

# STUDENTS WITH DISABILITIES

## A FACULTY GUIDE

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## **What is the intent of the federal laws?**

There are two laws that specifically apply to students with disabilities. Title I of the Education Amendments of 1972, Section 504 of the Vocational Rehabilitation Act of 1973 and Amendments of 1992 and the Americans with Disabilities Act (ADA) of 1990.

The underlying principle of both laws is the same -- covered entities cannot discriminate on the basis of disability in their programs, activities and services.

Both laws stress the concept of equal opportunity, not merely equal treatment, to eliminate discrimination. In fact, identical treatment may itself be discriminatory in some cases, because it would not provide people with disabilities the adjustments or accommodations they need to achieve equal opportunity. Therefore, both laws require covered entities to make special accommodation or modification in the policies and practices which will allow people with disabilities to have the same opportunities as non-disabilities people.

The ADA compliments, but does not replace, Section 504. The biggest difference between the two laws is their scope. Section 504's application is tied to receipt of federal funds. The ADA goes well beyond that, prohibiting disability discrimination by all state and local governments, every employer with more than 15 employees, and nearly all places of public accommodation, regardless of whether federal funding is received.

## **How do these laws apply to Drake University?**

The laws prohibit discrimination in recruitment, admissions, and treatment after admission. "Colleges and universities are required to make reasonable accommodations to permit persons with disabilities to fulfill academic requirements and ensure that they are not excluded from programs because of the absence of auxiliary aids"

Universities must adhere to the following conditions:

1. The college cannot limit the number of qualified students with disabilities who can be admitted;
2. Pre-admission inquiries regarding handicapping conditions cannot be conducted;
3. No student may be excluded from any course or any course of study solely on the basis of disability;
4. Prohibitive rules, such as those banning tape recorders from the classroom, must be waived for some students with disabilities;

5. Auxiliary aids must be permitted in the classroom when they are required to ensure the full participation of students with disabilities;
6. Alternate testing and evaluation methods for measuring student achievement will be necessary for students with impaired sensory, manual or speaking skills (except where those are the skills being measured);
7. Special equipment or devices used in the classroom (and in some cases teaching techniques that rely upon the sight, hearing or mobility of students) may require adaptation in individual cases;
8. It is discriminatory to counsel students with disabilities toward more restrictive careers than students without disabilities, unless such counsel is based on strict licensing or certification requirements in a profession;
9. A student with disabilities who feels discriminated against has the right to process complaints through the college or to initiate legal proceedings.

### **What should an instructor do to assist a student with a disability?**

If a student discloses to an instructor that he or she has a disability, the student should be referred to Student Disabilities Services at 107 Old Main or 271-1835. SDS will then obtain detailed documentation of the student's disability. Based on this documentation, academic accommodations will be determined and a Student Academic Accommodation Request form will be completed for each course.

It is the student's responsibility to share the request form with his or her instructor. The instructor then discusses with the student the required accommodations and how they will be provided. If the instructor has concerns or questions regarding the required accommodation he or she may contact SDS at 271-1835.

The instructor should hold the student to the same level of competency as other students, as long as the student with a disability is receiving accommodations.

## **Who is responsible for providing the required accommodations?**

If questions arise as to responsibility, please contact SDS for clarification.

### Book on Tape or Braille:

If a student requires books in an alternative format, Student Disability Services coordinates this. SDS also provides training for the student on the use of assistive technology available on campus that will scan printed materials that are not otherwise available.

### Classroom Accessibility:

SDS, working with Student Records, coordinates the location of classrooms for students with special accommodation needs. Facilities Services locates accessible desks.

### Housing:

SDS works with Student Housing and Residence Life to facilitate accessible housing for students with disabilities or health conditions.

### Interpreter/Captioning Services:

SDS coordinates interpreter services and captioning services for students who are deaf or hard of hearing. The college/program may be asked to assist with the cost.

### Supplemental Notes:

The instructor announces during the first class period that a volunteer is needed to take notes for a student. (Specific information is provided with Student Academic Accommodation Request forms.) SDS provides note-taking paper or arranges for copying services. If an instructor has difficulty recruiting volunteers, SDS will assist. Also, if the notes are not being provided, SDS will work with the students involved to resolve this issue.

### Tape Recording Lectures:

The student must provide his or her own recorder and tapes. They may not be disruptive to the class.

### Technology:

SDS has technology available to students who are unable to access standard computers, hear instructor's lectures, or who need visual warning fire/safety alarms.

### Testing accommodations:

The instructor coordinates all testing accommodations. SDS will be of assistance in any way possible. SDS has lists of readers, scribes, and proctors and will help to facilitate this service. The instructor must request assistance and provide an exam schedule to SDS for assistance. A one-week advance notice is necessary to locate readers, scribes and proctors.

### Other:

If other accommodations are listed, please contact SDS to clarify who is responsible for providing the accommodation.

### **When do accommodations become unfair to other students taking the same course?**

Reasonable accommodations are never unfair. The law and regulations do not require preferential treatment. What the law requires is that reasonable accommodations are provided so that those individuals with disabilities can participate in the programs that are offered in the same way as non-disabled students. "Reasonable accommodations" are those things that allow disabled students to participate in programs and services

SDS requires students with disabilities to provide extensive documentation of their disability to ensure that they are not over-accommodated. Students with disabilities should be expected to perform at the same level as other students once they are provided with appropriate accommodations.

### **What are the responsibilities of the student with a disability?**

Although it is an instructor's responsibility to create an accessible learning environment, generally a student is responsible for:

1. Identifying him/herself as disabled
2. Providing SDS with documentation of their disability
3. Request specific accommodations that they need
4. Completing a Student Academic Accommodation Request with SDS
5. Providing the request form to their instructor
6. Discussing accommodations with their instructor
7. Completing course assignments and attending class
8. Notifying SDS if accommodations are not being provided
9. Communicating with their instructor if any concerns arise
10. Adhering to the university's code of conduct

## **Who works in Student Disability Services?**

Michelle Laughlin is the coordinator of Student Disability Services. She brings both personal and professional experience working with students with disabilities. Michelle can be reached at:

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