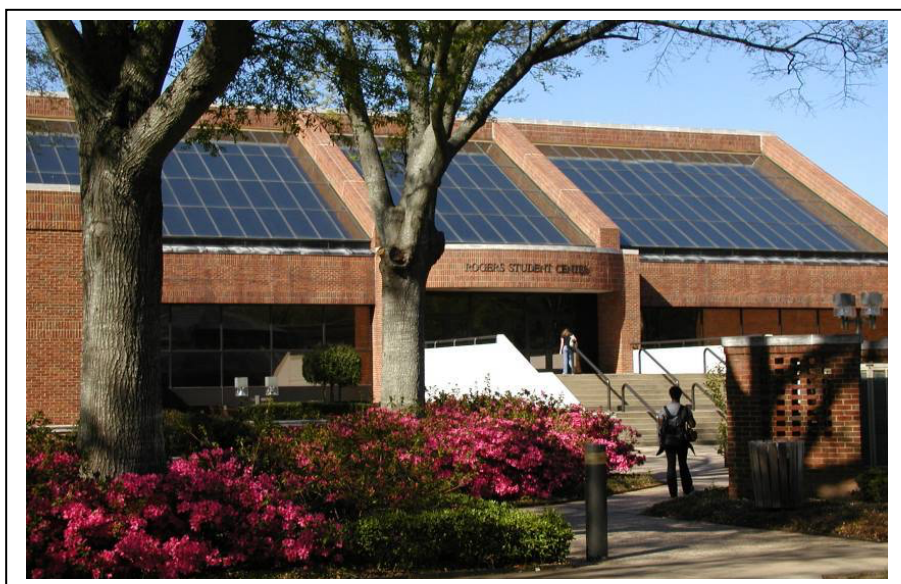


# **Tyler Junior College**

## **Handbook for Educational Accessibility for Students with Disabilities**



**Disability Services Office  
Potter Hall  
Room 105**

**(903) 510-2878**

**(903) 510-2841 - Deaf and Hard of Hearing**

**Hours:**

**Monday-Friday**

**8:00 a.m. – 5:00 p.m.**

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# **Students with Disabilities**

Tyler Junior College welcomes students with disabilities. Prospective students with disabilities are encouraged to visit TJC prior to applying for admission. The student should tour the campus, become acquainted with the facilities, and ask about special assistance that they may need.

When the student has been admitted to TJC, the next step should be to become familiar with policies and procedures contained in official publications of the College. These include the current Catalog, Class Schedule, Student Handbook and Calendar, and the Handbook for Educational Accessibility. TJC is committed to providing students with disabilities equal access to its facilities, activities and programs. Section 504 of the federal Rehabilitation Act of 1973 as amended, and the Americans with Disabilities Act of 1990 (ADA) require that public colleges and universities provide reasonable and appropriate accommodations for students with disabilities.

If the student needs accommodations to access the registration process due to a disability, contact the Disability Services Office as soon as possible to allow adequate time for scheduling the special services they may need.

## **Section 504 and the Americans with Disabilities Act (ADA)**

Section 504 of the Rehabilitation Act of 1973 as amended states:

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

The Americans with Disabilities Act of 1990 (ADA) extends the provisions of the Rehabilitation Act of 1973 to private institutions and puts in place more effective means to employment in the private sector, transportation, public accommodations, services provided by state and local government, and telecommunication relay services.

The ADA upholds and extends the standards for compliance set forth in Section 504. Under provisions of the ADA (and similar wording in Section 504), a person with a disability refers to “any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.” Major life activities may include caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, concentration and working. A physical or mental condition, in and of itself, does not mean that a person is entitled to accommodations, if the above conditions are not met.

The ADA was revised in 2008, but its changes do not affect our provision of services, as we were already addressing student needs on an individual basis, and serving the needs of students.

# Accommodations for the Student with a Disability

Disability Services serves as a liaison between the students with disabilities and faculty and staff at Tyler Junior College. The provision of assistance and reasonable accommodations is guided by TJC policies and procedures, which are implemented through Disability Services. It is the intent of Disability Services to work with students, faculty and staff to provide appropriate support for students as they strive towards achieving their academic goals.

Colleges and universities are not required by either Section 504 or the ADA to lower their academic standards or substantially alter the essential elements of their courses or programs to accommodate students with disabilities. The requirement for providing reasonable accommodations is designed to give an equal opportunity to students with disabilities; accommodations, in and of themselves, are not a guarantee of success. It is the intent that the provision of reasonable accommodations for students with disabilities will be a shared responsibility among students, faculty, staff, and the administration.

Under current policies and procedures in place at Tyler Junior College, the Support Services office functions as liaison on behalf of the student with a disability and individual members of the faculty, staff and administration at TJC who may be called upon to provide accommodations or services. Students with special needs are encouraged to seek assistance through this office to facilitate your requests and also to allow the faculty or staff member the benefit of guidance from Disability Services on how best to respond to your needs. Documentation regarding a student's disability is considered confidential and is treated as such by Disability Services. Disability Services acknowledges and respects the student's right to privacy and may, to the extent necessary for the benefit of the student, discuss such information.

## Who is entitled to Classroom or Testing Accommodations?

A person who has a disability that **substantially limits one or more of their major life activities may be entitled to classroom accommodation if their disability has limited their access to a college education.** At Tyler Junior College accommodations are provided on an individual basis after the student completes the **request for accommodations** process.

People with the following, as well as other special needs or disabilities, may be entitled to classroom accommodations:

**Deafness and/or Hard of Hearing**  
**Traumatic brain injury**  
**Physical Disability**  
**Learning Disorder**  
**Other Medical conditions:**  
**Vision**  
**Reading Disorder**  
**Psychological/Emotional Disability**  
**Other Disabilities**

**Neurological Disorder**  
**ADD/ADHD**  
**Speech/Language**

**Cancer**  
**AIDS**  
**Diabetes**

If you believe that you have a disability that limits your access to a college education, see the Director of Disability Services in Potter Hall or call (903) 510-2878 for an appointment.

## **What Accommodations Might Be Provided?**

Accommodations are determined on an individual basis to meet an individual student's needs. There are ***no automatic accommodations*** for any particular disability. Students are encouraged to suggest their own accommodations based upon their own unique experiences and learning style. Below is a list of some of the accommodations that have been used by students.

**Accommodations may include the following:**

- ❖ **Permission to tape record lectures**
- ❖ **Extended time on test,**
- ❖ **Arranging test to be taken in an area with minimal distractions**
- ❖ **Use of a sign language interpreter,**
- ❖ **Use of a note taker**
- ❖ **Use of "color overlays"**

Accommodations must be based upon a documented disability and how that disability impacts the learning experience of that individual student.

## **Service and Assistance Animals**

### **Service Animals and Assistance Animals**

Federal law does not require the individual to provide documentation that a service animal has been trained as a service animal. TJC may ask if the service animal is required because of a disability, as well as ask what work or tasks the animal has been trained to perform.

#### **a. Service Animals**

(1) Individuals with disabilities may be accompanied by their service animals in all TJC buildings where members of the public or participants in services, programs, or activities are allowed to go. By law, a 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. In some cases, the College may permit miniature horses on campus on a case-by-case basis, consistent with applicable law.

(2) The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such tasks include, but are not limited to, assisting an individual with low vision with navigation; alerting individuals who are hard of hearing to the presence of people or objects; pulling a person's wheelchair; or providing assistance with stability or balance to an individual with a mobility disability.

(3) If an individual's need for a service animal and the qualifications of the animal are not obvious, the individual may be asked (a) whether the animal is required because of a disability; and (b) what work or task(s) the animal has been trained to perform.

(4) Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the College's grounds and facilities where members of the public, participants in services, programs or activities, or invitees are allowed to go.

(5) A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether unless 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 either of those cases, the service animal must be under the handler's control by voice control, signals, or other effective means.

(6) If a service animal is properly excluded under the foregoing provision, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.

(7) The College is not responsible for the care or supervision of a service animal. If a person with a disability remains on the premises after his or her service animal is properly excluded, it is that person's responsibility to arrange for the animal's care and supervision.

b. Assistance Animals in College Housing

If a student is planning to bring an emotional support animal to campus s/he must complete and ESA packet and meet with the Director of Disability Services prior to bringing an animal to campus.

(1) Federal law allows individuals with disabilities the presence of a broader range of animals ("assistance animals") in College housing as compared with the campus as a whole. By law, an assistance animal means any service animal, as defined above, as well as an animal needed for emotional support. An individual may keep an assistance animal as an accommodation in College housing if:

(a) The individual has a disability;

(b) The animal is necessary to afford the individual an equal opportunity to use and enjoy a dwelling; and

(c) There is an identifiable relationship between the disability and the assistance the animal provides. Assistance animals are NOT allowed in any other College buildings.

(2) Exceptions

The College may exclude an assistance animal from College housing if the animal is not housebroken; would cause substantial physical damage to the property of others or College facilities; would pose a direct threat to the health or safety of others; would fundamentally alter the nature of a program or activity; or is not being cared for by the individual. Students will be liable for damage caused by assistance animals in the same manner they are responsible for personal damages to College property.

(3) Responsibilities of Individuals with Assistance Animals

The College is not responsible for the care or supervision of an assistance animal. Individuals with disabilities are responsible for the control of their assistance animals at all times and for ensuring the immediate cleanup and proper disposal of all animal waste. Individuals must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws, as well as the College's rules in lease provisions regarding vaccination, licensure, leash control, cleanup rules, animal health, and community relationships.

## **Responsibilities of the Individual with Disability Using an Assistance Animal**

Assistance animals whose behavior poses a direct threat to the health or safety of others, would cause substantial physical damage to the property of others, would pose an undue financial and administrative burden, or would fundamentally alter the nature of the College's operations may be excluded regardless of training, documentation, or certification.

Where it is not readily apparent that an animal is a service or assistance animal, the matter should be referred to Disability Services if the person with a disability is a student. TJC may require that documentation be provided by an appropriate and reliable healthcare provider (e.g. physician or mental health provider) to determine: (a) that the individual has a disability for which the animal is needed; (b) how the animal assists the individual; and (c) the relationship between the disability and the assistance that the animal provides. Disability Services will determine, on an individualized case by case basis, in accordance with applicable laws and regulations, whether the animal is a reasonable accommodation.

Cleanliness is mandatory for service and assistance animals. Daily grooming and occasional bath (at a vet or a family home) should keep odor to a minimum. Flea and other infestation control is essential. If a flea or infestation problem develops, it should be dealt with immediately and in an effective manner, which may include, but is not limited to, regular cleaning of yourself and your animal with appropriate treatment for the respective flea or infestation problem. Students who discover a flea or infestation problem are expected to notify College officials immediately. Failure to respond could result in removal of the service or assistance animal. Consideration of others must be taken into account when providing maintenance and hygiene of service and assistance animals.

## **Assistance Animals**

Assistance animals are welcome for an individual with a disability as a housing accommodation, but are not allowed broadly on campus or allowed to attend classes, meetings, or other events with the individual with the disability.

Assistance animals are defined as animals that may be necessary and otherwise reasonable to provide an equal opportunity to use and enjoy a dwelling, which may include animals that are trained to work or perform tasks for the benefit of an individual with a disability, as well as animals needed for emotional support within a housing setting.

It is permissible for the College to inquire if the owner of the assistance animal has a disability, if the assistance animal is necessary to afford the individual an equal opportunity to use and engage with a residential dwelling, and if there is an identifiable relationship between the disability and the assistance the animal provides.

# How to Request Accommodations for a Disability

- Contact the Director of Disability Services, or the Coordinator of Hearing Loss Services, **(903) 510-2878 or (903) 510-2841**, to arrange an interview.
- Complete the *New Student Accommodations* form located in Apache Access. This link can be found by logging into **Apache Access**, going to **Menu**, choosing **Student** then **Campus Life**, scroll down under Support Services and click on the link “**New Student Accommodations**”. The priority **deadline** for applying for assistance with the Disability Office is **four weeks prior to the beginning of the initial semester of enrollment**, to allow adequate coordination of services. The **deadline for applying for subsequent continuous semesters of enrollment is two weeks prior** to the start of regular college registration for that semester. **Four weeks** is needed if interpreters, readers, scribes, or modified equipment is needed. Applying after the above deadlines may result in a delay of accommodations for the semester.
- Upload to the ADA portal or email documentation, which confirms a disability that causes a substantial limitation in daily living as defined under Section 504 and the Americans with Disabilities Act, and the guidelines of Tyler Junior College.
- **Meet with the Director of Disability Services or Interpreter/Coordinator of Hearing Loss Services** following the review of your documentation by the appropriate Disability Services professional.
- The student will be informed of the recommended accommodations and if additional documentation is necessary.
- The Disability Services Staff will complete the “Faculty Notification Form” with the student. The form will be provided by email to both the instructor and the student. It is the student’s responsibility to discuss accommodations needs with the professor.

The faculty member and the student work together to implement the accommodations. If any concerns develop regarding the accommodations, the student or the faculty member should contact the Director of Disability Services or the Coordinator of Hearing Loss Services.

- Persons with disabilities who need special accommodations, and/or to participate in programs, services or activities of Tyler Junior College, are invited to make their needs and preferences known to the director of the program or activity in which they seek to participate. If a student has any difficulties in implementing the accommodations that they have been granted through Disability Services, or problems receiving services or participating in other college activities, s/he should contact the Director of Disability Services or the Coordinator of Hearing Loss Services **immediately**.



# Documentation Guidelines For Students with Disabilities

Students are responsible for providing the Office of Disability Services with current documentation of their disabilities. Because reasonable accommodations and services are based on the current impact of the individual's disability, it is in the candidate's best interest to provide recent documentation. Testing evaluations and other documentation should have been administered within the past three (3) years to be considered current. Documentation older than five (5) years is generally considered to be out-dated. Students who submit documentation that is not current or is inadequate may be required to have updated testing completed before accommodations will be granted.

To establish that an individual is covered under the ADA, documentation must indicate that a specific disability exists and that the identified disability ***substantially limits*** one or more ***major life activities***. A major life activity includes walking, reading, writing, seeing, hearing, speaking, breathing, learning, working, caring for oneself and other similar activities. ***A diagnosis of a disorder/condition/syndrome in and of itself does not automatically qualify an individual for accommodations under the ADA.*** The documentation must support the request for accommodations, academic adjustments, and/or auxiliary aids.

The following is a list of the suggested documentation required by Support Services in order to recommend reasonable classroom accommodations.

## Learning Disabilities

- ✓ All documentation must meet the following guidelines:
  - Qualified professional must conduct the evaluation (i.e., Psychologist, LPC, Psychiatrist, Medical Doctor).
  - Evaluation must be comprehensive and substantiate the Learning Disability and/or other specific diagnosis.
  - Actual test scores from standardized instruments must be provided.
  - An interpretative summary must be provided.
  - All reports should be on letterhead, typed, dated, signed and legible.
- ✓ **A copy of the Comprehensive Individual Assessment from High School if available**
- ✓ **Records from the Texas Workforce or other appropriate agencies or medical institutions**

## Deaf or Hard of Hearing

- ✓ Certificate of Deafness from the Texas Workforce.

## Blind or Visually Impaired

- ✓ Certificate of Blindness from Division for Blind Services or an eye report showing vision loss.

# Motor Impairment

- ✓ Current medical evaluation
- ✓ Records from Texas Workforce.

## ADD/ADHD

- ✓ Documentation of ADD/ADHD should meet the following guidelines: \*
  - Evaluation must be conducted by a qualified professional (Psychologist, Medical Doctor, Psychiatrist, L.P.C., Diagnostician).
  - Documentation must indicate that ADD/ADHD substantially limits some major life activity, including learning.
  - Evaluation must be comprehensive and substantiate ADD/ADHD. The evaluation should include evidence of early impairment; evidence of current impact, diagnostic interview, and all other alternative diagnoses or explanations need to be ruled out.
  - Relevant testing information must be provided. Neuropsychological and psycho educational assessments are important in determining the current impact of the disorder on the individual's ability to function in academic settings. Checklists and/or surveys can serve as supplements to the diagnostic profile but, in and of themselves, are not adequate for the diagnosis of ADD/ADHD.
  - A specific diagnosis utilizing **DSM V** Criteria
  - An interpretative summary should be provided.
  - A copy of the Comprehensive Individual Assessment from High School if available
  - Records from the Texas Workforce or other appropriate agencies or medical institutions.

## Psychological Disorders and/or Traumatic Brain Injury

- ✓ Comprehensive and current psychological/psychiatric evaluation conducted by a qualified professional must include:
  - A specific diagnosis utilizing **DSM V** Criteria
  - Historical information
  - diagnostic interview
  - psychological assessment with actual test scores from a standardized instrument
  - A description of current functional limitations in the academic environment
  - Documentation must indicate that the disability ***substantially limits*** some ***major life activity***.
  - Relevant information regarding medications and current treatment
  - Documentation must indicate that disability substantially limits some major life activity, including learning
  - Alternative diagnoses or explanations should be ruled out
  - An interpretative summary should be provided.
  - Accommodations with accompanying rationale must be provided
- ✓ **A copy of the Comprehensive Individual Assessment from High School if available**
- ✓ Records from Texas Workforce or other appropriate agencies or medical institutions.

Further documentation information may be obtained from the following website:

\*Association on Higher Education and Disability at: [www.ahead.org](http://www.ahead.org)

# Accommodation Procedures

## Testing Accommodations

In order to assure that reasonable special testing can be provided for the student with a physical or learning disability, the following procedure must be followed:

1. Student must meet with Disability Services to provide appropriate documentation and obtain *Testing Accommodations Form*.
2. Student must contact and present faculty/staff advisement form to their instructor(s) to arrange for special testing. Normally this should be done prior to the beginning of the semester or during the first week of classes. The student should maintain contact with professors throughout the semester and contact Disability Services as needed.
3. Student should contact the Testing Center at **(903) 510-2617** at least one week in advance to arrange for testing in a private testing area, if the student has been approved for this accommodation.
4. Instructors are responsible for test delivery to and pickup from the Testing Center.

## Accommodations for Scheduled Student Activities

Reasonable accommodations for students covered by the ADA for any on-campus event for which accommodation is required, or for any off-campus event sponsored in whole or in part by the College, will be made upon advance notification (usually five working days) prior to such an event. Students desiring such an accommodation should contact the college staff member responsible for the activity. The college staff member with supervisory responsibilities may seek the assistance of the Director of Disability Services and or the Interpreter/ Coordinator of Hearing Loss Services to coordinate reasonable accommodations.

## Attendance and Disability

Students most likely to request modified attendance policies are those with health-related disabilities that flare up episodically. This might include students with lupus or fibromyalgia, sickle cell anemia, seizure disorders, cancer, migraines, and conditions requiring dialysis. Students with psychological disabilities who are experiencing an exacerbation of symptoms may also request modification of attendance policies.

Federal law requires colleges and universities to consider reasonable modification of attendance policies if required to accommodate a student's disability. In making this determination, two questions must be answered:

Does the student have a documented disability that directly affects his/her ability to attend class on a regular basis? Disability Services will make this determination based on a review of documentation from the student's physician or psychologist and provide verification in a letter the student presents to the instructor.

Is attendance an essential part of the class? Would modification of attendance policies result in a fundamental alteration of the curriculum? Faculty members make this determination in consultation with Student Disability Services.

The Office of Civil Rights (OCR) has provided the following guidelines to assess if attendance is an essential part of a class:

- Is there classroom interaction between the instructor and students and among students?
- Do student contributions constitute a significant component of the learning process?
- Does the fundamental nature of the course rely on student participation as an essential method for learning?
- To what degree does a student's failure to attend constitute a significant loss to the educational experience of other students in the class?
- What do the course description and syllabus say?
- Which method is used to calculate the final grade?
- What are the classroom practices and policies regarding attendance?

### **Behavior Expectations**

Regardless of the type or severity of a disability, all TJC students must adhere to the policies, rules, and regulations of the Student Code of Conduct section in the Student Handbook as approved by the Board of Trustees.

## **Grievance Procedure**

### **Student Rights to Accommodations and the Appeals Process:**

Students with a disability may qualify for accommodations by applying with the Disability Services Office. The student must provide documentation to support his/her request. After the records have been reviewed, a student may meet with a member of Disability Services to discuss accommodations needs.

A student may disagree either with (1) the accommodations that are offered or are denied or (2) with the implementation of the accommodation by a faculty member.

### **Denial or Disagreement of Accommodations Offered:**

If the student disagrees with the accommodations, s/he and the Disability Services staff should meet to reconcile any disagreements within 10 working days. If resolution to the problem is not achieved, the student may request a review by the Disability Review Committee (DRC). Such request should be made within 5 working days. The DRC will respond to the student and other parties involved within three days of the hearing. If the conflict involves a member of the DRC, that member will not be an active member of the committee during the hearing. If no settlement is reached and the student wishes to pursue further appeals, s/he should follow the grievance procedure outlined below.

### **Problems of Implementation of Accommodations:**

Students are encouraged to work with all faculty members related to the implementation of their accommodations. If a disagreement over the accommodations is present, the student and faculty member should contact (903) 510-2878 to assist in resolving any differences. Tyler Junior College

encourages all parties involved to seek resolution to disagreements by meeting to discuss the issues. When differences remain, parties are encouraged to seek mediation from a mutually agreed upon resource.

## **How to File a Grievance about Discrimination Based on Disability**

Students wanting to file a complaint regarding disability discrimination should start by filing a grievance with the Dean of Students. The Dean of Students will start an investigation in no less than ten calendar days after receiving the grievance, and a notification of results should be received in no less than twenty calendar days. If the investigation will extend more than 20 days, the student will be notified via campus email of the situation.

Please make sure that grievance submissions include your name, address, A#, email address, and phone #. Please include a narrative of the problem (including dates and involved parties) and the name and contact information of the person or persons, department, etc. that you believe have committed the discrimination. Please include copies (not originals) of any documents that might support your complaint.

## **Potential Outcomes of Grievances**

1. The claim may be resolved due to instructor change, grade adjustment, course substitution, etc.
2. Grievance might be forwarded to an Academic Dean if multiple faculty members were involved.
3. There might be mediation to work out a solution that is acceptable to both parties.
4. If a claim is unsubstantiated, then the claim will be dismissed. Appeals are possible if the student notifies the Associate Vice Provost of Student Affairs of his/her intention in writing no less than 5 business days after the claim was initially dismissed.

A student has the right to contact OCR office during any part of the process of seeking accommodations if s/he believes that s/he has been discriminated against.

# **Questions and Answers**

## **What is the function of the Disability Services Department?**

The Disability Services Department assists Tyler Junior College in complying with Section 504 of the Rehabilitation Act of 1973, which states that "no qualified individual with disabilities shall, on the basis of their disability, be excluded from the participation in, be denied the benefits of or be subject to discrimination under any postsecondary program or activity receiving federal financial assistance."

Title II of the Americans with Disabilities Act of 1990 (ADA) additionally clarifies the role of public entities (including the University of California, the California State Universities, and the California Community Colleges) in assuring equal educational opportunity for post-secondary students with disabilities.

- To assure that students with disabilities are not denied equal access to the academic and non-academic life of Tyler Junior College, Disability Services offers a wide range of accommodations, and auxiliary services. Disability Services individually designs services

that are based on the specific disability-related needs of each student as identified by the student and Director of Disability Services or the Coordinator of Hearing Loss Services.

### **Does Support Services keep a student's disability information confidential?**

Support Services is careful to maintain confidentiality. All information about a student and his/her disability (even the fact that s/he has visited our office) is completely confidential. We do not release written information without a student's informed consent. Students are not required to disclose their disabilities to professors, but may do so if they choose.

### **What is a Request for Accommodation form?**

Each semester students with disabilities can request accommodations and receive the Faculty Advisement/Testing Accommodations for their instructors. Forms are given to the students, who deliver them to their instructors. Request for Accommodation forms give instructors specific information about which classroom accommodations they are being called upon to provide. The disability specialist and the student have signed the forms. After the student has discussed his/her request, the instructor will sign the form and keep a copy for future reference during that semester.

### **What is the purpose of the "academic accommodations" which are requested in forms I receive from the Support Services?**

Students with disabilities at Tyler Junior College are capable people who experience some limitations calling for adaptation of materials, methods, or environments to facilitate the students' learning, or to ensure that when they are evaluated, the students are able to demonstrate their learning rather than the effects of their disabilities.

Title 504 of the Rehabilitation Act of 1973 mandates full access of people with disabilities to Tyler Junior College's entire academic and other programs. Course-specific accommodations are one way of assuring that students with disabilities are not denied equal access.

### **How is it decided which accommodations are appropriate for a particular student?**

The Disability Services professional recommends the accommodations that will be most effective in assuring the student's unrestricted access to TJC's academic programs, as required by Title 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, based upon interview with the student and evaluation of student's documentation. Before requesting particular accommodations for a specific course, the professional carefully considers the nature of the student's disability and how this disability may affect the student's ability to learn and to demonstrate achievement in the course.

## **When I receive a Request for Accommodation letter from a student, may I contact Support Services to request more information about the student's disability?**

Please feel free to contact the Support Services staff who signed off on the Request for Accommodation form. S/he can give you additional information about the student's needs as it may relate to the student's performance in your class. Due to confidentiality, certain information can not be shared with the student's consent.

## **What if the requested accommodations appear to compromise the integrity of my class or academic program?**

While providing accommodation for disabilities, institutions of higher education should not lower academic standards or compromise the integrity of the school or program (Davis v. Southeastern Community College, 1979).

In 1977, the Department of Health, Education, and Welfare (now the Department of Education) established guidelines for the implementation of Section 504 (Subpart A) of the Rehabilitation Act of 1973. Relevant portions of these guidelines are summarized below:

Institutions of higher education must modify academic requirements that are discriminatory. Modification may include extending time for completing degree requirements, allowing course substitutions, and adapting the manner in which particular courses are conducted. Institutions are not required to compromise on requirements that are essential to the program or course of instruction, or that are directly related to licensing requirements (Section 104.44(a)).

Institutions of higher education must alter methods of evaluation in order to ensure that test results reflect the student's knowledge and mastery rather than areas of disability. Institutions are not required to alter content or process that is essential to the evaluation (Section 104-44(c)).

If an institution claims that a certain accommodation would compromise an essential element of their program, they need to be able to defend that position in a court of law.

## **Why do you ask that some students be given time-and-one-half for exams, while other students are to be given double time?**

Time-and-one-half for exams is the usual accommodation given to students who, for disability-related reasons, work slowly. Students, who have severe disabilities, or multiple disabilities, may need additional time. Although accommodations are to be based upon a student's individual needs, research has provided us with some guidelines as to the average amount of time that students with different types of disabilities require.

The goal of providing *extended time* is to accurately measure what the student knows; not to measure the extent of their disability.

## **What should I do if I have questions about the accommodations requested for a student, or disagree with them?**

- Faculty input is essential to providing quality services to students with disabilities. Faculty are encouraged to contact the Director of Disability Services or the Coordinator of Hearing Loss Services, as soon as possible when there is a question or disagreement with the accommodations requested for a student. Communications between the Director of Disability Services and/or the Coordinator of Hearing Loss Services with faculty is extremely important to developing an effective solution for the benefit of all parties involved.

If the instructor and the Disability Services staff that signed the Accommodations Request Form cannot agree. The instructor should provide the requested accommodation until it is either set aside or modified by the Dean of Students.

The Dean of Students will try to resolve the disagreement informally; if this effort does not succeed then legal counsel will be sought.

## **When you ask for a "separate, quiet" testing area do you mean that the student should be given a room to himself or herself?**

There are a few students who, for disability-related reasons, do need to take exams in a room with no other students present. For example, some students must have exam questions read aloud to them; and this procedure would be disturbing to other exam-takers. For such students we would request a "private room." Arrangements can be made at the Testing Center for such a room or the faculty member can make other arrangements to provide such an area.

## **What should I do if I cannot provide a requested accommodation?**

If you are unable to provide the requested accommodation, please contact the Disability Services staff whose name appears on the form you received. Solutions can be found for most problems and the input from faculty is highly valued.

## **Does the Testing Center offer a place where students with disabilities can take proctored exams?**

Yes, limited space is available on first come, first serve basis in the Testing Center. It is not generally desirable for students with disabilities to take part of the exam with non-disabled students and then move to another test site. Being asked to temporarily stop work and move to another location may be especially difficult for some disabled students, causing them to lose concentration and focus and forget important details which can impact the test grade.

Surveillance cameras and testing personnel proctor exams taken in the testing center.

## **What should I do if a student does not present an Accommodation form from Disability Services, but instead speaks with me personally to negotiate accommodations?**

You should not provide a student with accommodations unless the student presents you with a form for the current semester from Disability Services. One of the major reasons for having a Disability Services Office on the TJC campus is to provide consistency in the application of ADA and 504



guidelines. When we have many different people making ADA decisions, we lose that consistency. When ADA claims have been made against colleges and universities, the issue of there being policies and procedures that have been consistently followed has been a significant factor in the courts' rulings.

**What should I do if a student presents a request for accommodation only a few days (or hours) before an examination?**

It has been documented through several national agencies and ADA interpretations, that instructors should make a good-faith effort to provide accommodations whenever they are requested, but that instructors are not obliged to provide the requested accommodations unless students request them at least three working days before the examination.

**Are College-wide requirements ever waived or altered for students with disabilities?**

Under the provisions of Title 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, institutions of higher learning must not exclude a qualified student with a disability from any course of study, and must not establish rules and policies that may adversely affect students with disabilities.

One way of adapting academic programs to make them accessible is providing modifications, substitutions, or waivers of courses, major fields of study, or degree requirements (on a case-by-case basis) for students with disabilities.