



Disability Services and ADA Compliance

Faculty and Staff Presentation

Accommodations: Not Easy, Just Possible

The Disability Services Center and our Role on Campus

Disability Services provides assistance for students with various disabilities such as hearing or mobility impairments, learning and cognitive disabilities, temporary disabilities such as sports injuries and pregnancy, and any other disability as defined by the Americans with Disabilities Act (ADA). It is also our responsibility to stay up to date on rules and regulations required by the federal government for ADA compliance.

Common Terms associated with ADA

Disability - According to the ADA, a disability is a physical or mental impairment that substantially limits one or more major life activities.

Example: Major life activities include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Reasonable Accommodation - A reasonable accommodation is “any change in the class setting or the way things are customarily done that provides an equal opportunity to an individual with a disability.”

Example: These include removing physical barriers to provide access, changing a classroom environment or task to allow a student with a disability to participate, modifying policies, practices or procedures, use of auxiliary aids and services, and making other adaptations or modifications that enable a student to participate in the college’s programs, services and activities.

Undue Hardship - Under the ADA, an institution is required to provide reasonable accommodations so long as doing so does not create an undue hardship on the organization.

Example: The cost of an accommodation could be an undue burden on the institution, but so could an accommodation’s duration, expansiveness, or disruption.

Common Terms associated with ADA: Continued

Interactive Process – This is an ongoing conversation with a student who has indicated that they need an adjustment or change in the academic setting related to a physical or mental issue. If a student requests an accommodation, Disability Services should engage in an interactive process to determine if it is reasonable.

504 Plan - The 504 plan is a plan developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives accommodations that will ensure their academic success and access to the learning environment.

Who is eligible for an accommodations?

A student must meet two criteria to be eligible for an accommodations. First, the student must meet the **essential or requisite eligibility requirements** of the program, service or activity in which he or she wishes to participate with or without an accommodation. This means that the student must meet the requisite eligibility requirements in spite of his or her disability. Second, the student must have a documented disability as defined by the Americans with Disabilities Act or the Rehabilitation Act of 1973. Accommodations simply provide an alternative way to accomplish the course requirements by eliminating or reducing disability-related barriers. They provide a level playing field, not an unfair advantage.

Types of Accommodations

- Sign language interpreters
- Note takers or scribes
- Tape recorders
- Giving exams in alternative formats (e.g., giving a written exam orally, or changing the way answers are recorded);
- Extending the time allowed
- Permitting use of a dictionary or spell checker (unless test is designed to measure spelling accuracy)
- Providing quiet room for test taking in order to decrease auditory or visual distractions
- Assistive listening devices
- Removal of architectural barriers
- Course substitutions and waivers
- Written materials in alternative formats such as large print, Braille.

What types of accommodations will not be provided?

The following is not provided by JSU Disability Services:

- Personal devices such as wheelchairs, hearing aids or glasses.
- Personal services such as assistance with eating, toileting or dressing.
- Accommodations that would fundamentally alter the nature of a program.
- Accommodations which lower or substantially modify academic or program standards.
- Accommodations that are unduly burdensome, either administratively or financially.

As an instructor, do I have to tutor a student with a disability?

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

What happens if an instructor decides not to acknowledge a student's accommodations?

If an instructor decides not to acknowledge a student's accommodations, the student has the following options:

- The student can file an appeal or complaint through the Disability Services office.
- The student can file a complaint with the Office for Civil Rights of the Department of Education.

Complaints must be made within 180 days of the event. Appeals must be made within 60 days of the receipt of outcome.

Case Study 1:

A student suffers from a serious hearing impairment and seeks to be trained as a Registered Nurse.

When the student applied to the College, she was denied admission to the nursing program of a state institution that received federal funds. An audiologist's report indicated that, even with a hearing aid, the student cannot understand speech directed to her except through lip-reading. The college rejected the student's application for admission, because it believed her hearing disability made it impossible for her to participate safely in the normal clinical training program or to care safely for patients. The student then filed suit against the college in Federal District Court, alleging a violation of Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against an "otherwise qualified handicapped individual" in federally funded programs "solely by reason of his handicap."

Reflection time:

Take a moment to think of how you would handle the student in Case Study 1.

Case Study 1: The Verdict

Results:

The District Court entered judgment in favor of the college, confirming the audiologist's findings and concluding that the student's handicap prevented her from safely performing in both her training program and her proposed profession. On this basis, the court held that student was not an "otherwise qualified handicapped individual" protected by Section 504, and that the decision to exclude her was not discriminatory within the meaning of Section 504.

Decision Overturned:

Although not disputing the District Court's fact findings, the Court of Appeals reversed the judgement, holding that, in light of intervening regulations of the Department of Health, Education, and Welfare (HEW), Section 504 required the college to reconsider the student's application for admission without regard to her hearing ability, and that in determining whether the student was "otherwise qualified," the college must confine its inquiry to her "academic and technical qualifications." The Court of Appeals also suggested that Section 504 required "affirmative conduct" by the college to modify its program to accommodate the disabilities of applicants.

Case Study 2:

An art major student was required to take two English courses and four semesters of a second language.

Issue:

The student suffered from a language-learning disability, which made it difficult to understand and organize large amounts of verbal information. The student contacted the advisor of the art department and mentioned her concerns. After an appointment with the disability services coordinator, where the documentation of her disability was provided, accommodations were made.

Case Study 2: The Verdict

Result:

The student was able to substitute the foreign language course requirement for two courses in the social sciences. The ADA resource lab also assisted the student with a speech-to-text option to use during the academic year.

Accessibility statement for syllabus

Including an **accessibility statement** on your syllabus can help to:

- Signal to **all** students in your course(s) that you welcome discussion about individual differences in learning, encountered barriers, and ways to maximize access.
- Send a message that you value diversity and an inclusive learning environment.
- Open the door to communication and help students feel more comfortable approaching you.
- Normalize the accommodations process as just another part of the course.
- Inform students about college procedures and available resources.

Recommended verbiage for syllabus

Syllabus Accessibility Statement 1

Jackson State University is committed to creating a learning environment that meets the needs of its diverse student body. If you anticipate or experience any barriers to learning in this course, please feel welcome to discuss your concerns with me.

If you have a disability, or think you may have a disability, you may also want to make an appointment to meet with Disability Services staff to begin this conversation or request an official accommodation. They may be contacted by phone at 601.979.3704 or via email at adaservices@jsums.edu . You can find more information about the Department of Disability Services by visiting www.jsums.edu/disability/ . If you have already been approved for accommodations through Disability Services, please meet with me so we can develop an implementation plan together.

Syllabus Accessibility Statement 2

It is my goal to create a learning experience that is as accessible as possible. If you anticipate any issues related to the format, materials, or requirements of this course, please meet with me outside of class so we can explore potential options.

Students with disabilities may also wish to work with the Disability Services department to discuss a range of options to removing barriers in this course, including official accommodations. They may be contacted by phone at 601.979.3704 or via email at adaservices@jsums.edu . Please visit their website additional information at www.jsums.edu/disability/ . If you have already been approved for accommodations through Disability Services, please meet with me so we can develop an implementation plan together.

Recommended verbiage for syllabus: Continued

Syllabus Accessibility Statement 3

I am committed to creating a course that is inclusive in its design. If you encounter barriers, please let me know immediately so we can determine if there is a design adjustment that can be made. I am happy to consider creative solutions as long as they do not compromise the intent of the assessment or learning activity.

If you are a student with a disability, or think you may have a disability, you are also welcome to initiate this conversation with Disability Services staff. The Disability Services department works with students with disabilities and faculty members to identify reasonable accommodations. They may be contacted by phone at 601.979.3704 or via email at adaservices@jsums.edu. You can find more information about the Department of Disability Services by visiting www.jsums.edu/disability/. If you have already been approved for accommodations through Disability Services, please meet with me so we can develop an implementation plan together.

Confidentiality of Student Information

- All disability-related information, including documentation, accommodation letters, correspondence, and consultations are considered confidential and will be managed in accordance with The [Family Educational Rights and Privacy Act \(FERPA\)](#) regulations.
- Breaches of confidentiality are taken very seriously by JSU. Unauthorized disclosures of student information must be documented and can result in the University being in non-compliance with federal regulations. Additionally, such disclosures may violate state privacy laws and may subject the university and the individual to liability. Please contact Disability Services if there are any questions, issues, or concerns regarding maintaining confidentiality of information.

Frequently ask question by faculty members:

- **May I fail a student with a disability?** Yes. It is possible to fail a student with a disability. The laws mandate access to education, not guaranteed academic success. A student with a disability is required to meet the same academic, performance, behavioral, or technical standards as a student without a disability.
- **Is the information regarding a student's disability and his/her need for academic accommodations confidential?** Yes. Privacy of student information, including that regarding students' disabilities or accommodation needs, should generally be handled according to guidelines of the Family Educational Rights and Privacy Act (FERPA). Personal information of this nature should only be shared with those people within the institution who have an educational need-to-know.
- **How can I encourage students with disabilities to talk with me about their accommodations?** Announce at the beginning of the course that you are available to discuss instructional methods and appropriate course accommodations with students who have disabilities. In addition, include an accessibility statement on your course syllabus.
- **How do I know a student is qualified to receive disability-related accommodations?** At Jackson State University, a student who wishes to receive disability-related accommodations must register with the Disability Services office. The student must provide documentation from an appropriate professional about his/her condition to determine eligibility for services. Once a student is determined eligible, reasonable accommodations are identified.

Frequently asked question by faculty members:

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- **Is it acceptable to ask a student who is having obvious difficulties whether he/she has a disability, or to refer the student to the office that provides disability support services?** No. It is not a good idea to ask directly about a possible disability for a couple of reasons. First, the Americans with Disabilities Act (ADA) states that a public entity may not make unnecessary inquiries into the existence of a disability. These inquiries usually relate to hiring or pre-admission screening, but when talking with students such inquiries should also be avoided. A direct inquiry such as this could be considered intrusive or insensitive. You may simply tell the student that you notice he/she is having academic difficulty and encourage him/her to talk with you about gaining assistance, just as you would any other student.
- **Can a faculty member forbid a student with a disability to use a tape recorder in class?** No. An instructor is typically required to allow a student to audio record the course if audio access to the class is determined to be an appropriate accommodation for the student's disability. Audio recording is specifically mentioned in Section 504 of the Rehabilitation Act as a means of providing full participation in educational programs and activities. Occasionally, classroom discussion reveals items of a personal nature about students. During these times, it would be appropriate to ask the student with a disability to stop recording during these discussions.
- **Some students with disabilities are provided extended time on examinations. Is this fair to other students?** The Rehabilitation Act and the Americans with Disabilities Act (ADA) state: "the results of an examination should accurately reflect an individual's aptitude or achievement level or whatever the test purports to measure, rather than reflecting an individual's impaired sensory, manual, or speaking skills." The courts have held repeatedly that a lengthening of the standard examination period is a fitting accommodation for some students with disabilities.

If more information is needed or additional training required,
please contact:

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