columbus Avenue, New York, New York 10023-6992

Contact: Technical Support, Telephone: (800) 486-8497.

**ESL Placement Test (COMPASS/ESL).**

Passing scores: The approved passing scores on this test are as follows:

Grammar/Usage (64), Reading (70) and Listening (70)

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are: ACT, Inc

500 ACT Drive, Iowa City, Iowa 52243-0168

Contact: Dr. John Roth, Telephone: (319) 337-1030, Fax: (319) 337-1790. Note: The COMPASS/ESL test is approved only for certain students

whose native language is not English and who are not fluent in English as provided in 34 CFR 668.153(a)(2).

**Wonderlic Basic Skills Test (WBST)--Verbal Forms VS-1 & VS-2, Quantitative Forms QS-1 & QS-2.**

Passing scores: The approved passing scores on this test are as follows: Verbal (200) and Quantitative (210).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are:

Wonderlic Personnel Test, Inc.

1795 N. Butterfield Road, Libertyville, IL 60048.

Contact: Mr. David Teuber, Telephone: (877) 605-9499, Fax: (847) 680-9492.

**WorkKeys Program--Reading for Information Forms A01AA, A02AA,C01AA & D10AA; Applied Mathematics Forms A01BB, A02BB, C01BB, & D01BB.**

Passing scores: The approved passing scores on this test are as follows:

Reading for Information--Forms A01AA (76), A02AA (75), C01AA (77) & D10AA (77);

Applied Mathematics--Forms A01BB (73), A02BB (74), C01BB (73) & D01BB (73).

Publisher: The test publisher and the address, contact person, telephone, and fax number of the test publisher are:

ACT, Inc., WorkKeys Development, Professional Development Services,

101 ACT Drive, P.O. Box 168,

Iowa City, Iowa 52243-0168.

Contact: Dr. A. Candace Noble, Telephone: (319) 337-1296, Fax: (319) 337-1229

## **CHAPTER 9: COLLEGE STUDENT RIGHTS AND RESPONSIBILITIES:**

OK, the student has made it through the admissions maze. What can s/he expect?

### **Student Rights and Responsibilities:**

***Every otherwise qualified student with a documented disability has the following rights:***

- Equal access to courses, programs, services, jobs, activities, and facilities available through the college or university. Includes applications, websites, etc.
- Reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids determined by the institution on a case-by-case and/or course-by-course basis.
- Reasonable assurance that information regarding a disability will be handled with appropriate respect and be shared with others in the campus community only on a need-to-know basis or to achieve appropriate educational purposes.
- Information reasonably available in accessible formats.

***Every otherwise qualified student with a disability has the responsibility to:***

- Meet the qualifications and essential technical standards, both academic and institutional, including the institution's student code of conduct.
- Identify him/herself in a timely manner as an individual with a disability when requesting an accommodation from the appropriate service provider.
- Provide current and detailed documentation from a qualified source that verifies the nature of the disability, functional limitations, and the need for specific accommodations required for study at a post secondary institution.
- Follow specific procedures for obtaining reasonable and appropriate accommodations, academic adjustments and services.

The following document is published by the US Department of Education and delineates for students and families what colleges are and ARE NOT required to do.

## **Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities**

**U.S. Department of Education**  
Arne Duncan  
*Secretary*

### **Office for Civil Rights**

Russlynn Ali  
*Assistant Secretary*

Revised September 2007.

**U.S. Department of Education**  
**Office for Civil Rights**  
**Washington, D.C. 20202**

***September 2007***

More and more high school students with disabilities are planning to continue their education in postsecondary schools, including vocational and career schools, two- and four- year colleges, and universities. As a student with a disability, you need to be well informed about your rights and responsibilities as well as the responsibilities postsecondary schools have toward you. Being well informed will help ensure you have a full opportunity to enjoy the benefits of the postsecondary education experience without confusion or delay.



The information in this pamphlet, provided by the Office for Civil Rights (OCR) in the U. S. Department of Education, explains the rights and responsibilities of students with disabilities who are preparing to attend postsecondary schools. This pamphlet also explains the obligations of a postsecondary school to provide academic adjustments, including auxiliary aids and services, to ensure the school does not discriminate on the basis of disability.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibit discrimination on the basis of disability. Practically every school district and postsecondary school in the United States is subject to one or both of these laws, which have similar requirements.\*[/](#)



Although both school districts and postsecondary schools must comply with these same laws, the responsibilities of postsecondary schools are significantly different from those of school districts.

Moreover, you will have responsibilities as a postsecondary student that you do not have as a high school student. OCR strongly encourages you to know your responsibilities and those of postsecondary schools under Section 504 and Title II. Doing so will improve your opportunity to succeed as you enter postsecondary education.

The following questions and answers provide more specific information to help you succeed.

**As a student with a disability leaving high school and entering postsecondary education, will I see differences in my rights and how they are addressed?**

Yes. Section 504 and Title II protect elementary, secondary and postsecondary students from discrimination. Nevertheless, several of the requirements that apply through high school are different from the requirements that apply beyond high school. For instance, Section 504 requires a school district to provide a free appropriate public education (FAPE) to each child with a disability in the district's jurisdiction. Whatever the disability, a school district must identify an individual's education needs and provide any regular or special education and related aids and services necessary to meet those needs as well as it is meeting the needs of students without disabilities.

Unlike your high school, your postsecondary school is not required to provide FAPE. Rather, your postsecondary school is required to provide appropriate academic adjustments as necessary to ensure that it does not discriminate on the basis of disability. In addition, if your postsecondary school provides housing to nondisabled students, it must provide comparable, convenient and accessible housing to students with disabilities at the same cost.

Other important differences you need to know, even before you arrive at your postsecondary school, are addressed in the remaining questions.

**May a postsecondary school deny my admission because I have a disability?**

No. If you meet the essential requirements for admission, a postsecondary school may not deny your admission simply because you have a disability.

**Do I have to inform a postsecondary school that I have a disability?**

No. However, if you want the school to provide an academic adjustment, you must identify yourself as having a disability. Likewise, you should let the school know

about your disability if you want to ensure that you are assigned to accessible facilities. In any event, your disclosure of a disability is always voluntary.

### **What academic adjustments must a postsecondary school provide?**

The appropriate academic adjustment must be determined based on your disability and individual needs. Academic adjustments may include auxiliary aids and modifications to academic requirements as are necessary to ensure equal educational opportunity. Examples of such adjustments are arranging for priority registration; reducing a course load; substituting one course for another; providing note takers, recording devices, sign language interpreters, extended time for testing and, if telephones are provided in dorm rooms, a TTY in your dorm room; and equipping school computers with screen-reading, voice recognition or other adaptive software or hardware.

In providing an academic adjustment, your postsecondary school is not required to lower or effect substantial modifications to essential requirements. For example, although your school may be required to provide extended testing time, it is not required to change the substantive content of the test. In addition, your postsecondary school does not have to make modifications that would fundamentally alter the nature of a service, program or activity or would result in undue financial or administrative burdens. Finally, your postsecondary school does not have to provide personal attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature, such as tutoring and typing.

### **If I want an academic adjustment, what must I do?**

You must inform the school that you have a disability and need an academic adjustment. Unlike your school district, your postsecondary school is not required to identify you as having a disability or assess your needs.

Your postsecondary school may require you to follow reasonable procedures to request an academic adjustment. You are responsible for knowing and following these procedures. Postsecondary schools usually include, in their publications providing general information, information on the procedures and contacts for requesting an academic adjustment. Such publications include recruitment materials, catalogs and student handbooks, and are often available on school Web sites. Many schools also have staff whose purpose is to assist students with disabilities. If you are unable to locate the procedures, ask a school official, such as an admissions officer or counselor.

### **When should I request an academic adjustment?**

Although you may request an academic adjustment from your postsecondary school at any time, you should request it as early as possible. Some academic adjustments may take more time to provide than others. You should follow your school's

procedures to ensure that your school has enough time to review your request and provide an appropriate academic adjustment.

### **Do I have to prove that I have a disability to obtain an academic adjustment?**

Generally, yes. Your school will probably require you to provide documentation that shows you have a current disability and need an academic adjustment.

### **What documentation should I provide?**

Schools may set reasonable standards for documentation. Some schools require more documentation than others. They may require you to provide documentation prepared by an appropriate professional, such as a medical doctor, psychologist or other qualified diagnostician. The required documentation may include one or more of the following: a diagnosis of your current disability; the date of the diagnosis; how the diagnosis was reached; the credentials of the professional; how your disability affects a major life activity; and how the disability affects your academic performance. The documentation should provide enough information for you and your school to decide what is an appropriate academic adjustment.

Although an individualized education program (IEP) or Section 504 plan, if you have one, may help identify services that have been effective for you, it generally is not sufficient documentation. This is because postsecondary education presents different demands than high school education, and what you need to meet these new demands may be different. Also in some cases, the nature of a disability may change.

If the documentation that you have does not meet the postsecondary school's requirements, a school official should tell you in a timely manner what additional documentation you need to provide. You may need a new evaluation in order to provide the required documentation.

### **Who has to pay for a new evaluation?**

Neither your high school nor your postsecondary school is required to conduct or pay for a new evaluation to document your disability and need for an academic adjustment. This may mean that you have to pay or find funding to pay an appropriate professional for an evaluation. If you are eligible for services through your state vocational rehabilitation agency, you may qualify for an evaluation at no cost to you. You may locate your state vocational rehabilitation agency through the following Web page:

<http://www.jan.vwu.edu/cgi-win/TypeQuery.exe?902>

### **Once the school has received the necessary documentation from me, what should I expect?**

The school will review your request in light of the essential requirements for the relevant program to help determine an appropriate academic adjustment. It is important to remember that the school is not required to lower or waive essential requirements. If you have requested a specific academic adjustment, the school may offer that academic adjustment or an alternative one if the alternative would also be effective. The school may also conduct its own evaluation of your disability and needs at its own expense.

You should expect your school to work with you in an interactive process to identify an appropriate academic adjustment. Unlike the experience you may have had in high school, however, do not expect your postsecondary school to invite your parents to participate in the process or to develop an IEP for you.

### **What if the academic adjustment we identified is not working?**

Let the school know as soon as you become aware that the results are not what you expected. It may be too late to correct the problem if you wait until the course or activity is completed. You and your school should work together to resolve the problem.

### **May a postsecondary school charge me for providing an academic adjustment?**

No. Furthermore, it may not charge students with disabilities more for participating in its programs or activities than it charges students who do not have disabilities.

### **What can I do if I believe the school is discriminating against me?**

Practically every postsecondary school must have a person—frequently called the Section 504 Coordinator, ADA Coordinator, or Disability Services Coordinator—who coordinates the school's compliance with Section 504 or Title II or both laws. You may contact this person for information about how to address your concerns.

The school must also have grievance procedures. These procedures are not the same as the due process procedures with which you may be familiar from high school. However, the postsecondary school's grievance procedures must include steps to ensure that you may raise your concerns fully and fairly and must provide for the prompt and equitable resolution of complaints.

School publications, such as student handbooks and catalogs, usually describe the steps you must take to start the grievance process. Often, schools have both formal and informal processes. If you decide to use a grievance process, you should be prepared to present all the reasons that support your request.

If you are dissatisfied with the outcome from using the school's grievance procedures or you wish to pursue an alternative to using the grievance procedures, you may [file a complaint](#) against the school with OCR or in a court. You may learn more about the

OCR complaint process from the brochure *How to File a Discrimination Complaint with the Office for Civil Rights*, which you may obtain by contacting us at the addresses and phone numbers below, or at <http://www.ed.gov/ocr/docs/howto.html>.

If you would like more information about the responsibilities of postsecondary schools to students with disabilities, read the OCR brochure *Auxiliary Aids and Services for Postsecondary Students with Disabilities: Higher Education's Obligations Under Section 504 and Title II of the ADA*. You may obtain a copy by contacting us at the address and phone numbers below, or at <http://www.ed.gov/ocr/docs/auxaids.html>.

Students with disabilities who know their rights and responsibilities are much better equipped to succeed in postsecondary school. We encourage you to work with the staff at your school because they, too, want you to succeed. Seek the support of family, friends and fellow students, including those with disabilities. Know your talents and capitalize on them, and believe in yourself as you embrace new challenges in your education.

**To receive more information about the civil rights of students with disabilities in education institutions, you may contact us at :**

Customer Service Team  
Office for Civil Rights  
U.S. Department of Education  
Washington, D.C. 20202-1100  
Phone: 1-800-421-3481  
TDD: 1- 877-521-2172  
Email: [ocr@ed.gov](mailto:ocr@ed.gov)  
Web site: [www.ed.gov/ocr](http://www.ed.gov/ocr)

## CHAPTER 10: DOCUMENTATION

What is the purpose of collecting documentation? There is NO requirement under Section 504 or the ADA that states that students must provide documentation of disability. This is a self-imposed requirement based on the reasonable expectation of the institution that the student can provide evidence to support the request for accommodation. Very similar in fact to the financial aid requirement that student's provide tax returns etc. to verify eligibility. In effect, we did this to ourselves, but it's not a bad thing. So why require documentation?

Documentation serves two purposes

- It identifies the individual as someone who is protected from discrimination on the basis of disability.
- Documentation is the basis on which the individual can request accommodation, when needed.

Two pertinent documents:

**The US Department of Education site Q&A on Secondary Transition Revised June 2009 states:**

**A postsecondary student who has identified him or herself as an individual with a disability and has requested academic adjustments, auxiliary aids or modifications of policies, practices or procedures from an institution of postsecondary education may, consistent with an institution's documentation requirements, provide the institution with the SOP as part of the documentation to be used by the institution to determine whether the student has an impairment that substantially limits a major life activity, as defined under Section 504 of the Rehabilitation Act (Section 504) and/or the Americans with Disabilities Act (ADA), and requires academic adjustments as defined in the Section 504 regulations at 34 CFR §104.44. *Institutions may set their own requirements for documentation so long as they are reasonable and comply with Section 504 and the ADA.***

In July 2009, the 10<sup>th</sup> Circuit Court of Appeals held that a student with an individualized education plan under the Individuals with Disabilities Education Act (IDEA) did not automatically qualify for Section 504 protection. The basis for the court's decision was the requirement under Section 504 that the impairment **substantially limit** a major life activity. Substantial limitation is NOT a requirement of IDEA. The fact that Section 504's scope is broader than that of IDEA it does not automatically mean that all conditions under IDEA will meet the Section 504 of substantial limitation of a major life activity.

The Americans with Disabilities Amendment Act of 2008 regulations have clear application to the issue of documentation:

**Any request for documentation, if such documentation is required, is reasonable and *limited to the need for the modification, accommodation, or auxiliary aid or service requested.***

Explanation: When considering requests for modifications, accommodations, or auxiliary aids or services, *the entity gives considerable weight to documentation of past modifications, accommodations, or auxiliary aids or services received in similar testing situations, as well as such modifications, accommodations, or related aids and services provided in response to an Individualized Education Program (IEP) provided under the Individuals with Disabilities Education Act or a plan describing services provided pursuant to Section 504 of the Rehabilitation Act of 1973, as amended (often referred to as a Section 504 Plan).*

Much of the language of the revised ADA is in response to the courts and employers trying to force individuals to prove that they had a disability rather than accept that there is an impairment and then determine if what is requested is reasonable. How do you do that?

- If the disability is obvious (presumptive disability), you don't really need paper documentation—nor do you necessarily need the same level of documentation for all students if you do require it. EX. A student has a back problem and requests breaks during a test to get up and move around resulting in extended time.\*
- If you have an IEP or 504 plan that addresses a requested accommodation such as test readers or extended time you PROBABLY don't need additional or updated testing unless it is a certification or licensure exam that has time limits on the age of the testing.
- Don't ask for what you don't need

\*It should be noted however, that if someone with a presumptive disability is requesting an accommodation that does not seem to relate to the obvious disability, then additional documentation may be requested so that the connection is made between the functional impairment and the accommodation. For example, a student in a wheelchair who has alternate test location requests use of a calculator on math tests. There is no apparent reason for the use of a calculator—requesting additional documentation is an appropriate response.

The 2004 revision of the Individuals with Disabilities Education Act (IDEA) attempts to address the issue of documentation for adult services—including college—by requiring school districts to prepare a document called a summary of performance (SOP) for all students with disabilities in special education who are graduating or exiting the K-12 system. Known in NYS as the Student Exit Summary (SES) the purpose of this document is to synthesize the available information on the student so the student and family are better prepared to make decisions about the future. The SES was not originally intended to meet the documentation requirements for colleges and universities but may provide useful information in planning effective accommodations for that student. It does not in any way prevent a college from requiring additional information as needed to provide requested accommodations, when there is a clear need to do so.

Another example: An audiogram is generally sufficient for a student who is deaf; however, receiving the performance portion of the psychological evaluation can provide useful additional data regarding the student's ability. Now that will raise a few eyebrows, except that as a professional with a background in deafness, I can tell you that the performance scores can give you an indication of ability while the audiogram can only tell you at what point the individual becomes aware of sound (Hoffman).

Different disabilities will require different kinds of documentation. Sometimes a letter from a medical doctor is sufficient, sometimes a vision report will suffice. The most frequently asked question we hear is: What documentation do you need for a student with a learning disability?

Some of our colleagues want documentation that is less than 3 years old and matches the requirements of the Educational Testing Service ([www.ets.org](http://www.ets.org)) or AHEAD ([www.ahead.org](http://www.ahead.org)). Others accept whatever legitimate documentation a student brings and tell them, "we will do what we can with this, but it is very possible if you go on to a 4 year college or ask for a course substitution, or need accommodations on a certification examination that this will not be sufficient to support that request."

As someone who has worked in a community college setting for a long time with students coming from economically disadvantaged school districts and families, I don't feel that I can justify making students jump through hoops that can create artificial barriers. I also don't believe that "the documentation doesn't say it so I won't do it". Example: breaking up a test for someone who has back problems or any other kind of chronic condition. As someone with a chronic health condition that is disabling, I can tell you: chronic pain hurts and some days are worse than others. Sometimes you need to be able to have breaks, move around etc. This is where you use your professional judgment. If it seems right or logical, do it! (Hoffman). Some folks really seem to become rigid and exacting beyond any reasonable expectation i.e. should I allow 1 1/2 x or double time on a test? There are very few exams in an academic setting, other than



health-related, hands-on assessments, where speed is truly a factor. As Janie Jarrow frequently asks, “Is it righter if you do it faster?” If the course is in a curriculum such as nursing that requires a licensure exam, then it is not unreasonable to use the time allotted for that exam (1 1/2x) to get the student accustomed to that time frame.

An emerging issue is documentation and providing access and accommodations for students who are taking course either online or through some other alternative learning venue. These could be courses offered at satellite sites or in high schools. If the course carries college credit and generates a college grade and a transcript, then it falls under subpart E of Section 504 and our accessibility mandates apply. Again the refrain: ***institutional responsibility***: these are issues that need to be considered in the planning stages and not considered as an afterthought.

Then there is the three-year rule. Based on the old triennial evaluation system of the Education for All Handicapped Children Act and eliminated from Special Education by IDEA, it was adopted by some postsecondary professionals and still lingers on. **There is no basis for this rule under Section 504 or the ADA**—BUT some places like the Educational Testing Service, and the LSAT and other high stakes testing require it and have been taken to court. IF the documentation you receive has been reviewed by an appropriate professional and is deemed to *adequately reflect the individual’s current status, it is acceptable.*

There are three exceptions to this practice:

- ◆ If the documentation for LD is based on the WISC-R or WISC 4 and not on the WAIS, and was administered at age 12 or 13 (or younger) it is appropriate, and probably necessary, to recommend an update. Why? The WISC does not give you fluid reasoning or sequencing information that are often the basis for making decisions about accommodations such as course substitutions. **CB do we want to restate this?**
- ◆ If there has been a major trauma since the testing was administered (accident, stroke, alcohol or drugs, head injury etc.), request an updated report.
- ◆ If the individual has a mental health diagnosis, whether that person is new or has been out of school for a week or 2 years, request an updated status report because now we’re dealing in some cases with highly volatile conditions.

What you don’t ever want is a note written on a prescription pad that says “This person is under my care”. You can find some good documentation samples at [http://janejarrow.com/public\\_library/samplepolicy/index.html](http://janejarrow.com/public_library/samplepolicy/index.html).

You DO want:

- Documentation that is printed on professional letterhead
- The credentials of the medical/professional evaluator, medical professional etc. should be stated (ex. John F. Smith, Ph.D., License #-----)
- Documentation should include the minimum of a diagnosis (or limitations), and a summary of current impact on the individual,
- Documentation of a learning disability should include any tests administered, with scores, and should include information about the kinds of tasks/skill areas where accommodations might be needed.
- A school plan such as an Individualized Education Plan (IEP) or a 504 plan, by itself, MAY NOT BE sufficient to establish disability since these are not diagnostic reports. They can be included as part of a more comprehensive portfolio of documentation to provide maximum information about the student's needs. Again look at the explanation of the documentation from the ADA Amendment **Act on page\_\_\_\_\_**.

This information should provide a sufficient basis for arranging most accommodations. However, a student who is requesting an accommodation such as a course substitution, or who is in a curriculum which requires a certification or licensure exam, or who plans to transfer to a four-year college or university may need to provide additional documentation. In all cases providing adequate documentation, including the cost of additional testing, if needed, is the responsibility of the student.

**CHAPTER 10: AUXILIARY AIDS AND SERVICES FOR POSTSECONDARY STUDENTS WITH DISABILITIES**

Riddle: Which do we accommodate: the person or the disability?

Answer: The person and the current IMPACT of the disability on that person.

When asked what it is that we do, most of us respond something to the nature of, “I make sure students with disabilities get reasonable accommodations.. . “. Reasonable accommodation is an employment term. We have adopted it in education to have a blanket term to cover the modifications, academic adjustments and auxiliary aids and services the campus provides. Not sure which is which? The next two charts, developed by the WNY Collegiate Consortium of Disability Advocates, will help:

**Examples of Academic Adjustments, Modifications, Auxiliary Aids and Services**

	<b>STRATEGIES</b>	<b>POSSIBLE ACCOMMODATIONS</b>
<b>To improve VISUAL learning</b>	<ul style="list-style-type: none"> <li>◆ Use of slides, charts, diagrams, and illustrations to reinforce learning</li> <li>◆ Use of color coding to organize notes, note cards and textbook underlining</li> <li>◆ Writing questions in margins of textbook</li> <li>◆ Converting notes to charts and matrix format</li> <li>◆ Use a calculator for computations</li> <li>◆ Use of graphic paper for math computations</li> </ul>	<ul style="list-style-type: none"> <li>◆ Copy of instructor’s powerpoint or notes</li> <li>◆ Use of computer software and spell checker</li> <li>◆ Watch videos, etc. more than once</li> <li>◆ Extra time on tests</li> <li>◆ Enlargement of print materials to make print easier to read</li> <li>◆ Use of a calculator</li> <li>◆ Use of a note taker</li> </ul>
<b>To improve AUDITORY learning</b>	<ul style="list-style-type: none"> <li>◆ Participate in study group</li> <li>◆ One-to-one tutoring</li> <li>◆ Brainstorm ideas for writing into a tape recorder</li> <li>◆ Tape record notes</li> </ul>	<ul style="list-style-type: none"> <li>◆ Tape recording classes</li> <li>◆ Tests read or recorded</li> <li>◆ Use of textbooks in alternate format</li> <li>◆ Use of voice input for computer</li> <li>◆ Use of computer with voice output</li> <li>◆ Extra time for tests</li> <li>◆ Alternate test location</li> <li>◆ Using an assisted listening device such as an FM amplification system</li> </ul>
<b>To improve TACTILE learning</b>	<ul style="list-style-type: none"> <li>◆ Recopy class notes</li> <li>◆ Convert notes to study or flash cards</li> <li>◆ Use of models for studying</li> <li>◆ Additional time for lab classes and study</li> <li>◆ Study or lab partner</li> </ul>	<ul style="list-style-type: none"> <li>◆ Assigned lab partner</li> <li>◆ Tests and assignments in electronic format</li> </ul>

	<ul style="list-style-type: none"> <li>◆ Frequent repetition of task until it is learned</li> <li>◆ Role playing</li> <li>◆ Frequent breaks while studying</li> </ul>	
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(WNY CCDA EFFECTIVE COLLEGE PLANNING 10<sup>TH</sup> ED.)

People (parents) frequently call and ask, “What kinds of services do you provide for students with (insert disability of your choice) under your program?” There are two basic misconceptions expressed here:

1. That we are a program i.e. special education
2. That we offer a ‘package’ of services based on disability

While neither of these concepts is true, there are accommodations that are commonly used with specific disabilities. They are not the only accommodations ‘assigned,’ nor are they limited necessarily to that disability

**EXAMPLES OF ACADEMIC ACCOMMODATIONS OFTEN USED BY STUDENTS WITH SPECIFIC DISABILITIES**

<b>Disability</b>	<b>Accommodations</b>
<b>Low Vision</b>	Large print lab handouts, lab signs, and equipment labels TV monitor connected to microscope to enlarge images Class assignments made available in electronic format Computer equipped to enlarge screen character and images Voice output on computer. Virtual labs
<b>Blind, Visual Impairment</b>	Textbooks in alternate format or Braille lecture notes, handouts and texts Raised line drawings and tactile models of graphic materials Braille lab signs and equipment labels Adaptive lab equipment, i.e., talking thermometers, calculators, light probes and tactile timers Class assignments made available in electronic format Computer with optical character reader, voice output, Braille screen display and printer output
<b>Deaf, Hearing Impairment</b>	Interpreter; FM amplification system; notetaker, real time captioning i.e. Typewell, C-Print, etc. amplified telephones, stethoscopes etc. or combinations of the above Faculty face student when speaking or using visual aids.

<b>Learning Disability</b>	Print/comprehension learning disability: textbooks and tests in alternate format Notetaker and/or audio-taped class sessions Extra exam time, alternative testing arrangements Visual, aural and/or tactile demonstrations incorporated into instruction Livescribe pen for notes Computer with voice input and/or output, spell checker and grammar checker
<b>Mobility Impairment</b>	Notetaker/Attendant to assist with lab work, group or lab assignments Classrooms, labs, field trips and field placements in accessible locations Adjustable tables, computer stations and lab equipment located within reach Class assignments in electronic format, including labs Computer equipped with special input devices such as voice input, Morse code, alternative keyboard
<b>Health Impairments</b>	Notetakers Flexible attendance requirements and extra exam time Assignments made available in electronic format; use of e-mail to facilitate communication; more frequent class breaks, preferential seating.

***Important Note: no services should be granted to a student who does not identify him/herself to the Student Disability Services office on campus or who does not provide adequate documentation of a disability as determined by each institution.***

Still not sure what to provide? The following document is 10 years old but is still a great framework for determining auxiliary aids and services. It is still the most current document addressing the requirements of postsecondary institutions on the US DOE website.

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## **Auxiliary Aids and Services for Postsecondary Students with Disabilities Higher Education's Obligations Under Section 504 and Title II of the ADA**

U.S. Department of Education  
Office for Civil Rights  
Washington, D.C.  
Revised September 1998

### **Section 504 of the Rehabilitation Act of 1973**

In 1973, Congress passed Section 504 of the Rehabilitation Act of 1973 (Section 504), a law that prohibits discrimination on the basis of physical or mental disability (29 U.S.C. Section 794). It states:

No otherwise qualified individual with a disability in the United States . . . 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 . . . .

The Office for Civil Rights in the U.S. Department of Education enforces regulations implementing Section 504 with respect to programs and activities that receive funding from the Department. The Section 504 regulation applies to all recipients of this funding, including colleges, universities, and postsecondary vocational education and adult education programs. Failure by these higher education schools to provide auxiliary aids to students with disabilities that results in a denial of a program benefit is discriminatory and prohibited by Section 504.

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits state and local governments from discriminating on the basis of disability. The Department enforces Title II in public colleges, universities, and graduate and professional schools. The requirements regarding the provision of auxiliary aids and services in higher education institutions described in the Section 504 regulation are generally included in the general nondiscrimination provisions of the Title II regulation.

### **Postsecondary School Provision of Auxiliary Aids**

The Section 504 regulation contains the following requirement relating to a postsecondary school's obligation to provide auxiliary aids to qualified students who have disabilities:

A recipient . . . shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

The Title II regulation states:

A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

It is, therefore, the school's responsibility to provide these auxiliary aids and services in a timely manner to ensure effective participation by students with disabilities. If students are being evaluated to determine their eligibility under Section 504 or the ADA, the recipient must provide auxiliary aids in the interim.

### **Postsecondary Student Responsibilities**

A postsecondary student with a disability who is in need of auxiliary aids is obligated to provide notice of the nature of the disabling condition to the college and to assist it in identifying appropriate and effective auxiliary aids. In elementary and secondary schools, teachers and school specialists may have arranged support services for students with disabilities. However, in postsecondary schools, the students themselves must identify the need for an auxiliary aid and give adequate notice of the need. The student's notification should be provided to the appropriate representative of the college who, depending upon the nature and scope of the request, could be the school's Section 504 or ADA coordinator, an appropriate dean, a faculty advisor, or a professor. Unlike elementary or secondary schools, colleges may ask the student, in response to a request for auxiliary aids, to provide supporting diagnostic test results and professional prescriptions for auxiliary aids. A college also may obtain its own professional determination of whether specific requested auxiliary aids are necessary.

### **Examples of Auxiliary Aids**

Some of the various types of auxiliary aids and services may include:

- taped texts
- notetakers
- interpreters
- readers
- videotext displays
- television enlargers
- talking calculators
- electronic readers
- Braille calculators, printers, or typewriters

telephone handset amplifiers  
closed caption decoders  
open and closed captioning  
voice synthesizers  
specialized gym equipment  
calculators or keyboards with large buttons  
reaching device for library use  
raised-line drawing kits  
assistive listening devices  
assistive listening systems  
telecommunication devices for deaf persons.

Technological advances in electronics have improved vastly participation by students with disabilities in educational activities. Colleges are not required to provide the most sophisticated auxiliary aids available; however, the aids provided must effectively meet the needs of a student with a disability. An institution has flexibility in choosing the specific aid or service it provides to the student, as long as the aid or service selected is effective. These aids should be selected after consultation with the student who will use them.

### **Effectiveness of Auxiliary Aids**

No aid or service will be useful unless it is successful in equalizing the opportunity for a particular student with a disability to participate in the education program or activity. Not all students with a similar disability benefit equally from an identical auxiliary aid or service. The regulation refers to this complex issue of effectiveness in several sections, including:

Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions.

There are other references to effectiveness in the general provisions of the

Section 504 regulation which state, in part, that a recipient may not:

Provide a qualified handicapped person with an aid, benefit, or service that is not as effective as that provided to others; or  
Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others.

The Title II regulation for the ADA contains comparable provisions.



The Section 504 regulation also states:

[A]ids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and non-handicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs.

The institution must analyze the appropriateness of an aid or service in its specific context. For example, the type of assistance needed in a classroom by a student who is hearing-impaired may vary, depending upon whether the format is a large lecture hall or a seminar. With the one-way communication of a lecture, the service of a notetaker may be adequate, but in the two-way communication of a seminar, an interpreter may be needed. College officials also should be aware that in determining what types of auxiliary aids and services are necessary under Title II of the ADA, the institution must give primary consideration to the requests of individuals with disabilities.

### **Cost of Auxiliary Aids**

Postsecondary schools receiving federal financial assistance must provide effective auxiliary aids to students who are disabled. If an aid is necessary for classroom or other appropriate (non-personal) use, the institution must make it available, unless provision of the aid would cause undue burden. A student with a disability may not be required to pay part or all of the costs of that aid or service. An institution may not limit what it spends for auxiliary aids or services or refuse to provide auxiliary aids because it believes that other providers of these services exist, or condition its provision of auxiliary aids on availability of funds. In many cases, an institution may meet its obligation to provide auxiliary aids by assisting the student in obtaining the aid or obtaining reimbursement for the cost of an aid from an outside agency or organization, such as a state rehabilitation agency or a private charitable organization. However, the institution remains responsible for providing the aid.

### **Personal Aids and Services**

An issue that is often misunderstood by postsecondary officials and students is the provision of personal aids and services. Personal aids and services, including help in bathing, dressing, or other personal care, are not required to be provided by postsecondary institutions. The Section 504 regulation states:

Recipients need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

Title II of the ADA similarly states that personal services are not required. In order to ensure that students with disabilities are given a free appropriate public education, local

education agencies are required to provide many services and aids of a personal nature to students with disabilities when they are enrolled in elementary and secondary schools. However, once students with disabilities graduate from a high school program or its equivalent, education institutions are no longer required to provide aids, devices, or services of a personal nature.

Postsecondary schools do not have to provide personal services relating to certain individual academic activities. Personal attendants and individually prescribed devices are the responsibility of the student who has a disability and not of the institution. For example, readers may be provided for classroom use but institutions are not required to provide readers for personal use or for help during individual study time.

### **Questions Commonly Asked by Postsecondary Schools and Their Students**

#### **Q: What are a college's obligations to provide auxiliary aids for library study?**

A: Libraries and some of their significant and basic materials must be made accessible by the recipient to students with disabilities. Students with disabilities must have the appropriate auxiliary aids needed to locate and obtain library resources. The college library's basic index of holdings (whether formatted on-line or on index cards) must be accessible. For example, a screen and keyboard (or card file) must be placed within reach of a student using a wheelchair. If a Braille index of holdings is not available for blind students, readers must be provided for necessary assistance.

Articles and materials that are library holdings and are required for course work must be accessible to all students enrolled in that course. This means that if material is required for the class, then its text must be read for a blind student or provided in Braille or on tape. A student's actual study time and use of these articles are considered personal study time and the institution has no further obligation to provide additional auxiliary aids.

**Q: What if an instructor objects to the use of an auxiliary or personal aid?**

A: Sometimes postsecondary instructors may not be familiar with Section 504 or ADA requirements regarding the use of an auxiliary or personal aid in their classrooms. Most often, questions arise when a student uses a tape recorder. College teachers may believe recording lectures is an infringement upon their own or other students' academic freedom, or constitutes copyright violation. The instructor may not forbid a student's use of an aid if that prohibition limits the student's participation in the school program.

The Section 504 regulation states:

A recipient may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.

In order to allow a student with a disability the use of an effective aid and, at the same time, protect the instructor, the institution may require the student to sign an agreement so as not to infringe on a potential copyright or to limit freedom of speech.

**Q: What if students with disabilities require auxiliary aids during an examination?**

A: A student may need an auxiliary aid or service in order to successfully complete a course exam. This may mean that a student be allowed to give oral rather than written answers. It also may be possible for a student to present a tape containing the oral examination response. A test should ultimately measure a student's achievements and not the extent of the disability.

**Q: Can postsecondary institutions treat a foreign student with disabilities who needs auxiliary aids differently than American students?**

A: No, an institution may not treat a foreign student who needs auxiliary aids differently than an American student. A postsecondary institution must provide to a foreign student with a disability the same type of auxiliary aids and services it would provide to an American student with a disability. Section 504 and the ADA require that the provision of services be based on a student's disability and not on such other criteria as nationality.

**Q: Are institutions responsible for providing auxiliary services to disabled students in filling out financial aid and student employment applications, or other forms of necessary paperwork?**

A: Yes, an institution must provide services to disabled students who may need assistance in filling out aid applications or other forms. If the student requesting assistance is still in the process of being evaluated to determine eligibility for an auxiliary aid or service, help with this paperwork by the institution is mandated in the interim.

**Q: Does a postsecondary institution have to provide auxiliary aids and services for a non-degree student?**

A: Yes, students with disabilities who are auditing classes or who otherwise are not working for a degree must be provided auxiliary aids and services to the same extent as students who are in a degree-granting program.

### **For More Information**

For more information on Section 504 and the ADA and their application to auxiliary aids and services for disabled students in postsecondary schools, or to obtain additional assistance, see the list of OCR's 12 enforcement offices containing the address and telephone number for the office that serves your area, or call 1-800-421-3481.

## CHAPTER 11: REHABILITATION AGENCIES: THE NEW YORK STATE OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES (ACCES-VR) AND THE NYS COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED (CBVH)

**ACCES-VR:** The NYS Office of Vocational and Educational Services for Individuals with Disabilities (ACCES-VR) is a unit of the NYS Education Department. Effective fall 2010, ACCES-VR which had been combined with the K-12 system to include Special Education has been separated from that unit and realigned into a new division with Adult Education, GED, and Workforce Development. This new unit will be under the direction of a new Deputy Commissioner and the direct supervision of a Deputy Director for ACCES-VR. Those new appointments are expected to be announced in October 2010. While it is not expected to cause changes in the day to day function of ACCES-VR there are changes that have occurred in the last two years that you need to be aware of. What has not changed is the requirement that in order to be eligible for ACCES-VR college sponsorship, a student has always needed to meet both the financial and disability eligibility requirements and have a **vocational goal** that requires a college education. It is the responsibility of the potential student and his or her family to provide ACCES-VR with all information required.

There are several changes that we need to mention are:

- In order to be eligible for September sponsorship (for new consumers) the individual must have begun the ACCES-VR application process by the previous **April 15**. They are allowing some flexibility to this policy if the individual can show that s/he has been accepted to a college for a vocational program and has applied for financial aid and they contact ACCES-VR before the middle of July. Sponsorship for **January deadline is September 15**.
- **Due to state budget cuts, ACCES-VR has reinstated the financial eligibility for textbooks for eligible sponsored students, effective fall 2010. The new (really the old) textbook allocation guideline is \$250 per semester. Students who require books in alternate format can also have their technology and RFB&D membership covered by ACCES-VR.**
- **ACCES-VR tuition support for public or private institutions is based on the published SUNY rate for that level of institution.**
- **ACCES-VR has established a cap on the fees for an institution that they will cover**

To get the current ACCES-VR policies you need to go to the ACCES-VR website to get the current policy [www.nysed.gov](http://www.nysed.gov) .

The possibility exists through ACCES-VR for resources and support such as: tuition, fees and textbook assistance, personal adaptive equipment, transportation and meal expenses and other financial support. ACCES-VR can also be responsible for interpreter and notetaking expenses for their clients. The Disability Service Provider

should establish a working relationship with the ACCES-VR office(s) their students are sponsored by to aid in meeting the needs of the students.

Reader's Aid is one pocket of ACCES-VR that is stable. Reader's Aid funds in the amount of \$400 per semester (this can change at any time due to NYS budget cuts) are available for eligible students who are either deaf or blind. The student fills out a one page application and supplies a copy of a hearing or vision report with the first semester application. The College must file each semester for each student for whom it is requesting funds. Funds may not be used for tuition, books or fees, but can be applied toward the payment of interpreter services, readers, scribes and other such services. For more information contact :

Bryan D. Baszczuk  
NYS Education Dept. - ACCES-VR  
99 Washington Avenue, Rm. 1605  
Albany, NY 12234  
[bbaszczu@mail.nysed.gov](mailto:bbaszczu@mail.nysed.gov)  
Tel: (518) 474-7343  
Fax: (518) 486-6252

### **NYS Commission for the Blind and Visually Handicapped (CBVH):**

While ACCES-VR services all disabilities, CBVH provides services for individuals who are either blind or legally blind (20/200 in the better eye). Those who have less serious vision impairment are referred to ACCES-VR. Did you know that if an individual has multiple impairments, of which legal blindness is one, that vision is considered the primary disability? So, a student who is in a wheelchair but is also legally blind, would be a client of CBVH not ACCES-VR. Historically, that has been advantageous for the student. CBVH has a much smaller client base and a much less complicated system for approving accommodations and technology. While it is almost impossible to get a computer system through ACCES-VR now, computers for CBVH students are the rule, not the exception, regardless of the field of study. The reason, of course, is that the computer can not only be used to produce papers and assignments, but can be used as a reading tool for electronic text and can also produce such supports as Braille notes.

One service that is unique to CBVH is mobility training. CBVH can send a mobility trainer to campus with a prospective (or current) student to train the individual on how to navigate around the campus. Since this is a service that they provide to a student whom they will sponsor, there is no cost to the college.

As a final note, find the name, address and phone number of the Client Assistance Program (CAP) representative for your area—this individual often works out of the local Independent Living Center. CAP is a federally funded program to assist individuals who

have problems with the designated state rehabilitation programs i.e. ACCES-VR and CBVH. Since CAP funding is not connected to either agency, the representative has no allegiance to them and therefore acts as an impartial liaison between the individual and the agency. CAP services are free and CAP intervention often brings about a resolution of a problem at the district level rather than referral to the Central Office.

## **Chapter 12: Documents you need to have:**

During summer 2010 two important documents were issued that have direct impact on disability offices. The first, the Dear Colleague letter, issued jointly by the US Department of Justice and the US Department of Education, addresses campus use of emerging technology such as electronic reading devices and the requirement for access. The Q&A piece which follows is a quick guide to explaining how and why this letter is important.

The second memo addresses the court settlement in the National Voter Registration Act case which the Department of Justice filed to require SUNY Disability Services offices to offer Voter registration to all of our students.

What also circulated during the summer were a number of emails which indicated that DOJ was going to crack down on colleges and universities who had ignored or half heartedly made their websites, online courses etc. accessible. Keep an eye out for more information about this topic on the NYSDSC and the DSSHE listservs.



## **U.S. Department of Justice**

*Civil Rights Division*

## **U.S. Department of Education**

*Office for Civil Rights*

Dear College or University President:

We write to express concern on the part of the Department of Justice and the Department of Education that colleges and universities are using electronic book readers that are not accessible to students who are blind or have low vision and to seek your help in ensuring that this emerging technology is used in classroom settings in a manner that is permissible under federal law. A serious problem with some of these devices is that they lack an accessible text-to-speech function. Requiring use of an emerging technology in a classroom environment when the technology is inaccessible to an entire population of individuals with disabilities—individuals with visual disabilities—is discrimination prohibited by the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) unless those individuals are provided accommodations or modifications that permit them to receive all the educational benefits provided by the technology in an equally effective and equally integrated manner.

The Departments of Justice and Education share responsibility for protecting the rights of college and university students with disabilities. The Department of Justice is responsible for enforcement and implementation of title III of the ADA, which covers private colleges and universities, and the Departments of Justice and Education both have enforcement authority under title II of the ADA, which covers public universities. In addition, the Department of Education enforces Section 504 with respect to public and private colleges and universities that receive federal financial assistance from the Department of Education. As discussed below, the general requirements of Section 504 and the ADA reach equipment and technological devices when they are used by public entities or places of public accommodation as part of their programs, services, activities, goods, advantages, privileges, or accommodations.

Under title III, individuals with disabilities, including students with visual impairments, may not be discriminated against in the full and equal enjoyment of all of the goods and services of private colleges and universities; they must receive an equal opportunity to participate in and benefit from these goods and services; and they must not be provided different or separate goods or services unless doing so is necessary to ensure that access to the goods and services is equally as effective as that provided to others. See footnote 1. Under title II, qualified individuals with disabilities may not be excluded from participation in or denied the benefits of the services, programs, or activities of, nor

subjected to discrimination by, public universities and colleges. See footnote 2. Both title" and Section 504 prohibit colleges and universities from affording individuals with disabilities with an opportunity to participate in or benefit from college and university aids, benefits, and services that is unequal to the opportunity afforded others. See footnote 3. Similarly, individuals with disabilities must be provided with aids, benefits, or services that provide an equal opportunity to achieve the same result or the same level of achievement as others. See footnote 4. A college or university may provide an individual with a disability, or a class of individuals with disabilities, with a different or separate aid, benefit, or service only if doing so is necessary to ensure that the aid, benefit, or service is as effective as that provided to others. See footnote 5. 1 28 C.F.R. § 36.201(a); 28 C.F.R. § 36.202(a); and 28 C.F.R. § 36.202(c) (2009). 2 28 C.F.R. § 35.130(a) (2009).

The Department of Justice recently entered into settlement agreements with colleges and universities that used the Kindle DX, an inaccessible, electronic book reader, in the classroom as part of a pilot study with Amazon.com, Inc. In summary, the universities agreed not to purchase, require, or recommend use of the Kindle DX, or any other dedicated electronic book reader, unless or until the device is fully accessible to individuals who are blind or have low vision, or the universities provide reasonable accommodation or modification so that a student can acquire the same information, engage in the same interactions, and enjoy the same services as sighted students with substantially equivalent ease of use. The texts of these agreements may be viewed on the Department of Justice's ADA Web site, [www.ada.gov](http://www.ada.gov). (To find these settlements on [www.ada.gov](http://www.ada.gov), search for "Kindle.") Consistent with the relief obtained by the Department of Justice in those matters, the Department of Education has also resolved similar complaints against colleges and universities.

As officials of the agencies charged with enforcement and interpretation of the ADA and Section 504, we ask that you take steps to ensure that your college or university refrains from requiring the use of any electronic book reader, or other similar technology, in a teaching or classroom environment as long as the device remains inaccessible to individuals who are blind or have low vision. It is unacceptable for universities to use emerging technology without insisting that this technology be accessible to all students.

Congress found when enacting the ADA that individuals with disabilities were uniquely disadvantaged in American society in critical areas such as education. See footnote 6. Providing individuals with disabilities full and equal access to educational opportunities is as essential today as it was when the ADA was passed. In a Proclamation for National Disability Employment Awareness Month, President Obama underscored the need to "*strengthen and expand* the educational opportunities for individuals with disabilities," noting that, "[i]f we are to build a world free from unnecessary barriers ... we must ensure that every American receives an education that prepares him or her for

future success." <http://www.whitehouse.gov/the-pressoffice/presidential-proclamation-national-disability-employment-awareness-month> (September 30,2009) (emphasis added). 3 28 C.F.R. § 35.130(b)(1)(ii) and 34 C.F.R. § 104.4(b)(1)(ii) (2009). 4 Cf. 28 C.F.R. § 35.130(b)(1)(iii) and 34 C.F.R. § 104.4(b)(1)(iii) (2009). 5 28 C.F.R. § 35.130(b)(1)(iv) and 34 C.F.R. § 104.4(b)(1)(iv) (2009). 6 42 USC§ 12101(a) (1990).

Technology is the hallmark of the future, and technological competency is essential to preparing all students for future success. Emerging technologies are an educational resource that enhances learning for everyone, and perhaps especially for students with disabilities. Technological innovations have opened a virtual world of commerce, information, and education to many individuals with disabilities for whom access to the physical world remains challenging. Ensuring equal access to emerging technology in university and college classrooms is a means to the goal of full integration and equal educational opportunity for this nation's students with disabilities. With technological advances, procuring electronic book readers that are accessible should be neither costly nor difficult.

We would like to work with you to ensure that America's technological advances are used for the benefit of all students. The Department of Justice operates a toll-free, technical assistance line to answer questions with regard to the requirements of federal laws protecting the rights of individuals with disabilities. For technical assistance, please call (800) 514-0301 (voice) or (800) 514-0383 (TTY). Specialists are available Monday through Friday from 9:30 AM until 5:30 PM (ET) except for Thursday, when the hours are 12:30 PM until 5:30 PM. These specialists have been trained specifically to address questions regarding accessible electronic book readers. Colleges, universities, and other stakeholders can also contact the Department of Education's Office for Civil Rights for technical assistance by going to OCR's Web site at <http://wdcrocolp01.ed.gov/CFAPPS/OCR/contactus.cfm>.

We appreciate your consideration of this essential educational issue and look forward to working with you to ensure that our nation's colleges and universities are fully accessible to individuals with disabilities.

Sincerely,

Thomas E. Perez, Assistant Attorney General Civil Rights Division  
US. Department of Justice

Russlynn Ali, Assistant Secretary for Civil Rights  
US Department of Education

## **Electronic Book Reader Dear Colleague Letter:**

### **Questions and Answers about the Law, the Technology, and the Population Affected**

#### **What are the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973?**

The Americans with Disabilities Act of 1990 (ADA) is a federal law prohibiting discrimination on the basis of disability. The Department of Justice (DOJ) is responsible for enforcement and implementation of title III of the ADA, which covers private colleges and universities. DOJ and the Department of Education (ED) both have enforcement authority under title II of the ADA, which covers public universities.

Section 504 of the Rehabilitation Act of 1973 is a federal law prohibiting discrimination on the basis of disability in all programs or activities that receive Federal financial assistance. ED enforces Section 504 with respect to public and private colleges and universities that receive Federal financial assistance from ED.

#### **What are electronic book readers and what are accessible text-to-speech functions?**

Electronic book readers, or e-book readers, are handheld devices that allow users to read digital books and other materials by displaying content on screens (often referred to as “e-ink technology”). Though features vary, e-book readers can hold a digital library of books, provide access to online content like newspapers and magazines, allow the user to highlight passages, look up word definitions, and link to reference materials.

Some e-book readers have accessible text-to-speech functions that allow users who are blind or have low vision to hear the on-screen content read aloud, navigate device controls, and select menu options.

#### **How many students with disabilities could be affected by inaccessible electronic book readers?**

*Postsecondary Education (PSE)*: According to NCES, as of 2003-2004, about 230,000 PSE students are blind, have low vision, or have learning disabilities. (Such disabilities, which may involve difficulty accessing print information, are often called “print” disabilities).

*Elementary and Secondary Education (ESE)*: In the 2006-2007 school year, NCES estimates 29,000 ESE students had visual impairments, including blindness; about 2.6 million ESE students had a specific learning disability, which likely includes some students with a “print” disability.

#### **What does the Dear Colleague (DCL) do? Why did DOJ and ED issue it?**

The DCL expresses the position of DOJ and ED that it is impermissible under federal law for colleges and universities to use electronic book readers in classroom settings that are not accessible to students who are blind or have low vision, unless those students are provided an equally effective accommodation or reasonable modification that allows those students to receive all the educational benefits of the technology.

The DCL highlights recent settlement agreements with several colleges and universities. In summary, the colleges and universities agreed not to purchase, require, or recommend use of the Kindle DX, or any other electronic book reader, unless or until the device is accessible, or unless the colleges and universities provide a reasonable accommodation or modification that is accessible to students who are blind or have low vision.

The DCL encourages colleges and universities to take steps to ensure that they refrain from using electronic book readers, or other similar technology, that is inaccessible to individuals who are blind or have low vision to the extent that a reasonable accommodation or modification for this type of technology does not exist or is not available.

Colleges and universities can obtain technical assistance by contacting the DOJ toll free telephone line at (800) 514-0301 (voice) or (800) 514-0383 (TTY). Colleges and universities may also seek technical assistance by going to ED's Office for Civil Rights website at <http://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>.

## **CHAPTER 13: FAQ: QUESTIONS YOU NEED TO BE ABLE TO ANSWER:**

IN THE POST VA TECH WORLD OF ACADEMIA BE PREPARED TO ANSWER QUESTIONS ABOUT SAFETY ON CAMPUS AND HOW STUDENTS AND THEIR FAMILIES ARE NOTIFIED OF EMERGENCIES

### **How do students with disabilities apply to college?**

The same way all other students do! They research the schools that interest them, go visit those colleges, meet students and staff, and ask questions. In-person visits are highly recommended, particularly if a student has a physical/mobility disability, is blind or is concerned about the "lay of the land".

### **How are services arranged?**

Early in the process of planning for college, students should contact the Student Disability Services office at the college they plan to attend. Student Disability Services staff will talk to the student about her disability and needs. They will also ask for proof of the disability from a medical doctor, ACCES-VR/CBVH counselor, school records or other appropriate source.

### **My high school bought a special computer and keyboard for me because I can't use a standard keyboard and monitor. Will the college do that?**

The college is not responsible for purchasing personal use devices such as wheelchairs, hearing aids, or specialized technology for a specific individual; however, the college is responsible for providing on campus access at the same level available to non-disabled students. A student with such specific needs should contact either the NYS Commission for the Blind and Physically Handicapped (CBVH) or the NYS Office for Vocational and Educational Services for Individuals with Disabilities (ACCES-VR). These two state agencies are charged with training or retraining qualified individuals with disabilities for employment and can often assist with the purchase of specialized personal equipment or other needs.

### **Can any student with a disability access any accommodation?**

All services are arranged for each student on an as-needed basis. The nature and extent of accommodations are different at each college but the goal is access to education. The range of services includes sign language interpreters, notetakers, special equipment (books on tape, tape recording of classes, closed captioning for TV), and alternative testing such as extra testing time, test given in an alternate location, test readers or use of a computer.

### **What does 'as needed' mean?**

'As-needed' means that accommodations will vary from course to course, teacher to teacher and semester to semester. Section 504 requires 'reasonable accommodation'

which means that the accommodation must be effective. This does not necessarily mean that it will be exactly what the student requested or what the student received in high school or at another college. It is to the student's benefit, whenever possible, to access accommodations that can be employed in the workforce. Therefore a tape recorder may be a better accommodation than a human notetaker—unless the faculty member writes on the board or uses overhead transparencies!

### **What does adequate documentation of a disability mean?**

Documentation of a disability means providing information about the person's disability from a qualified professional and it has two purposes:

- To verify that the individual has a physical or mental impairment which substantially limits one or more major life functions.
- To substantiate that the impairment/condition **currently** requires modifications, academic adjustments or services in order to compensate for or accommodate the disability.

Keep in mind that some students have been **declassified** and no longer are receiving services under IDEA. These students will often have 504 plans so they can continue to receive accommodations such as extended time for tests. Just as an IEP is generally not "adequate documentation of a disability" neither is a 504 plan. Being **declassified** does not negate the existence of a disability in the K-12 learning environment – it only means that she no longer needs special education services. She has adapted to the high school learning environment. The college learning environment is an entirely different matter. It is important that when students are declassified, up-dated documentation is in place both to justify the declassification and to assist the student in the transition to the postsecondary learning environment.

### **Who can provide the documentation?**

Documentation **must** be from a professional source who is **qualified** to diagnose or make determinations about the disability. For example, hearing impairment generally requires a copy of an audiogram from a licensed audiologist. Learning disabilities generally require a recent psychological evaluation by a psychologist; however, additional information from a reputable recognized expert source such as the GOW School would also be a possibility. Documentation of Attention Deficit Disorder from a medical doctor may not be sufficient. **Students are responsible for providing current adequate documentation. The college or university has the right to request further information from the student if what is presented is insufficient.**

Documentation must be on professional letterhead, and include the diagnosis and current status of the disability as well as the professional's name and credentials.

**It is extremely important** to contact the Student Disability Services office on campus to determine what specific documentation the student will need to provide. Documentation is the basis for determining what accommodations, services, etc. the student is eligible to receive.

In 2006, the SUNY Disability Services Council approved a documentation template for use by colleges and universities in NYS. You can find that template on the website [www.nysdsc.org](http://www.nysdsc.org)

### **How much will services cost?**

Section 504 and the ADA require colleges to provide reasonable accommodations and services **at no cost** to eligible students with disabilities. Colleges base their decisions about the nature and extent of reasonable accommodations on a case-by-case basis with each student. The cost of these services **may** be paid for by many sources. These sources include, but are not limited to: colleges, rehabilitation agencies such as the ACCES-VR, CBVH, and/or other local support agencies. **Students who want services — beyond what the college decides is reasonable — are responsible for these costs.**

Colleges may **request or recommend** that students apply to ACCES-VR, CBVH etc. but **cannot refuse** services to students who do not apply or who are denied by these agencies. Students **must** apply directly to agencies to find out if they are eligible for sponsorship to college.

### **Is there anything else students with disabilities should know?**

Since identification is voluntary and confidential, and since Student Disability Services staff need documentation of a disability, the student should contact the Student Disability Services office early. The student should not wait until failing or feeling desperation; it may be too late for the Student Disability Services staff to help.



## **CHAPTER 12: Emerging Issues: or the Field as Seen Through the Eyes of Kathy Hoffman**

This resource guide was originally written in 2003 by the then SUNY Disability Services Council. In rereading it for the new NYS Disability Services Council I was extremely pleased to see how well much of what was written has held up. I was also amazed to realize the list of hot issues today that were either minor irritants or back burner issues 4 years ago!

**Emergency Planning notification etc.:** It's not that it wasn't an issue 4 years ago, but it was certainly not a hot spot as it is today in the post VA Tech world. So many issues are emerging in the findings: a student with a clear, long history of mental health issues. A campus where numerous offices had seen odd or threatening behaviors but not connect the dots to bring it into focus. A lack of follow up after a legal appearance. Lack of parental notification. Campus response and notification and lockdown. This list just goes on and on. I would guess that almost every campus in the country has spent time since last April reviewing and revising their emergency response policies and procedures. One of the most common high tech approaches that campuses are adopting is the use of student/faculty/staff/family registry for emergency notification by phone, cell, email, instant messaging. It's a great idea and gets the word out fast. EXCEPT—what happens if weather, circumstances or use put that technology out of commission? What is alternate Plan B? How do you notify your students etc. who are deaf or blind or don't have access to high tech? How do you transport students to a safe location on or off campus—INCLUDING student with disabilities? Does your campus have the supplies and resources to house not just the campus community but the general public if you are designated an emergency center? Consider not just the question of physical access and hygiene but cots that can be used by someone with limited mobility (transfer issues) not to mention the availability of oxygen, power etc. for those who need to breathe or operate equipment such as wheelchairs. There was an excellent session on emergency planning at AHEAD 2007 presented by Emily Singer and L Irene Bowen from the Department of Justice. With their permission, we have posted their PowerPoint presentation on the nysdsc.org website. It is a terrific resource to include in your campus planning. I think all of this thought given to response is wonderful, but radical that I am I can't help but think some planning and prevention needs to take place also. I am not saying that being registered with an office like ours would have kept this student from acting as he did. I do think that triage meetings by campus departments on a weekly or bi-weekly basis would have brought his behavior to the attention of the campus and MAYBE that might have averted a disaster.

**Technology: Cell phones, pagers, pods etc.** We just discussed using these new technologies for instant notification of emergency. Good planning. BUT most campuses have policies that require students to turn off their toys in class. They are disruptive and they are new ways for students to cheat. They are also, for some students, new ways to access classroom information by using them for note taking or information written on the black/blue/green/smart boards. Here is an issue that needs to be revisited and reviewed

and your campus needs to include YOUR students issues in the formulation of policy and procedure.

**Institutional responsibility: Here we go again!** In the arena of postsecondary institutions fighting for the limited number of available college students campuses are developing new and different ways to bring their programs to students. One way is the building of housing to bring students TO the campus. The second is to offer a variety of ways a student can access college programs without coming on campus: satellite campuses, college courses offered in high school and businesses, courses online. Remember that Section 504 applies to all programs and services of the institution –not just those that are on campus, seated and matriculated. Both of these approaches present unique issues from the issue of legal compliance.

**ON Campus housing or leased housing:** On campus housing used to be an issue that only impacted 4 year campuses—and as a longtime community college service provider, I was delighted to let them have it! Today about 1/3 of the SUNY community colleges have housing and many others, including Erie, are in the planning stages. Since community colleges have historically been commuter campuses I fear that most are woefully unprepared to deal with the spectrum of issues that accompany residential students. Remember the earlier discussion on emergency planning—add housing as an issue! Not to mention meals, programming, security, etc. I would strongly recommend that if your campus to talking about housing that you be an active participant in those discussions AND that you talk often and in depth to your colleagues at comparable institutions that have housing. The planners will figure on physical access but you need to keep them thinking about program and service issues.

**Distance Learning/Alternate course delivery:** In my warped mind I picture the intrepid Dorothy and her companions Tin Man, the Cowardly Lion and Scarecrow arm in arm progressing along the yellow brick road to Oz whispering., “Lions and tiger and bear, OH MY . . .” What do poisoned poppies, flying monkeys, evil trees and wicked witches have to do with this discussion?? Substitute documentation and delivery and format, OH MY to the lyrics and think about it. One of Erie’s first formats for DL was the telecourse where the student borrowed video tapes, watched the course at home and came to campus to take tests. One student had been able to make arrangements with faculty for several semesters to take her tests at home. All of a sudden she is contacting our office for the first time because she is disabled and the faculty are refusing her previously perfectly acceptable accommodation. She was taking 4 courses with 3-4 tests each and wanted me to send someone to her home to administer the tests. You can only begin to imagine the uproar THAT idea caused! Not only who would do it but potential liability if staff, vehicle, property etc. were injured or damaged. Well , we had no policy about this at all. Fortunately, her doctor refused to write us documentation that said that she was genuinely agoraphobic and she was unable to prove that she was a qualified person with a disability, but just imagine if she had. What if she had also been deaf and needed an interpreter? Or was taking an online class and needed extra time for testing or a scribe or a notetaker. Or, one of my personal favorites, what if she was a high school student with a disability who was taking an Erie course for college credit,

but not on campus? I assure that these issues pop up every semester. If your campus is diving into the alternate course delivery waters, these are SOME of the issues that need to be discussed and explored. When planning for off site delivery of courses the whole issue of documentation and accommodation needs to be discussed up front. With the high school not only are there accommodation issues but they are complicated by the collision of IDEA and Section 504 subpart E which are often incompatible. Be sure to discuss WHO is responsible for deciding accommodations and then providing them.

**The changing face of disabilities on campus:** In the 80s the uproar was about the sudden appearance on campus of all those students claiming to have learning disabilities—whatever THAT meant. In the 90s all of a sudden EVERY student who had an invisible disability was seen as having a learning disability. But students with mental health issues were starting to show up, too. And then there were all those deaf students who needed expensive interpreters. A new millennium brought new issues: alternate texts not only for students who were blind but for those pesky students with learning disabilities that impacted comprehension and students with physical disabilities who could not handle a traditional textbook. As if that were not enough new words were emerging: Autism spectrum disorder and Asperger’s Syndrome and the re-emergence of Traumatic head injury and post traumatic stress, this time in conjunction with the surge of returning veterans of the mid-East war. On another front advocates for individuals with cognitive disabilities such as Asperger’s Syndrome and other developmental disabilities were lobbying for the establishment of on campus programs to serve their clientele. These populations challenge procedures and protocols that we have come to regard as sacrosanct:

- Documentation of disability: Consider the SOP or trying to get documentation from the military. If there were positives that came out of the aftermath of Hurricane Katrina, for us it may be the rethinking of the whole issue of what is acceptable for documentation. I’ve come to think that a portfolio approach may be best for some students—and then the old school documentation, the Student Exit Summary and anything else we can get may give us a clearer image of the student and his/her needs.
- Parental involvement—or in our case, non-involvement. With the surge of students with Asperger’s Syndrome I’ve had to rethink parent involvement,. Some of these students will always need adult guidance—something to think about.
- Otherwise qualified—defined by Section 504. Equate that to non-matriculated status. This is an issue that needs to be addressed especially for the community colleges. We still have the largest enrollment of students with disabilities in postsecondary education. Our institutions are intended to give everyone an opportunity to acquire a college education and we see students who are cognitively incapable of college work yet they are on campus and by law, they

are to receive accommodations. Those accommodations can seriously cut into departmental and campus budgets. So here is the conundrum: Do we support all students in the name of open admission, or do we establish some kind of academic standards for ANY non-matriculate student? This is one for the legislators and policy makers.

- Code of conduct: Another case of where laws collide or are misconstrued. Under IDEA discipline of a student with a disability is a hot topic and difficult to enforce so students who have been in special ed in the K-12 system arrive at the college and think they have free reign to act however they want. I had a series of calls last week about threats to another staff member by an individual with a disability who is both a part time staff person and a part time student. This individual told the supervisor that it didn't matter what SHE said she (the employee) was untouchable. She is still a student but no longer works here. Threats are unacceptable behavior from anyone

What's my point? That ours is a fluid ever changing profession and that rigidity and single mindedness may solve one immediate problem only to create two others down the road. Remember the little Dutch boy with his finger in the dam—chances are he stopped the leaking at that point but created pressure at several others that caused floods later!

## **GLOSSARY:**

**ABILITY TO BENEFIT:** A potential student who is a non-high school graduate is recognized as having the ability-to-benefit from a college education after successfully earning a minimum passing score on one of the federally approved standardized tests. (See page 16 for a more detailed explanation, including the list of approved tests for individuals with disabilities on pages 63-65 in the **RESOURCE SECTION**).

**ACADEMIC:** A term used to describe any collegiate course of study; a term used to describe areas of study falling under the traditional scholarly disciplines, as distinct from directly vocational or technical programs.

**ACADEMIC ADVISOR:** Students who are matriculated into academic programs are assigned a faculty member who assists the student in setting semester course schedules and monitors that the student meets all of that academic program's degree requirements.

**ACADEMIC ADJUSTMENT:** A modification made to a course or program for a student with a disability. The modification is made to a nonessential part of the course or program.

**ADA:** see *Americans with Disabilities Act*

**ACCOMMODATION:** see *Reasonable Accommodations*

**ADD/DROP:** A system used to change a student's schedule after registration has been formally completed. (Usually the first week of classes. Also called Schedule Adjustment.)

**ALTERNATE FORMAT:** Conversion of print materials into a form accessible to individuals who cannot read standard print. Examples include Braille, **e-text**, and large print.

**AMERICANS WITH DISABILITIES ACT:** Federal law passed in 1990 (effective beginning January 26, 1992) extending the civil rights protections offered by **Section 504** to places of public accommodations, state and local governments, and employment in addition to recipients of federal funding.

**ASSISTIVE LISTENING DEVICE:** Technology, usually consisting of a transmitter and a receiver, used to enhance sound for individuals with hearing impairments. Some may be used with or without hearing aids.

**ASSISTIVE TECHNOLOGY:** Any item, piece of equipment, or product system, whether acquired commercially or off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

**ASSOCIATE'S DEGREE:** The degree awarded by community colleges and private two year colleges Associate of Science (A.S.), Associate of Art (A.A.), Associate of Applied Science (A.A.S.) and Associate in Occupational Studies (A.O.S.).

**AUDIT:** Student option for recording attendance in a course when no grade is desired.

**BACCALAUREATE DEGREE (Bachelor's Degree):** An academic degree awarded to students who successfully complete undergraduate requirements in a planned, approved program (usually requiring four years of full-time study to complete). Community college and private two year college graduates often transfer to a four year institution to complete this degree after receiving their Associate Degrees.

**CAPTIONING:** Providing text for speech.

**CART:** Communications Access Real-Time. Using court reporters to caption classroom lectures.

**CATALOG:** The book published by a college (annually or biannually) which describes the programs offered at the College, the academic policies of the College, services available to students, and short descriptions of each course.

**CBVH:** Commission for the Blind and Visually Handicapped.

**"CLOSED" COURSE:** Status of a course in which current enrollment has reached the number of students the instructor is scheduled to teach.

**COLLEGE LEVEL EXAMINATION PROGRAM (CLEP):** A standardized examination in college-level subject matter. The general examinations cover material offered in freshman-level English composition, humanities, fine arts, mathematics, natural sciences, and social science courses. Subject examinations cover material offered in specific advanced level courses.

**CONFLICT:** This occurs when the student attempts to register for two courses that are offered at the same time or which overlap.

**CONTINUING STUDENT:** Students who are considered eligible for registration the next semester because they were enrolled the previous semester (or were on an approved/recorded Leave of Absence) have not been academically dismissed, and have not yet graduated.

**CO-REQUISITE:** A requirement that may be met either before registration for a particular course or program, or at the same time as that course or program.

**COUNSELOR:** The Counseling Office at each campus has counselors available to help students with personal problems, academic problems, program changes, withdrawals, goal setting and interest testing.

**COURSE NUMBERS:** The numbers assigned to a particular course for registration identification purposes.

**COURSE SUBSTITUTION:** The substitution of a course for another required course that is specified in an academic program. Decisions regarding substitutions must be made on a case-by-case basis. Only courses that are non-essential can be substituted. Courses that essential to the program or that are required for licensure or certification cannot be substituted.

**C-PRINT:** A notetaking system developed for hard-of-hearing students. It is similar to CART, but captions meaning-for-meaning instead of word-for-word.

**CREDIT HOUR:** Unit of measure that indicates the number of classroom hours per week that the class is held. Credit hours for laboratory, studio and physical education skills courses are often computed on a different basis.

**CUMULATIVE QUALITY POINT AVERAGE:** The total of the student's grade points for all semesters divided by the total number of credit hours completed for all semesters.

**CURRICULUM:** An organized course of study approved by the State Education Department that results in a degree. Ex. Business; Environmental Science; Nursing.

**DEVELOPMENTAL COURSES:** Courses which prepare the student to complete the courses necessary for their degree. These classes often do not count toward a degree.

**DISABILITY:** A physical or mental impairment that substantially limits one or major life activities.

**DISMISSAL:** Notification that a student can no longer attend that institution. Dismissal can be the result of poor grades resulting in Academic Dismissal or removal from the campus for behavior that violates the Student Code of Conduct.

**EDUCATIONAL OPPORTUNITY PROGRAM (EOP): or HEOP:** A federally funded program that provides eligible college students with academic assistance. Participants must be low income, educationally disadvantaged and/or have a disability and must qualify the first semester they attend college.

**E-TEXT:** Print materials available in electronic ("e") format for use with a computer program which can read to the user.

**EXTERNAL TRANSFER CREDIT:** Credit granted for courses taken at another school.

**FULL TIME STATUS:** A student with a disability who cannot attend the expected number of full time hours due to the nature of their disability may be considered full

time. Most colleges require documentation of a very significant disability and require recertification for full time status each semester.

**FULL TIME STUDENT:** Generally granted for a semester registration of 12 or more credits; an institution **may** grant full time status to a student with a disability enrolled for fewer than 12 credits if that registration is related to the impact of the disability on the student.

**GRADE POINT:** The value of a letter grade. A=4, B=3, C=2, D= 1, F=0.

**GRADE POINT AVERAGE:** See Quality Point Average.

**GRIEVANCE PROCEDURE:** Each institution must have a published formal procedure for students to follow if they feel that they have been treated unfairly by a college employee.

**INCOMPLETE GRADE:** Grade assigned by instructor to allow student to finish course requirements after course ends.

**LIFE EXPERIENCE (LEAP):** A program allows students to use their life experience to earn credit for a degree.

**LIBERAL ARTS:** Liberal Arts are those academic disciplines taught without regard to specific preparation for a vocation, falling within the behavioral and social sciences, the humanities, the natural sciences and mathematics, and the fine arts. Specifically excluded are all vocational courses such as accounting or education courses.

**MAJOR:** Academic major to which a student has applied and been accepted by the specific department. Students with an accepted major are eligible to register for courses in that department's 'majors only' (restricted) courses. A student may have two majors.

**MASTER COURSE SCHEDULE:** Booklet containing the courses which will be offered in a given semester. This booklet is different each semester.

**MASTER'S DEGREE:** An academic degree awarded to students who successfully complete a prescribed course of graduate study (after a Bachelor's Degree).

**MATRICULATE:** The process of applying and being accepted into a degree program at a college or university. Being matriculated is important for academic advisement and financial aid purposes and allows the student to take advantage of all services within the school.

**MATRICULATED STUDENT:** A student who enrolls or registers in a college as a degree candidate (necessary for financial aid).



**NON-MATRICULATED STUDENT:** An individual who may be enrolled in courses at a college but is not working toward a degree.

**OPEN COLLEGE ELECTIVE (General Elective or Elective):** A course from any of the college degree credit courses.

**OVERLOAD:** Students who are registered for more than 19 semester credit hours. This is possible only if a student's advisor has granted permission and students have paid tuition at the part-time student rate for any credit hours over the 19 credit hour limit.

**PART-TIME STUDENTS:** Students who register for fewer than 12 semester credit hours.

**PERSONAL CARE ASSISTANT:** A person who assists the individual with a disability with activities of daily living. This is generally the responsibility of the individual with a disability and not the college or university.

**PHYSICAL ACCESSIBILITY:** The extent to which the buildings and grounds of an institution needs modifications, accommodations or adaptations in order to provide the individual with a disability an opportunity to get from place to place in the institution, and make use of its facilities.

**PLACEMENT TEST:** Test designed to measure the student's ability in English and/or mathematics and then to prescribe what English and/or mathematics courses the student will begin with.

**PRE-REGISTRATION (Early Registration):** Continuing students are able to register for courses in the next semester at the end of the semester they are currently attending.

**PRE-REQUISITE:** A basic course that the student is required to take before registering for an advanced course.

**PRIORITY REGISTRATION:** Permission given to students with disabilities to register early when the nature of the disability significantly impacts course selection and time scheduling.

**PROBATION:** Status of a student who may face dismissal if the grades or actions that prompted the probation are not improved within a designated period of time.

**PROGRAM ACCESSIBILITY:** The extent to which any given program needs modifications, accommodations or adaptations in order to provide the individual with a disability an equal opportunity to participate in the program.

**PROGRAM CHANGE:** The process a student must use to change from one major course of study to another.

**PROGRAM REQUIREMENTS:** Courses that form the basis for an academic major and are essential to completing that program or meeting license or certification requirements. These courses are essential to the program and cannot be waived or substituted.

**QUALITY POINT AVERAGE (Grade Point Average):** The total of the student's grade points in a semester divided by the total number of credit hours completed for that semester.

**Reader's Aid:** NYS funding available each semester of attendance for students who are deaf or blind. Money can be used to provide services such as readers, scribes etc. but cannot be used to pay for textbook, technology etc.

**REASONABLE ACCOMMODATIONS:** Those academic adjustments, auxiliary aids and services, program modifications or physical access adjustments that are made to the programs, employment opportunities, activities, and services sponsored by the college to provide equal access to all otherwise qualified persons with disabilities.

**REGISTRATION:** The process of selecting the courses and sections of each student's class schedule for a specific semester.

**RESERVED COURSES:** Courses in which enrollment is limited to those people who are matriculated into the designated degree program.

**REGISTRAR:** The administrator who is in charge of the Registration or Records office.

**REGISTRAR'S OFFICE:** The office on campus in charge of student transcripts, verifying students status at school, registering and issuing student semester schedules, grades, end of the term reports, and processing the student's graduation certification.

**SCHEDULE ADJUSTMENT:** Changing courses or sections on student's approved semester course schedule. May require the approval of the student's academic advisor.

**SECTION 504:** The section of the Rehabilitation Act of 1973, as amended, which requires that all institutions that receive Federal assistance must makes their programs, services and activities accessible to individuals with disabilities.

**SECTIONS:** Various classes of the same course in the same semester. They may have different days, times, instructors, and/or rooms, but course content will be the same.

**STUDENT CODE OF CONDUCT:** Rules of behavior established by the college describing unsatisfactory behavior by a student. Includes rules such as those that govern use of alcohol or drugs on campus or at campus events. Violation of these published rules can result in probation or dismissal.

**TRANSCRIPT:** The student's educational record. Official transcripts are sent from institution to institution or to potential employers at the student's request and bear the seal of the College.

**TTY/TDD:** TeleText Type, or Telecommunications Device for the Deaf, is a device which permits individuals who are hearing or speech impaired to communicate through the use of text transmission over phone lines.

**TESTING ACCOMMODATIONS:** Determinations of appropriate testing accommodations are made on a case by case individualized basis . The premise for eligibility is that to not provide such an accommodate would discriminate against the individual on the basis of disability

Veterans Affairs Office(VA): Individuals who have served in the armed forces or the national guard should contact the VA office on campus to discuss what assistance is available to them

**ACCES-VR:** Vocational and Educational Services for Individuals with Disabilities. This is New York State's vocational rehabilitation services department for all individuals with disabilities except those who are blind.

**VRI:** Video remote interpreting. Allows a deaf and a hearing person in one location to communicate by using a video phone with an interpreter at a remote site.

**VRS:** Vocational Rehabilitation Services.

**VRS:** Video relay service. Technology that allows a hearing person and a deaf person in different locations to communicate with an interpreter at a remote site voicing to one and signing to the other by means of a telephone line.

**WITHDRAWAL FROM COURSE:** When a student cannot continue in a course for some reason, he or she must formally withdraw from that course. The withdrawal is not finalized until the Registrar's Office receives all necessary paperwork. Failure to complete the withdrawal process will result in **F grade** in the course. A student cannot withdraw beyond established dates. The student withdraws **ONLY** from that course or courses but remains enrolled in the rest of the courses for which he or she is registered.

**WITHDRAWAL FROM COLLEGE:** Formal process utilized to change the status of an active student to one who is inactive. Discontinuance of attendance, notifying instructors, or mere telephone contact with college personnel do not constitute an official withdrawal. Students remain both academically and financially responsible for all incurred expenses until the withdrawal procedure has been finalized.

## CHAPTER 14: WHERE TO GO WHEN YOU NEED HELP: RESOURCES

### WEB RESOURCES:

#### ACCESS TO TECHNOLOGY

**ADTECH:** A 'listerv' for those who deal with assistive or adaptive technology from high speed scanners to questions about interfacing technology  
<http://www.lists.oregonstate.edu/cgi-bin/lyris>

**Equal Access to Software and information (EASI):** Owned and operated by Dr. Norm Coombs, EASI offers online courses and discussions on topics such as web access and distance learning. <http://easi.cc/workshop.htm>

**Syllabus Magazine** a monthly publication dedicated exclusively to covering IT in higher education. *Syllabus* covers critical IT trends and technologies within a variety of platforms. <http://lists.101com.com/NLS/pages/main.asp?NL=Syllabus>

#### ACCESS TO CAREER SERVICES, INTERNSHIPS, AND FIELD PLACEMENTS

**Job Accommodations Network:** A service of the Office of Disability Employment Policy of the U.S. Department of Labor [www.jan.wvu.edu](http://www.jan.wvu.edu)

Workforce Diversity and Careers & the Disabled – two magazine devoted to issues regarding employment of individuals with disabilities. [www.eop.com](http://www.eop.com)

#### DISABILITY GENERAL

**Americans with Disabilities Act (ADA) webpage:** [www.ada.gov](http://www.ada.gov) or [www.usdoj.gov](http://www.usdoj.gov)

**Americans with Disabilities Act Accessibility Guidelines (ADAAG):**  
[www.usdoj.gov/crt/ada](http://www.usdoj.gov/crt/ada)

**Americans with Disabilities Act (ADA) webpage:** [www.ada.gov](http://www.ada.gov) or [www.usdoj.gov](http://www.usdoj.gov)

**Disability Information.gov:** Federal website with links to other federal websites related to disability <http://disabilityinfo.gov>

**Disability Resources monthly:** [www.disabilityresourcesmonthly.org](http://www.disabilityresourcesmonthly.org). A newsletter that monitors, reviews and reports on resources for independent living

**DSSHE-L:** International 'listserv' that allows disability service providers in postsecondary education to network with colleagues when they need assistance. To subscribe: <http://listserv.acsu.buffalo.edu/archives/dsshe-l.html>

**Exceptionalnurse.com:** A nonprofit 501 (c) 3 resource network committed to inclusion of more people with disabilities in the nursing profession.

**HEATH:** National clearinghouse on Postsecondary Education for Individuals with Disabilities [www.heath.gwu.edu](http://www.heath.gwu.edu)

**National Council for Support of Disability Issues:** [www.ncsd.org](http://www.ncsd.org) The National Council for Support of Disability Issues shall help advance public attitudes, awareness, respect, consideration and advance the success of people with all types of disabilities. Site includes information on scholarships, employment general information on disability

**Office for Civil Rights (OCR):** Unit of the US Department of Education charged with oversight of compliance with the ADA on college campuses. [www.ed.gov/ocr](http://www.ed.gov/ocr)

## DISABILITY SPECIFIC

***ADDitude:*** a print magazine dedicated to improving academic, vocational, and social outcomes for people with Attention Deficit Disorder. Website is [www.additudemag.com](http://www.additudemag.com).

***American Printing House for the Blind:*** Resources for the blind including four track tape recorders and some large print books <http://www.aph.org>

**Northeast Technical Assistance Center on Deafness (NETAC):** Located on the campus of the Rochester Institute of Technology, NETAC provides assistance and information to campuses and individuals to improve the learning environment for deaf and hard of hearing students on college campuses. Website has a great collection of teacher tipsheets that can be downloaded and copied. [www.netac.rit.edu](http://www.netac.rit.edu) also

**PEPNET: [outcome.mcpo.org/Gatestoadventure](http://outcome.mcpo.org/Gatestoadventure):** Transition materials for deaf and hearing impaired students and teachers

**Recordings for the Blind and Dyslexic:** Textbooks on audio cassette and now electronic format [www.rfbd.org](http://www.rfbd.org)

**Talking Books and Braille Library:** NYS version of the National Library for the Blind and Physically Handicapped. Lends books, tapes, publications to eligible participants in alternate format. Also provides users with free tape players etc. for use with the material. [tbbl@mail.nysed.gov](mailto:tbbl@mail.nysed.gov)

#### TRANSITION RESOURCES

**Collegiate Consortium of Disability Advocates (CCDA)** full text of Effective College Planning 7<sup>th</sup> Ed. and information about events and materials. [www.ccdanet.org](http://www.ccdanet.org)

**Post-Secondary Disability Consortium of Central New York:** Website developed by this consortium to assist students, parents, educators, and consulting professionals in developing a better understanding of the issues involved in the transition to college for students with disabilities. [www.pdccny.org](http://www.pdccny.org)

#### STUDENT TOOLS

**Northeast Technical Assistance Center on Deafness (NETAC):** Located on the campus of the Rochester Institute of Technology, NETAC provides assistance and information to campuses and individuals to improve the learning environment for deaf and hard of hearing students on college campuses. An on-line notetaker training course is available at: <http://www.netac.rit.edu/onlinenotetakertraining.html>

**Speech-to-Text Freeware:** There are a number of free software programs (very basic) for speech-to-text. <http://www.dyslexia.com./helpread.htm> has links to five: Browsealoud, Help Read, ReadPlease, WeMedia and Read-E.

**TASC Tutoring Centers On-Line Workshops** – included are workshops in Time Management, Notetaking Techniques, Learning Styles Exploration, Textbook Reading Strategies, Increasing Reading Rate, and Test-taking Strategies.

[http://www.trcc.comnet.edu/ed\\_resources/tasc/skills\\_workshops.htm](http://www.trcc.comnet.edu/ed_resources/tasc/skills_workshops.htm)

**University of Minnesota Assignment Calculator** – this tool is great for students to plan out writing papers. <http://www.lib.umn.edu/help/calculator/>

**University of St. Thomas Study Guides and Strategies** – Topics include: Preparing to Learn, Classroom Participation, Project Management, Preparing for Tests, Writing Basics, Math and Science, Studying, Learning with others, Taking Tests, Reading Skills, Web truth. <http://www.studygs.net/index.htm>

## **COLLEGE SEARCH**

[www.act.org](http://www.act.org)  
[www.weapply.com](http://www.weapply.com)  
[www.collegeview.com](http://www.collegeview.com)  
[www.gocollege.com](http://www.gocollege.com)  
[www.review.com/college](http://www.review.com/college)  
[www.luminet.net/~jackp/survive.html](http://www.luminet.net/~jackp/survive.html)

College Board Home Page  
[www.collegeboard.com](http://www.collegeboard.com)

College Quest  
[www.collegequest.com/](http://www.collegequest.com/)

The Student Guide  
[www.ed.gov/prog\\_info/SFA/StudentGuide/](http://www.ed.gov/prog_info/SFA/StudentGuide/)

## **CAREERS**

[www.careersandcolleges.com](http://www.careersandcolleges.com)  
[www.MyRoad.com](http://www.MyRoad.com)

National Clearinghouse on Careers and Professions Related to Early Intervention and Education for Children with Disabilities; The Council for Exceptional Children  
[www.special-ed-careers.org](http://www.special-ed-careers.org)

### **Financial Aid/Scholarships**

[www.fastweb.com](http://www.fastweb.com)  
[www.collegenet.com](http://www.collegenet.com)  
[www.scholarships101.com](http://www.scholarships101.com)  
[www.ed.gov](http://www.ed.gov)  
[www.finaid.org](http://www.finaid.org)  
[www.cashe.com](http://www.cashe.com)

National Amputation Foundation Scholarship  
[www.nationalamputation.org](http://www.nationalamputation.org)

National Association of the Deaf Stokoe Scholarship  
[www.nad.org/openhouse/programs/R&Sawards/stokeoscholarship.html](http://www.nad.org/openhouse/programs/R&Sawards/stokeoscholarship.html)

Financial Aid for Students  
[www.ed.gov/OSFAP/students](http://www.ed.gov/OSFAP/students)

The Financial Aid Information Page  
[www.finaid.org](http://www.finaid.org).



FAFSA Express  
[www.ed.gov/offices/OPE/express.html](http://www.ed.gov/offices/OPE/express.html)

Don't Miss Out: The Ambitious Student's Guide to Financial Aid  
[www.octameron.com](http://www.octameron.com)

Financial Aid for students with Disabilities and Their Families  
[www.rspfunding.com](http://www.rspfunding.com).

Funding Your Education  
[www.ed.gov/prog\\_info/SFA/FYE](http://www.ed.gov/prog_info/SFA/FYE)  
[www.petersons.com](http://www.petersons.com)

CASHE- College Aid Sources for Higher Education  
[www.salliemae.com](http://www.salliemae.com)

Admissions and Financial Aid Information  
CollegeNET  
[www.collegenet.com](http://www.collegenet.com)

The National Association of Student Financial Aid  
[www.nasfaa.org](http://www.nasfaa.org)

The Parents Guide to Paying for College  
[www.collegeboard.org](http://www.collegeboard.org)

Hemophilia Health Services Memorial Scholarship Program  
[www.hemophiliahealth.com](http://www.hemophiliahealth.com)

Kathy Hoffman  
Sharon Trerise  
Carolyn Boone  
Jane Jarrow  
Bruce Pomeroy

[hoffman@ecc.edu](mailto:hoffman@ecc.edu)  
[trerise@cayuga-cc.edu](mailto:trerise@cayuga-cc.edu)  
[boonec@tc3.edu.edu](mailto:boonec@tc3.edu.edu)  
[janejarrow@aol.com](mailto:janejarrow@aol.com)  
[pomeroy\\_b@sunybroome.edu](mailto:pomeroy_b@sunybroome.edu)