

**SIA Grant:**

**Updating the MnSCU  
Individuals with Disabilities  
Reference Guide**

Nancy S. Dumke

November 2007

## **History**

The Minnesota State Colleges and Universities' (MnSCU) Individuals with Disabilities Reference Guide was initially distributed in 1998. At that time it was available only in hard copy format. The original document was written by attorneys who represented the 32 MnSCU institutions.

The original reference guide was distributed to Disability Coordinators who attended semi-annual training meetings. It was distributed in a white 3-ring binder and referred to as "the big white manual." Distribution to newer disability coordinators depended upon Dr. Steve Frantz, System Director for Student Affairs, MnSCU Office of the Chancellor, informing them of the resource. Some Disability Coordinators retained and passed on the reference guide.

## **Proposed Outcomes:**

- 1) To have a user-friendly and convenient tool for new and continuing MnSCU Disability Coordinators
- 2) To survey Disability Coordinators as to their knowledge and current use of the existing reference guide
- 3) To update the existing reference guide, which is now available online, to include best practices currently being used by experienced Disability Coordinators
- 4) To work collaboratively with Dr. Steve Frantz, System Director for Student Affairs, MnSCU Office of the Chancellor, on this project

## **Timeline and Assessment:**

- 1) Disability Coordinators were consulted about this project at two MnSCU training workshops, one in the spring of 2007 and the second in the fall of 2007. In addition, the 32 coordinators were surveyed online regarding their knowledge and use of the existing reference guide. They were asked three questions:
  - a) Did you know that the reference guide was a resource for you? If yes, how did you receive that information? If no, where and how would you have liked to be contacted about “the big white book”?
  - b) How did you use this tool – how often do you use it – what is the most useful part of the book?
  - c) If you could add and/or delete one item, what would that be?
- 2) Coordinators were asked to submit electronic copies of best practice resources they wished they had when they started their current positions. They were informed that any submissions would be considered for inclusion in the updated Disabilities Reference Guide.
- 3) New Disability Coordinators start employment with MnSCU institutions each year. They often operate as the solitary representative for disability services at their institutions and as the primary disability connection with the Chancellor’s Office.
- 4) Dr. Steve Frantz was consulted on this proposal.

## **Actual Outcomes:**

- 1) Results of the online survey indicated the following themes:
  - 1a) Ten percent of the coordinators reported that they were unaware of the reference guide. These coordinators have worked in

1a) their current positions for several years. Once their attention was drawn to the reference guide, one coordinator commented that it “was rough, working, pre-final copy.” Another coordinator added, “It would have been a helpful resource as a new Disability Coordinator.”

Twenty percent of the total coordinators (N = 7) replied that they use the existing reference guide. They said the reference guide provides reassurance that they are following correct processes and they use it to verify information when questioned by parents, high schools, and college administrators. These respondents learned about the reference guide through a variety of ways:

- a. The book was in the disability office when they started (3)
- b. They receiving it when it was first handed out in 1998 (2)
- c. They had previously been a coordinator at another MnSCU school (1)
- d. They had heard Steve Franz refer to it in conversations (1)

This same coordinator said the reference guide was mentioned at the ISRS Disability Module training.

1b) Five respondents requested updated materials to be included in the online reference guide. One coordinator replied that the updated online reference guide “would be a tremendous resource for the high schools.” Another responded, “Collective wisdom goes a long way in this profession.”

1c) Requested additions included court findings and their impact on higher education, journals, websites, newsletters, learning disability definition, chemical dependency information, FERPA information, MnSCU board policies, and updated information from MnSCU schools.

- 2) Six current coordinators submitted best practices used at their respective MnSCU institutions. Two other coordinators contributed in additional ways.
- 3) It is important for new coordinators to receive the website link at the beginning of their disability responsibilities. Having the “collective genius” of experienced coordinators can provide valuable wisdom for new coordinators. The updated reference guide is intended to be more accessible and meaningful for new coordinators.
- 4) Steve Frantz provided guidance and collaboration throughout the project.

### **Recommendations:**

- 1) Consistently call the Disability Reference Guide by the same name, whether it is a formal or informal name. This will eliminate confusion for the coordinators. Repeated references to this tool will increase familiarity and model ways in which it can be used. It would also help to have a person with graphic design background rework the visual display of the Reference Guide so the information is clear and easy to find. This should also increase familiarity and usage by disability coordinators.

There may have been coordinators who were unwilling to report their lack of knowledge or their lack of use regarding the reference guide. It would be important to incorporate usage of the reference guide at least once a year at either the fall or spring workshops.

- 2) New Disability Coordinators need a variety of training resources when beginning their tenure on a college campus. This includes but

is not limited to a copy of the MnSCU Individuals with Disabilities Reference Guide.

<http://www.studentaffairs.mnscu.edu/studlifedisability.html>

The best practices appendices are included at the end of this report.

- 3) A follow-up reminder of the value of this reference guide should continue to come from Dr. Steve Frantz as the statewide leader of the MnSCU Disability Coordinators. This is helpful to new coordinators as they begin their disability responsibilities as well as a reminder for returning coordinators who may have forgotten about the resource. The reference guide could be attached to the email from Steve Frantz when the new coordinators get added to the list serve.
- 4) Disability Coordinators should be surveyed every three to five years regarding updates needed for the handbook. This could be done at both the fall and spring workshops so that a majority of the coordinators have an opportunity to participate. An email follow-up would reach all coordinators regardless of attendance at the semi-annual meetings.

## **CONCLUSION:**

When I applied for this grant, I was only using the hard copy version of the Disability Reference Guide on an occasional basis. When I had reviewed the online copy, it was identical to the hard copy. In fact, I was confused as to whether or not there was a current operational Disability Coordinator Handbook. After fifteen years as a disability coordinator, one uses a variety of resources and I had drifted away from the MnSCU sponsored reference guide.

Apparently I was not the only disability coordinator to be confused about this reference handbook. Hopefully this report will provide updated information for my peers in developing policies, procedures and forms for the individual MnSCU campuses.

This effort is not exhaustive; information about chemical dependency and frequently asked questions for Disability Coordinators could be added. There are several well-answered questions for students, parents, and high school counselors and teachers on the current MnSCU Student Affairs website. The frequently asked questions for Disability Coordinators may need password protection in order to be most useful. There is still a need for cosmetic updating of the online reference guide. Hopefully someone with a graphic design background can take that next step.

Dr. Steve Frantz will consult with the attorneys for legal feedback on this report prior to additions to the MnSCU Student Affairs website.

### **Contributors:**

**Askelson, Mindi**, Director, Student Support Services, Riverland Community and Technical College, Austin, Minnesota

**Claussen, Beth**, Disability Accommodation Specialist, Minnesota State University, Mankato, Mankato, Minnesota

**Snow, Julie**, Director of Disability Services, Minnesota State University, Mankato, Mankato, Minnesota

**Tillman, Debbie**, Office for Students with Disabilities Director, Normandale Community College, Bloomington, Minnesota

**Toutges, Greg**, Coordinator, Disability Services, Minnesota State University, Moorhead, Moorhead, Minnesota

**Weber, Marilyn**, Disability Director, South Central Community and Technical College, North Mankato, Minnesota

**Zimpel, Owen**, Director Disability Services, St. Cloud State University, St. Cloud, Minnesota

### **Respondents:**

**Baker, Gloria**, Director of Disability Services, Pine Technical College, Pine City, Minnesota

**Ekstrom, Pam**, Director, Disability Resources, Southwest Minnesota State University, Marshall, Minnesota

**Grott, Lindsay**, Disability Services, Mesabi Range Community and Technical College, Virginia, Minnesota

**Flaten, Shelly**, Director of Disability and Learning Center Services, Hibbing Community College, Hibbing, Minnesota

**Jacobson-Berg, Judy**, Counselor, St. Cloud Technical College, St. Cloud, Minnesota

**Laviolette, Sara**, Disability Services Coordinator, Hennepin Technical College, Brooklyn Park, Minnesota

**Swanberg, Anne**, Disability Services Advisor, Dakota County Technical College, Rosemount, Minnesota

**Toutges, Greg**, Coordinator, Disability Services, Minnesota State University, Moorhead, Moorhead, Minnesota

**Weber, Marilyn**, Disability Director, South Central Community and Technical College, North Mankato, Minnesota

## **APPENDECES**

### **I. AD/HD:**

“Attention Deficit/Hyperactivity Disorder, Request for Documentation”

“Learning Disability & ADHD Testing”

### **II. BEST PRACTICES:**

Association of Higher Education and Disability (AHEAD)

### **III. DEAF/ HARD OF HEARING:**

“Sign Language Tips”

“TIPS for teaching Deaf and Hard-of-hearing Students”

### **IV. FORMS:**

“Congratulations and Welcome letter” (procedures, rights and responsibilities)

“Impairment and Disability Assessment”

“Intake Form”

“Student Checklist”

“Using Your Accommodations”

**V. LEGAL ISSUES:**

“Disability Services Complaint Procedure”

“How to File a Discrimination Complaint with the Office for Civil Rights”

Federal Courts in Review 2006-2007 AHEAD

Case Law from AHEAD 2003-2004

**VI. TRANSITION:**

“IDEA”

“Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities”

“Subpart E – Postsecondary Education (Section 504)”

“Transition to Post-Secondary Education” (power point)

“Transition: Education Beyond High School” (reprintable booklet)

**ADHD documents:**

**Minnesota State University Moorhead**

**Disability Services**

**Phone: (218) 477-5859**

**Fax: (218) 477- 2430**

**MRS/TTY: (800) 627-3529**

**Attention Deficit/Hyperactivity Disorder**

**Request for Documentation**

The person named below has requested accommodations and/or disability-related services at Minnesota State University Moorhead (MSUM). In order to be eligible to use accommodations, the individual must have a documented disability, as defined by federal law.

Disability Services will use the information you provide to determine whether this person has a disability and is eligible to use accommodation and/or disability-related services while attending MSUM. In addition, the functional information you provide will assist Disability Services in identifying the appropriate accommodation for this individual.

Student's Name: _____
<b>DOB:</b> _____

Date of Diagnosis: _____
<b>Date of last contact with student:</b> _____

1. What is your DSM-IV multi-axial diagnosis for this student?

**Axis I:**

**Axis II:**

**Axis III:**

**Axis IV:**

**Axis V:**

2. Please indicate medications for AD/HD that have been prescribed for this student.

Medication(s)/dosage:

Date first prescribed:

3. What methods or testing instruments did you use to arrive at your diagnosis? Please check all relevant items **adding brief notes that you think might be helpful to us as we determine which accommodations services are appropriate for the student.**

- .....Structured or unstructured clinical interviews with the individual
- .....Interviews with other individuals
- .....Developmental history
- .....Medical history
- .....Neuro-psychological/Psycho-educational testing - Date(s) of testing?
- .....Standardized or non-standardized rating scales
- .....Other (please specify)

4. Do you recommend additional assessment for:

	Yes	No
Learning Disabilities.....	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol or Drug Addiction (AODA).....	<input type="checkbox"/>	<input type="checkbox"/>
Sleep Disorder.....	<input type="checkbox"/>	<input type="checkbox"/>
Eating Disorder.....	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify).....	<input type="checkbox"/>	<input type="checkbox"/>

5. Please assess degree of functional impairment due to AD/HD demonstrated by your patient:  
 1 = Negligible 2 = Moderate 3 = Substantial 4 = Severe 5 = Unknown (circle one)

- |  |   |   |   |   |    |
|--|---|---|---|---|----|
| 1) Time management                                   | 1 | 2 | 3 | 4 | UN |
| 2) Organizational skills (physical and/or cognitive) | 1 | 2 | 3 | 4 | UN |
| 3) Task persistence                                  | 1 | 2 | 3 | 4 | UN |
| 4) Memory skills                                     | 1 | 2 | 3 | 4 | UN |
| 5) Reading (fluency, comprehension)                  | 1 | 2 | 3 | 4 | UN |
| 6) Quantitative skills                               | 1 | 2 | 3 | 4 | UN |
| 7) Written expression                                | 1 | 2 | 3 | 4 | UN |
| 8) Employment/work skills                            | 1 | 2 | 3 | 4 | UN |
| 9) Self esteem/social skills                         | 1 | 2 | 3 | 4 | UN |
| 10) Other  | 1 | 2 | 3 | 4 | UN |

6. Does the student continue to have functional limitations when using medication? If so, please describe.

7. Please describe an appropriate intervention plan and indicate how the plan will be managed:

<u>Treatment/Intervention</u>	<u>Provide</u>	<u>Needs Referral</u>
Pharmacotherapy .....	<input type="checkbox"/>	<input type="checkbox"/>
Compensatory strategies (please specify).....	<input type="checkbox"/>	<input type="checkbox"/>
Academic study skills (please specify).....	<input type="checkbox"/>	<input type="checkbox"/>
Brief psychotherapy.....	<input type="checkbox"/>	<input type="checkbox"/>

Long-term psychotherapy.....

Other.....

8. Please indicate which classroom accommodations, if any, may be beneficial to this student.

9. Is there anything else you would like us to know about this student?

---

Signature of Professional Date

---

Professional's Name (printed) License No.

---

Title Telephone No.

---

Address Fax No.

**Please return this form marked CONFIDENTIAL to:**

**Greg Toutges, M.S., CRC  
Coordinator, Disability Services**

**Minnesota State University Moorhead**

**1104 7<sup>th</sup> Avenue South**

**Comstock Memorial Union 114**

**Moorhead, MN 56563**



## Learning Disability & ADHD Testing



Because you believe you may have a disability, a list of professionals who perform educational assessments has been compiled as a service to students. Please note that these are only suggestions, that Normandale does not do referrals: The cost of testing will vary depending on your health insurance coverage, whether you choose to use the professionals in your coverage, or decide on another clinic or educational specialist to administer the testing. If you believe you may have a learning disability, you may want to use the term “neuropsychological testing”, which seems to increase the chances of testing being covered by insurance. Once your assessment has been completed and a disability is verified, accommodations can be provided at Normandale based on the documentation. Please contact Debbie Tillman, the Director of the Office for Students with Disabilities at 952-487-7035 in L2700 to set up an appointment for an intake interview.

### **Associated Colleges, Twin Cities (ACTC)**

**651-690-6706**

Barb Mandel

College of St. Catherine

2004 Randolph Avenue

St. Paul, MN 55105

Services: LD Testing

Fees: Full LD assessment is \$500

### **Donald Wiger, Ph.D., LP**

**651-983-0383**

Wiger and Associates

229 Jackson Street, Suite 136, Anoka, MN 55303

360 N Robert Street, Suite 317, St. Paul, MN 55101

Services: LD and ADHD assessment

Fees: Takes most insurance; sliding fee scale is available.

**Norman Cohen, Ph.D.**

**763-520-0496**

Courage Center

3915 Golden Valley Road

Golden Valley, MN 55422

Services: LD assessment (including second language learning); ADHD assessment; neuropsychological assessment; cognitive retraining; counseling; tutorial assistance; occupational, physical, and speech therapy; and independent living skills assistance.

Fees: Assessment cost is \$200 per hour; sliding fee scale is available.

**Division of Rehabilitation Services**

**651-296-5616**

Administrative Office

390 N Robert Street

St. Paul, MN 55101

This state agency has a strong vocational focus. The Administrative Office will direct you to the local office you should visit based on your residency, and this office will determine if you are eligible for their program. If it is determined you qualify for services, disability assessments will be administered free of charge.

**Gary Fischler**

**612-333-3825**

825 South 8<sup>th</sup> Street, Suite 604

Minneapolis, MN 55404

Services: Psychological assessment including LD and ADHD.

Fees: \$200 per hour (LD and ADHD usually take 5-7 hours); Does not accept insurance coverage.

**Normandale**  
*community college*

**Gary Johnson, Ph.D., L.P.**

**612-872-9072**

Loring Family Clinic

430 Oak Grove Street, Suite 414

Minneapolis, MN 55403

Services: ADHD assessment

Fees: ADHD assessment average cost is \$1,450

**Learning Disabilities Association of Minnesota**

**952-922-8374**

5354 Parkdale Drive, Suite 200

St. Louis Park, MN 55416

Fax: 952-922-8102

Services: LD assessment; tutorial assistance for study and academic skills; Vocational counseling

Fees: LD assessment average cost is \$750; Individualized tutoring and vocational counseling is \$55/hr; Consultation services are \$100/hr.

**Francis Pasnecker, Ph.D., L.P.**

**763-543-6971**

5851 Duluth Street, Suite 115

Golden Valley, MN 55422

Services: LD assessment (including second language learning) and ADHD assessment; cognitive retraining for memory impairment and ADHD; assessment and therapy for emotional functioning; referral for medication management.

Fees: LD and ADHD assessment average cost is \$750-1,000. Therapy is \$180 per hour.

**Deborah Roman, Psy.D., L.P. and Erin Holker, Ph.D., L.P.**

**612-624-1412**

Neuropsychology Lab

University of Minnesota

420 Delaware Street SE

Minneapolis, MN 55455

Services: LD assessment; neuropsychological evaluation for brain injury; referral for medication management.

Fees: LD assessment average cost is \$1,000; neuropsychological evaluation average cost is \$1,600-2,000; payment options available; provider for most insurances. Must be referred and bill insurance (if covered).

**Susan Storti, Ph.D., L.P.**

**763-545-7708**

1405 Lilac Drive, Suite 200

Golden Valley, MN 55422

Services: Neuropsychological assessments including LD, ADHD, and other cognitive disorders.

Fees: Only does complete evaluations that cost about \$2,700, accepts most insurance coverage.

**University of Wisconsin, Stout**

**715-232-2404**

Clinical Services Center

Vocational Rehabilitation Building, 2<sup>nd</sup> Floor, Room 221

Menominee, WI 54751

Services: LD assessments, neuropsychological assessments for brain dysfunctions, psychological evaluations. Requires 3-5 trips to Stout for full testing.

Fees: LD testing is \$100 total

***Inclusion on this list does not constitute endorsement from  
Normandale Community College's Office for Students with Disabilities.***

***Check with provider for latest updates on costs and services.***

**Normandale**  
*community college*

## **Best Practices from AHEAD**

### **Disability Documentation in Higher Education**

In recognition of the importance of disability documentation to the AHEAD membership and other interested constituencies, AHEAD presents the following principles and documentation dimensions as best practice for **disability service providers in higher education** to use in developing and refining a comprehensive, consistent and responsive approach to disability documentation. The **framework** presented here is responsive to both the spirit and letter of legal mandates and is broadly designed so that it can be adapted to fit the individual contexts of a variety of institutions.

***Nothing presented as “Best Practices” should be considered a legal treatise or legal advice.***

Institutions are encouraged to consult with their legal counsel before implementing policies on documentation and should include institutional stakeholders in policy review and development. Additionally, AHEAD recommends a review of documentation practices every 3-7 years in order to consider innovation in the art and instrumentation of disability evaluation, evolving professional practices, and changes in the legal landscape.

#### The Use and Purposes of Documentation

- Definitions of Disability
- Non-discrimination
- Accommodations

#### Foundational Principles of Documentation Review and Accommodation Determination

#### Seven Essential Elements of Quality Disability Documentation

#### Recommendation for Creating Disability-Specific Documentation Guidelines

**\*\* AHEAD is interested in member feedback in all its practices and plans on-going refinement of its best practices information. If you have comments, suggestions, or concerns with the information presented here, please e-mail the Board at [ahead@ahead.org](mailto:ahead@ahead.org) We are a stronger Association as a result of the collected wisdom of our membership.**

### **The Use and Purposes of Documentation**

Laws that protect individuals with disabilities from discrimination and mandate the availability of accommodations to ameliorate the impact of the disability are in place in most countries. In order to determine whether an individual is entitled to these protections, post-secondary institutions typically require objective evidence (documentation) that verifies that the individual's condition fits the locally (and for that local, legally) accepted definition of "disability."

Documentation serves two primary purposes in postsecondary education:

- To establish protection from discrimination:

Non-discrimination is an assurance that individuals with disabilities will not be excluded or provided lesser access to programs and activities based on assumptions rooted in stereotype or perception of ability that are not based in fact. Non-discrimination also provides freedom from harassment based on perceptions of disability.

Documentation needed only for protection from discrimination based on disability can be quite brief. A diagnostic statement from an appropriate professional, a past history of recognition as a person with a disability or even self-identification that indicates how others might regard the individual as having a disability could suffice as the basis for protection from discrimination.

AND

- To determine the accommodations to which the individual may be entitled

Reasonable accommodations include modifications to policy, procedure or practice and the provision of auxiliary aids and services that are designed to provide equal access to programs and services for qualified individuals with disabilities. Accommodations are reasonable when they do not fundamentally alter the nature of a program or service and do not represent an undue financial or administrative burden.

**Disability documentation for the purpose of providing accommodations must both establish disability and provide adequate information on the functional impact of the disability so that effective accommodations can be identified.** In the context of postsecondary education, documentation should provide a decision-maker with a basic understanding of the individual's disability and enough information to anticipate how the current impact of the disability is expected to interact with the institution's structure of courses, testing methods, program requirements, etc.

### **Definitions of Disability**

Definitions of disability differ widely both between countries and across contexts within individual countries. A cluster of widely accepted international definitions have evolved. First published in 1980, the World Health Organization's International Classification of Functioning, Disability and Health (ICF) is widely accepted for research and policy development and often used at an institutional level to verify status as a person with a disability. The ICF identifies three levels of human functioning: the body (or body part), the whole person, and the whole person in a social context. Disability is defined as dysfunctioning at one or more of these same levels: impairments, activity limitations and participation restrictions.

<http://www3.who.int/icf/icftemplate.cfm>

Established by the U.N. in 1982 to support the full and effective participation of persons with disabilities in social life, promote equal access to employment, education, information, goods and services; and protect the dignity of persons with disabilities, The World Program of Action for Disabled Persons emphasizes that disability is socially created and not simply an attribute of the individual. Disability results from a

dynamic interaction between health conditions and other personal factors (such as age, sex, personality or level of education) on the one hand, and social and physical environmental factors on the other hand.  
<http://www.un.org/esa/socdev/enable/diswpa00.htm>

Building on this definition, the Working Group drafting the U.N. Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities developed the following definition:

“Disability: the loss or limitation of opportunities to take part in the life of the community on an equal level with others due to physical, social, attitudinal and cultural barriers encountered by persons having physical, sensory, psychological, developmental, learning, neurological or other impairments (including the presence in the body of an organism or agent causing malfunction or disease), which may be permanent, temporary, episodic or transitory in nature.”

<http://www.un.org/esa/socdev/enable/rights/wgcontrib-chair1.htm#2>

Elements of these international definitions can be seen in the laws and customs of individual countries and lead the service provider to the types of information necessary to evaluate the presence of a disability and understand its impact in context. Examples:

- The United States’ Americans with Disabilities Act (ADA) defines “disability” as “having a physical or mental impairment that substantially limits one or more of the major life activities.” The ADA protects individuals from discrimination if they have a record of such impairments or if they are regarded as having such impairments. Additionally, specific protections are guaranteed through Section 504 of the Rehabilitation Act of 1973 (amended, 1978).  
<http://www.usdoj.gov/crt/ada/adahom1.htm>
- The Canadian Charter of Human Rights recognizes medically certified conditions and injury as disabling factors and includes them as prohibited grounds of discrimination. While the only legislation that explicitly defines disability is the Employment Equity Act, Canadian laws are designed to protect persons with both mental and physical disabilities against discrimination and to ensure accessibility to persons with disabilities.  
[http://www.canadianheritage.gc.ca/progs/pdp-hrp/canada/guide/index\\_e.cfm](http://www.canadianheritage.gc.ca/progs/pdp-hrp/canada/guide/index_e.cfm)
- In the United Kingdom, the Disability Discrimination Act (DDA) defines a disabled person as someone with "a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities." Protection from discrimination, the right to reasonable accommodations and the obligation to make permanent physical adjustments to premises are all components of the DDA.
- <http://www.disability.gov.uk/dda/>

### **Foundational Principles for the Review of Documentation and the Determination of Accommodations**

AHEAD presents the following principles as the foundation for policies and best practices used by postsecondary institutions as they establish disability documentation guidelines and determine accommodations for students with disabilities.

- All documentation should be reviewed on an individual, case-by-case basis

This calls for an individualized inquiry, examining the impact of a disability on the individual and within the specific context of the request for accommodations. There is no list of covered disabilities or accepted diagnostic criteria. Institutional documentation policy should be flexible, allowing for the consideration of alternative methods and sources of documentation, as long as the essential goal of adequately describing the current impact of the disability is met.

- Determination of a disability doesn't require the use of any specific language

Service providers should avoid elevating form over substance in documentation guidelines, e.g., the temptation to require specific language, such as "learning disability." Clinicians' training or philosophical approaches may result in their use of euphemistic phrases, rather than specific diagnostic labels; this practice should not be **automatically** interpreted to suggest that a disability does or does not exist.

- Presented documentation can be augmented through interview

Service providers are encouraged to contact the evaluator, as necessary, for clarification of any information (test results, conclusions, recommendations, etc.) contained in documentation. An interview, filtered by the service provider's professional judgment, is extremely valuable in substantiating the existence of a disability, understanding its impacts and identifying appropriate accommodations.

- Determination of accommodations is an interactive process

The individual with a disability is an excellent source of information on strategies that maximize access. In the context of documentation and accommodation planning, the individual is a rich, reliable, and valid source of information on the impact of the disability and the effectiveness of accommodations. The individual with a disability may be provided with his or her first choice of accommodation or an alternative, effective accommodation determined by the institution. While objective confirmation (documentation) is legitimate, so are the lived experiences of individual.

- Documentation of a specific disability does not translate directly into specific accommodations

Reasonable accommodations are individually determined and should be based on the functional impact of the condition and its likely interaction with the environment (course assignments, program requirements, physical design, etc.). As such, accommodation recommendations may vary from individual to individual with the "same" disability diagnosis and from environment to environment for the same individual.

- Disability documentation should be treated in a confidential manner and shared only on a need-to-know basis

Disability-related information should be collected and maintained on separate forms and kept in secure files with limited access.

- Information on the individual's disability is only one component of providing access

Many barriers to full participation reside in the environment (physical, curricular, attitudinal, informational) where proactive redesign can favorably impact sustainable access. Service providers are encouraged to work to increase overall accessibility through system change that makes the institution more inclusive and reduces the need for individual accommodation.

### **Seven Essential Elements of Quality Disability Documentation**

The dimensions of good documentation discussed below are suggested as a best practices approach for defining complete documentation that both establishes the individual as a person with a disability and provides a rationale for reasonable accommodations. By identifying the essential dimensions of documentation, institutions allow for flexibility in accepting documentation from the full range of theoretical and clinical perspectives. This approach will enhance consistency and provide stakeholders (students, prospective students, parents and professionals) with the information they need to assist students in establishing eligibility for services and receiving appropriate accommodations.

Users of this document are encouraged to also review AHEAD's best practice information on the Purpose and Use of Documentation and the Foundational Principles for the Review of Documentation and the Determination of Accommodations

#### **1. The credentials of the evaluator(s).**

The best quality documentation is provided by a licensed or otherwise properly credentialed professional who has undergone appropriate and comprehensive training, has relevant experience, and has no personal relationship with the individual being evaluated. A good match between the credentials of the individual making the diagnosis and the condition being reported is expected (e.g., an orthopedic limitation might be documented by a physician, but not a licensed psychologist).

#### **2. A diagnostic statement identifying the disability**

Quality documentation includes a clear diagnostic statement that describes how the condition was diagnosed, provides information on the functional impact, and details the typical progression or prognosis of the condition. While diagnostic codes from the Diagnostic Statistical Manual of the American Psychiatric Association (DSM) or the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization are helpful in providing this information, a full clinical description will also convey the necessary information.

#### **3. A description of the diagnostic methodology used.**

Quality documentation includes a description of the diagnostic criteria, evaluation methods, procedures, tests and dates of administration, as well as a clinical narrative, observation, and specific

results. Where appropriate to the nature of the disability, having both summary data and specific test scores (with the norming population identified) within the report is recommended.

Diagnostic methods that are congruent with the particular disability and current professional practices in the field are recommended. Methods may include formal instruments, medical examinations, structured interview protocols, performance observations and unstructured interviews. If results from informal, non-standardized or less common methods of evaluation are reported, an explanation of their role and significance in the diagnostic process will strengthen their value in providing useful information.

#### **4. A description of the current functional limitations**

Information on how the disabling condition(s) currently impacts the individual provides useful information for both establishing a disability and identifying possible accommodations. A combination of the results of formal evaluation procedures, clinical narrative, and the individual's self report is the most comprehensive approach to fully documenting impact. The best quality documentation is thorough enough to demonstrate whether and how a major life activity is substantially limited by providing a clear sense of the severity, frequency and pervasiveness of the condition(s).

While relatively recent documentation is recommended in most circumstances, common sense and discretion in accepting older documentation of conditions that are permanent or non-varying is recommended. Likewise, changing conditions and/or changes in how the condition impacts the individual brought on by growth and development may warrant more frequent updates in order to provide an accurate picture. It is important to remember that documentation is not time-bound; the need for recent documentation depends on the facts and circumstances of the individual's condition.

#### **5. A description of the expected progression or stability of the disability**

It is helpful when documentation provides information on expected changes in the functional impact of the disability over time and context. Information on the cyclical or episodic nature of the disability and known or suspected environmental triggers to episodes provides opportunities to anticipate and plan for varying functional impacts. If the condition is not stable, information on interventions (including the individual's own strategies) for exacerbations and recommended timelines for re-evaluation are most helpful.

#### **6. A description of current and past accommodations, services and/or medications**

The most comprehensive documentation will include a description of both current and past medications, auxiliary aids, assistive devices, support services, and accommodations, including their effectiveness in ameliorating functional impacts of the disability. A discussion of any significant side effects from current medications or services that may impact physical, perceptual, behavioral or cognitive performance is helpful when included in the report. While accommodations provided in another setting are not binding on the current institution, they may provide insight in making current decisions.

**7. Recommendations for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support services.**

Recommendations from professionals with a history of working with the individual provide valuable information for review and the planning process. It is most helpful when recommended accommodations and strategies are logically related to functional limitations; if connections are not obvious, a clear explanation of their relationship can be useful in decision-making. While the post-secondary institution has no obligation to provide or adopt recommendations made by outside entities, those that are congruent with the programs, services, and benefits offered by the college or program may be appropriate. When recommendations go beyond equitable and inclusive services and benefits, they may still be useful in suggesting alternative accommodations and/or services.

**Recommendations for Creating Disability-Specific Documentation Guidelines**

While it is not practical or desirable to create specific protocols for documenting every possible condition that might be considered a disability, institutions may choose to establish preferred profiles for the more common conditions. In doing so, AHEAD strongly encourages them to incorporate the Seven Essential Elements of Quality Disability Documentation in order to:

- help ensure that all documentation guidelines are consistent,
- offer direction for the case-by-case review of documentation that doesn't fit the established protocol for a specific disability,
- clarify specific guidelines for diagnosticians, and
- provide information to individuals seeking services.

Preferred profiles for disability-specific guidelines are more helpful when they request information that describe the condition, validate the need for accommodation AND include information to support educational planning. They also should anticipate accommodation needs in new contexts and facilitate referrals to outside services and agencies.

## **Deaf and Hard of Hearing Appendices:**

### Sign Language Tips

1. American Sign Language is a visual-gesture language with vocabulary and grammar distinct from other languages. ASL is used in the United States, parts of Canada and Mexico.
2. American Sign Language is not a universal world deaf language. It has the same variations due to region, culture, and dialect that are found in spoken languages.
3. However, there are many gestures and signs that are common in the USA and clearly understood by deaf Americans too. Using mime and “natural” gestures can help you get your point across.
4. Give feedback when you understand what is being said. Nodding your head yes or no helps communicate this concept. Being honest about when you do understand something and when you don’t understand something being said is necessary for effective communication.
5. Deaf/deafness refers to a person with profound hearing loss. The term “deaf” may also denote a person’s cultural ties associated with the language, values and people who are deaf.
6. The term “hard-of-hearing” refers to a person with moderate to profound hearing loss. The term “hard-of-hearing” may also denote a person’s cultural ties associated with the language, values and people who are hearing. When several people speak at the same time, the message becomes confused and information is lost. Practice good turn-taking

behaviors in conversations. An interpreter can only interpret one voice at a time.

7. It is polite and efficient to direct your communication directly to the deaf person. Instead of telling the interpreter to “tell him,” or “ask her,” you can simply speak to the deaf person.
8. When speaking to a deaf or hard-of-hearing person, use your natural speech patterns. Exaggerating your words with excessive movements and yelling are not useful aids in communication.
9. It is not impolite to point at someone or something in ASL. Pointing is often the best way to name who or what you are talking about.
10. Don’t assume that you are being understood just because someone is smiling and nodding their head. Ask for feedback and ask open-ended questions that require more than a yes or no response.
11. Schedule breaks for meetings lasting more than an hour. Watching an interpreter for long periods is fatiguing.
12. Avoid standing in front of a light source when speaking. Bright light and glare make it very difficult for the deaf person to read speech.
13. Unless your area is equipped with strobe alarms, deaf people will not know when an alarm is sounded. Be sure someone is assigned to inform them.
14. Tapping the deaf person gently on the shoulder is a polite way to get their attention.

15. Slightly waving your hand in the deaf person's peripheral view is a polite way to get attention.
16. When writing on a white board or flip chart, turn to the audience before speaking.
17. In training situations, use hands-on experience. What may be difficult to verbally communicate may be easily explained by "doing."
18. When demonstrating on a computer, allow time for the deaf person to finish watching the interpreter, then view the screen or perform the task before continuing to the next step.
19. In meetings, allow deaf people to seat themselves to their best advantage in order to see the interpreter and other meeting attendees.
20. Whenever possible, create seating arrangements so that everyone can see each other. This makes it easier for participants, including the deaf person, to know exactly who is speaking.
21. In meetings, when addressing a deaf person, allow them time to receive the information from the interpreter, process it, and respond. A natural 5-10 second delay occurs.
22. When lights are turned off for slides, videos, etc., be sure there is enough lighting so that the interpreter can be seen clearly.
23. Sign language interpreters work under a strict code of ethics and are not permitted to share information about a client.

24. Do not involve the interpreter in the proceedings. Interpreters may not interject their own opinion.
25. The Registry of Interpreters for the Deaf (RID), a national organization for interpreters, recommends a team interpreter model, especially for meetings lasting more than one and a half hours.
26. When interpreters work as a team, the interpreter who is not signing is responsible for monitoring the dialogue and cuing any missed information to the “on” interpreter.
27. When setting up or changing appointments, let the interpreter know the: meeting times, location, a contact person’s name and phone number and other pertinent information (e.g. parking fees, security entrance procedures, etc.)
28. Interpreters generally wear plain clothes that contrast their skin color to provide a background that is optimal to the viewer’s eyes.
29. In meetings, interpreters will position themselves in the most visually accessible area. This position may change depending on the type of meeting.

Works Sited: “Technical Sign Language Manual Final Design Terms.” A Product of The Office of Workforce Equity & Diversity (O/WED) The Minnesota Department of Transportation.

## Hospital Access Settlement Reached – *by Doug Bowen-Bailey*

*MRID Update, April/May 2003*

Abbott Northwestern Hospital of Minneapolis reached an agreement with former MRID Board member Lee Perish over the provisions of qualified interpreting services during an emergency visit. After waiting over 5 hours for a qualified interpreter in the emergency room, and finally having to call one on her own, Ms. Perish filed a complaint which was found by the Human Rights Department to have “probable cause” that the case violated the Minnesota Human Rights act.

In the settlement announced March 10, 2003, which was reached to avoid costly litigation, Abbott Northwestern Hospital does not admit any wrongdoing. They have instituted a series of reforms for how they will provide sign language interpreting services, including requiring interpreters to hold either RID CI and CT or NAD Level IV or V. They also commit to providing interpreters for “unscheduled” appointments, such as emergency room visits, within 1 hour for 80 percent of the request and within 2 hours for 100 percent of the request during a 6 month period. They plan to do this by contracting with interpreters to carry pagers for being “on-call” for emergency settings.

In addition to the changes in their interpreter referral policy, the Star Tribune reported on March 11, 2003 that “Abbott will pay \$20,000 to Perish and \$5,000 to four organizations that provide interpreter services or advocate for the disabled.” The settlement distributed by the Minnesota Disability Law Center, which represented Ms. Perish in the case, did not clarify which organizations will receive the funds.



## **TIPS for teaching Deaf and Hard-of-hearing Students**

The major challenge facing students who are deaf or hard of hearing is access to communication, i.e., to the spoken word. Accommodations may include the use of interpreters, appropriate seating and lighting for viewing the interpreter, use of note takers, a change in style and presentation of content material (i.e., videotapes, cassette tapes) and alternative testing procedures.

Here are some things to keep in mind when you have a deaf or hard-of-hearing student in your class:

- **Face the class while speaking.** This will enable some students who use residual hearing and speech reading to understand you better.
  
- **Keep lines of sight free for visual access to information.** In class, the interpreter will attempt to stand or sit in a direct line with you, the student, and any visual aids.
  
- **Allow time during classroom discussions or question and answer periods for the student to raise his/her hand, be recognized, and ask a question through the interpreter.** This will allow the interpreter to finish interpreting for the current speaker and enable the student to ask a question or make a comment.
  
- **Address deaf students directly as if the interpreter were not present.** Use of third party phrases such as "tell him" or "ask her" can be confusing.
  
- **Speak naturally and clearly.** Don't exaggerate lip movements or volume.
  
- **Use facial expressions, gestures, and other natural body language.**

- **Avoid standing in front of windows or other sources of light.** The glare from behind makes it difficult to read lips and other facial expressions.
- **Write important information on the board.** Notices of class cancellations, assignments, etc., should be put in writing to ensure understanding.
- **Any videos used in class must be closed-captioned.** This is extremely important to remember. A deaf student cannot watch a video and the interpreter at the same time. If planning to show a video during class please contact the Audio/Visual technician on your campus to ensure that the proper equipment is available.
- **For group discussions it is best to arrange all the students in a circle.** This allows the interpreter and the Deaf student to easily identify who is talking. If people are hidden behind computers it is far more difficult to see who is making a point.
- **Interpreters must prepare a head of time in order to sign effectively in class.** If possible please give the interpreter and handouts and assignment prior to them being discussed in class.
- **Since American Sign Language does not use the same language structure as English, it is not uncommon for a Deaf student to ask the interpreter for clarification during class or a test.** Be assured that the student is paying attention and is not cheating. The interpreter is clarifying either directions or questions.
- **Be sensitive to the Deaf student's wish to be just another student in the classroom.** Be aware of verbal and nonverbal language when addressing deaf related questions or issues that may arise during the class period.
- **Remember, interpreters are trained professionals that understand both the hearing and non-hearing cultures.** Riverland Community College is lucky to have Rebecca Baldwin-Rand as the college interpreter. Please feel free to contact her with any questions you may have about working with Deaf students. Rebecca's office is located in the AU Student Success Center and she can be reached via email or by phone at 433-0538.

Source: Kathy Gillies, NTID Department of Interpreting Services, 2000  
Linda Cordingley, 2000



Congratulations! You have taken the first step towards succeeding at Riverland Community College. Because academic success requires hard work and dedication on your part and ours, Student Success Center staff members are trained to help you develop goals and acquire strategies to achieve them. In addition, we hope to foster your personal growth, as you become well-rounded, self-advocating Riverland students. However, we can't do this alone: it is vital that you work WITH us! Therefore, our action plan will proceed as follows:

- To access services, students must initiate contact with the SSC, complete an intake form and provide relevant medical or psychological documentation.
- Next, students should complete our "Request for Accommodation" form and any other forms required for individual services. Since some accommodation requests may take up to 10 weeks to fulfill, it is never too early to start planning for the next semester.
- SSC staff and the student will develop an action plan to provide reasonable accommodations based on the following questions: What specific accommodations will be provided? Why? Who will provide them? When? How will they be carried out?
- The action plan will document the need for auxiliary aids and services (e.g. sign language interpreters, document conversion, alternative exams, academic assistance) and the delivery method. Students need to complete forms to request individual services.
- Once a plan is developed, students must identify themselves to the SSC **each semester** to review and update the plan, if needed. **Accommodations do not automatically carry over each semester.**
- For students who complete the necessary steps and register for classes, SSC staff will prepare introductory letters to instructors that outline the accommodations. These letters will:
  - Help students introduce themselves to instructors and establish a good working relationship.

- Inform instructors how to provide and implement specific accommodations.

It is VERY important that these letters be delivered to instructors by the first day of class.

- Students should meet with each of their instructors to discuss specific needs related to the course and their disabilities. Accommodations for in-class work or tests/exams will not be made automatically. They will be arranged only after consultation with individual instructors.
- The Student Success Center will keep official documentation on file for each student who works with us. Strict confidentiality standards will be upheld. **Documents may be shared with college personnel on a limited and need-to-know basis only. A student's file and academic information will not be released to anyone who is not affiliated with the college without the student's written permission. Persons not affiliated with the college include, but are not limited to, parents, spouses, friends and other family members.**
- Students will contact the SSC if reasonable accommodations are not implemented in an effective or timely manner. SSC staff will work with the student and college personnel to resolve disagreements.
- Students who believe they have been discriminated against based on their disability should first use the grievance procedures outlined in the RCC student handbook and catalog. Students may also file a complaint directly with:
  - U.S. Department of Education, Office of Civil Rights, 1-800-421-3481, or the
  - Minnesota Department of Human Rights, 1-651-296-5663 (Voice) or 1-651-296-1283 (TTY).

This information is available in alternative format upon request.

## Normandale Community College Disability Documentation

### Impairment and Disability Assessment

Please return this completed form to the Office for Students with Disabilities:



Fax to: 952/487-7031; Email: [Debbie.Tillman@normandale.edu](mailto:Debbie.Tillman@normandale.edu) or Mail to: 9700 France Avenue South, Bloomington, MN 55431-4309

*In order for Normandale Community College to provide disability-related services, we need to establish this student has a disability. A disability is defined as impairment substantially limiting a major life activity.*

*This form is de-signed to help us make that assessment. Please respond to the following items.*

Student's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Student's Address: \_\_\_\_\_

Student's Phone Number: \_\_\_\_\_

Health Professional's Name & Title: \_\_\_\_\_

\_\_\_\_\_

Clinic Name & Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Clinic Phone #: \_\_\_\_\_ Clinic Fax #: \_\_\_\_\_

Health Professional's Signature: \_\_\_\_\_

**1. Impairment Assessment**

A. What is the diagnosis/impairment? \_\_\_\_\_  
\_\_\_\_\_

B. When was the diagnosis originally made? \_\_\_\_\_  
\_\_\_\_\_

C. Is the patient/student currently under your care?  Yes  No

D. When did you last see the patient/student? \_\_\_\_\_  
\_\_\_\_\_

E. Is the impairment  temporary (< 6 months) or  persistent?

**2. Major Life Activities Assessment**

A. As a result of the impairment, please indicate the level of limitation on any of the following major life activities: (Please check **only** major life activities affected.)

	1 = Negligible	2 = Moderate	3 = Substantial
Caring for oneself			
Talking			
Hearing			
Breathing			
Standing			
Working			
Reaching			
Lifting			
Sitting			
Walking			
Seeing			

Writing			
Performing manual tasks			
Sleeping			
Learning			
Reading			
Thinking			
Concentrating			
Memorizing			
Taking exams			
Interacting with others			
Other:			

B. What are the functional limitations on the major life activities noted above? \_\_\_\_\_

---



---



---



---



---



---

C. Based upon the major life activities affected by the impairment, are there any accommodations within the context of the college environment that you can recommend for this student? \_\_\_\_\_

---



---



---



---



---



---



# Office for Students with Disabilities



## Intake Form

**Tennessee Warning Summary:** *(Full document available upon request).* Normandale Community College is asking you to provide information that is private under State and Federal Laws. The information is used to evaluate your request for supplemental services and to determine if you are eligible for services. You are not required to provide this information. However, the college may not be able to provide accommodations if you do not provide sufficient information. Access to this information will be limited to staff involved in the supplemental services process. The release of this information without your consent can be provided to individuals or agencies authorized under State and Federal Laws.

I have been informed of this law, and I authorize the collection of private information.

\_\_\_\_\_

Student's Signature

\_\_\_\_\_

Today's Date

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Home phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_ Student ID: \_\_\_\_\_

Birth date: \_\_\_\_\_ Email: \_\_\_\_\_

---

Start Date - NCC: \_\_\_\_\_ OSD: \_\_\_\_\_

Disability: \_\_\_\_\_

When verified and by whom? \_\_\_\_\_

Year graduated from high school: \_\_\_\_\_ Name of High School: \_\_\_\_\_

If not, when and where obtained GED: \_\_\_\_\_

Placement Test Date/Results: Reading: \_\_\_\_\_ Comp: \_\_\_\_\_ Math: \_\_\_\_\_

What is your educational goal in coming to Normandale? \_\_\_\_\_

\_\_\_\_\_

Pertinent history information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Strengths: \_\_\_\_\_

\_\_\_\_\_

**Normandale**  
*community college*

Skills       General information NOT pertaining to specific skills

Math: \_\_\_\_\_

\_\_\_\_\_

Writing: \_\_\_\_\_

\_\_\_\_\_

Reading: \_\_\_\_\_

\_\_\_\_\_

Learning Style: \_\_\_\_\_

Study Skills: \_\_\_\_\_

Listening/Speaking: \_\_\_\_\_

Processing: \_\_\_\_\_

Testing: \_\_\_\_\_

Note taking: \_\_\_\_\_

Computer: \_\_\_\_\_

Organization: \_\_\_\_\_

Time Management: \_\_\_\_\_

Ability to Advocate: \_\_\_\_\_

Attendance: \_\_\_\_\_

Class Scheduling: \_\_\_\_\_

**What kinds of assistance did you receive in high school or at other colleges?**

Testing:  Extra time  Quiet place  Read  Notes  Extended time on assignments

Homework assistance  Audio books  Proofreading  \_\_\_\_\_  \_\_\_\_\_

**Do you have specific accommodations you would like to request?**

Testing:  Extra time  Quiet place  Read  Note taker  Audio books  Taping of lectures

Concern about possible absences  Interpreter  Preferential Seating  Proofreading

Assistive technology  Organization  \_\_\_\_\_  \_\_\_\_\_

**Are you employed?**  Yes  No Hours per week: \_\_\_\_\_

Do you have any physical concerns about Normandale or are you taking any medication?  Yes

No

---

Do you have significant side effects from medications?  Yes  No

If psychological disability, are you receiving therapy and/or counseling? \_\_\_\_\_

Are you suicidal?  Yes  No Referral to: \_\_\_\_\_

**Referral information:**

Hobbies or interests: \_\_\_\_\_

Tutoring at Normandale:  ASC  Writing Center  SSS  Math Center  Language Lab  Peer  
Mentor

Do you have any outside contacts for services?  Yes  No \_\_\_\_\_

Gave OSD handbook



## Student Check-List

- Make an appointment with an OSD staff person to review your accommodations: 952-487-7037.
- Submit an **application for admittance** to Normandale. Applications can be obtained from the Admissions Office inside the main entrance of the college, by calling 952-487-8210, or at [www.normandale.edu/](http://www.normandale.edu/).
- Further **documentation of your disability** is needed in order for you to receive accommodations at Normandale. \_\_\_\_\_
- Make an appointment for the **Course Readiness Assessment (CRA)**. All CRA's are untimed. For general CRA testing, make an appointment at [www.normandale.edu/schedule](http://www.normandale.edu/schedule) . CRA tests taken with the OSD with **additional accommodations** such as a quiet place, read, enlarged, or to **retake**  call 952-487-7037.
- Sample CRA questions** can be found at [www.act.org/compass/sample/index.html](http://www.act.org/compass/sample/index.html). Math preparatory packets can be purchased in the Normandale bookstore for \$1.50 each or accessed online at: <http://faculty.normandale.edu/~mathematics/placepracttests/index.htm>.
- Orientations** are completed online @ normandale.edu. **Advising and registration** session appointments are made after the orientation is completed online at [www.normandale.edu/schedule](http://www.normandale.edu/schedule).
- Career Center: Obtain **transfer curriculum information** for the college you may attend after Normandale or **Career Information** in the Mahendra Nath Career and Academic Planning Center in C1032.
- The **Financial Aid** office is located in C1074. For general questions, call 952-487-8202, or contact the Financial Aid Office directly at 952-487-8250.
- Before registering for your classes, **advising assistance** is available from the OSD staff by calling 952-487-7037 for an appointment, or from a Normandale counselor by calling 952-487-8261. A student-driven self-advising tool may be used at [www.ratemyprofessor.com](http://www.ratemyprofessor.com) . A Degree Audit Report, which details individual completion of the Minnesota Transfer Curriculum, is available on the Normandale website.
- After registering for your classes, request your **audio textbooks** in the L2740 OSD office.
- During the first week of class each semester, visit the OSD office in L2740 to **verify your accommodations**, or to set up a note taker or your testing accommodations.

- You may qualify for another service on campus called **Student Support Services (SSS)** located at C1066. An application can be obtained at their front desk or by calling 952-487-8193. SSS provides individual course tutoring, financial aid application assistance, social/cultural events, and emergency loan assistance.
  - Tutoring** is available for all Normandale students in the following locations: Academic Support Center (L2738), Writing Center (L3701), Math Center (C3045), and Language Lab (C2065).
  - Consider taking a **computer applications course** to increase your computer and/or keyboarding skills.
  - Consider taking a **study skills course** (READ 1110) to learn more study strategies.
  - Purchase a **planner or calendar** for organization assistance.
  - Make an appointment with an OSD staff person for a **weekly/biweekly session** by calling 952-487-7037.
  - Consider being involved with a **club or organization** on the Normandale campus. Assistance can be obtained at the Kopp Student Center information desk or by calling student clubs at 952-487-8127.
  - Make an appointment to see a Normandale **counselor** in C1038 by calling 952-487-8261.
  - Consider options to fulfill your **math** credit:  Logic (PHIL 1102)  MATH 1020 if student has earned a “B” or better in Algebra 2 in the last two years  College level math  \_\_\_\_\_
  - Peer Mentor** applications can be obtained from and submitted to the Counseling Office in C1038.
  - Other: \_\_\_\_\_
-



## Using Your Accommodations

*Welcome! You are now registered with the Office for Students with Disabilities (OSD). The following are accommodations for which you are qualified based on your disability and documentation; look them over and access them throughout each semester to aid in your success at Normandale.*

- Alternative testing.** A blue testing form must be filled out by an OSD staff person every semester for each class this accommodation will be implemented. This form needs to be given by you to your instructor along with the purple half sheets that will be needed for each test you will take. When a test is to be taken in the OSD testing area, you need to make an appointment in the OSD office in L2740 or by calling 952-487-7037. Your test should be taken at the same time as the class. **If you are enrolled in an ONLINE course, you must request this accommodation through the faculty member via email.**
- Student note taker or lecture notes.** You must request note taking each semester in the L2740 office once you have attended your classes and determined a note taker is needed. The OSD then recruits a volunteer note taker from each requested class. The note taker is given a red notebook containing NCR (carbon) paper. At the end of each class, go to the note taker for your copy of the notes. *If you have concerns about your note taking accommodation, you need to contact an OSD staff person.*
- Preferential classroom seating.** Talk to the instructor if you are having difficulty with classroom seating.
- Space for wheelchair.** An OSD staff person will be informing your instructor(s). If there is not enough space, inform the OSD staff.
- Evacuation implementation in emergency situations and mobility impairments.** The OSD gives the evacuation procedure to all your instructors and will review the procedure with you every semester.
- Sign Language Interpreter.** This accommodation is implemented by the lead interpreter from the OSD. The request for an interpreter needs to be arranged before the semester begins.
- Assistive Listening Device (ALD).** The ALD, instructions, and batteries are provided by the OSD.
- Closed Captioned Videos.** Contact the OSD if videos are being shown that are not captioned.
- Assistance with lab.** The OSD will speak with your instructor, and you should also talk with your instructor so that your instructor understands what you need.
- Use of computer for writing assignments.** Computers are available in the OSD/ASC area.
- In-classroom writing accommodation.** The OSD will notify your instructor(s), and you should also speak with the OSD and your instructor if more assistance is needed.  **Extra time**  **Scribe or computer use**

- Taping of lecture.** This accommodation allows you to tape lectures. However, there may be instances where an instructor will request a tape-recording agreement which will be signed by you and your instructor – this form is available through the OSD.
- Students needs to discuss with instructor a plan should disability related absences occur.** You need to talk with each instructor at the beginning of each semester to set up the plan, which is ultimately determined from input from the instructor, the type of course, and your disability. Please do not assume that you can have extended absences and receive credit for your classes.
- May need to develop social cue with student.** You and the instructor with OSD assistance should develop a classroom social cue.
- Adjustable chair.** If requested, this will be placed in your class room(s) by the OSD staff.
- Adjustable table.** If requested, this will be placed in your class room(s) by the OSD staff.
- Audio textbooks.** It is your responsibility to request this accommodation several weeks in advance. Stop by the OSD office and fill out the “Audio Book Request” form.
- Proofreading.** Make an appointment with an OSD staff person in L2740 to have a paper proofed.
- Weekly – Biweekly meeting with OSD staff.**  **Organization**  **Other**  
 Make an appointment with an OSD staff person to set up a time for someone to work with you.
- Assistive technology:**  **Kurzweil**  **Dragon Naturally Speaking**  **Other** \_\_\_\_\_  
 Training for this technology can be received through the OSD staff in L2740, by appointment.
- Locker #** \_\_\_\_\_ **Combination** \_\_\_\_\_
- Early Registration.** You will receive an email from the OSD staff regarding registration.
- Reduced course load.** Students must address the need for a reduced course load with his/her health provider, and a copy of the accommodation form may be used as documentation to substantiate this request.
- Mailbox #** \_\_\_\_\_
- Other:** \_\_\_\_\_

**OSD staff are available Monday – Thursday, 7:45 am to 5:00 pm, Friday 7:45 am to 4:00 pm**

**Debbie Tillman**, Director, L2700, (952) 487-7035, debbie.tillman@normandale.edu

**Jim Sutton**, Accommodations Specialist, L2740, 487-7037, 7407

**Geri Wilson**, Lead Sign Language Interpreter, L2740, 487-7037

**Priscilla Brinkmann**, Accommodations Specialist/Lead Transcriptionist, L2740, 487-7037

TTY (952)487-7032; Fax (952)487-7031, 9700 France Avenue South, Bloomington, MN 55431-4399

## **Disability Services Complaint Procedure**

### **STUDENT COMPLAINTS**

Students with disabilities are responsible for contacting Student Disability Services if reasonable accommodations are not implemented in an effective or timely way. Student Disability Services works with SCSU personnel and students with disabilities to resolve disagreement regarding recommended accommodations. Student with disabilities who believe they have been discriminated against on the basis of their disability may file a complaint with the Office of Affirmative Action.

### **SCSU Complaint Procedure and the Americans with Disabilities Act**

The Americans with Disabilities Act of 1990 (ADA) was enacted to protect individuals with disabilities against the problems of discrimination in such critical areas as employment, housing, public accommodation, education, transportation, communication, health services, and access to public service.

The purpose of the act is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities, to bring persons with disabilities into the economic and social mainstream, and to provide enforceable standards addressing discrimination against individuals with disabilities.

### **Procedure for Filing a Discrimination Complaint Based on Disability**

The ADA also requires SCSU to adopt and publish complaint procedures. An individual who believes he/she has been discriminated against on the basis of disability can file a complaint with the Office of Affirmative Action.

To file a complaint alleging discrimination notify the Office of Affirmative Action in person or in writing, and provide the following information:

1. The issue involved in the alleged discriminatory act
2. Identification of the complaining party's alleged disability
3. The date of the alleged discriminatory act(s)
4. Details of what allegedly occurred
5. Identification of witnesses who have knowledge of the alleged discrimination

If it is determined that law and/or SCSU policy was violated, a remedy to the problem will be offered. If it is determined that there was no violation, the complainant will be informed, and other options for possible resolution of the complaint will be explained.



---

## How to File a Discrimination Complaint with the Office for Civil Rights

---

Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-1100  
1-800-421-3481  
FAX: (202) 245-6840; TDD: (877) 521-2172  
E-mail: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web:  
[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)

---

The Office for Civil Rights (OCR) enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education (ED). Discrimination on the bases of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964; sex discrimination is prohibited by Title IX of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (Title II prohibits discrimination on the basis of disability by public entities, whether or not they receive federal financial assistance); and age discrimination is prohibited by the Age Discrimination Act of 1975.

These civil rights laws enforced by OCR extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive federal financial assistance from ED. Programs or activities that receive ED funds must provide aids, benefits, or services in a nondiscriminatory manner. Such aids, benefits, or services may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing, and employment.

In addition, as of January 8, 2002, OCR enforces the Boy Scouts of America Equal Access Act, part of the No Child Left Behind Act of 2001. Under the Boy Scouts of America Equal Access

Act, no public elementary school, public secondary school, or state or local education agency that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours shall deny equal access or a fair opportunity to meet or discriminate against, any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society.

## **WHAT TO DO**

Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or on the Discrimination Complaint Form available from OCR enforcement offices (see listing):

- Your name and address (a telephone number where you may be reached during business hours is helpful, but not required);
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);
- The name and location of the institution that committed the alleged discriminatory act(s); and
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, national origin, sex, disability, age, or the Boy Scouts of America Equal Access Act).

## **HOW TO FILE AN ONLINE COMPLAINT**

OCR encourages students and parents, representatives of education institutions, and other OCR customers to use e-mail or fax to communicate with OCR, whenever possible. Also, complainants may file a complaint with OCR, online, at the following website:  
<http://www.ed.gov/ocr/complaintprocess.html>.

For those without current e-mail accounts, Internet access may be freely available from your local public library, and free e-mail accounts are available from several large providers.

A recipient may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under the laws listed above.

## **WHO CAN FILE**

Anyone who believes that an educational institution that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age, or who believes that a public elementary or secondary school, or State or local education agency has violated the Boy Scouts of America Equal Access Act, may file a complaint. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group.

## **TIMELINESS**

A complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause.

## **INSTITUTIONAL GRIEVANCE PROCEDURES**

Prior to filing a complaint with OCR against an institution, a potential complainant may want to find out about the institution's grievance process and use that process to have the complaint resolved. A complainant is not required by law to use the institutional grievance procedure before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

## **WHERE TO WRITE** (see Note)

### **MIDWESTERN DIVISION**

Illinois, Indiana, Minnesota, Wisconsin,  
Iowa, North Dakota  
Office for Civil Rights, Chicago Office  
U.S. Department of Education  
111 North Canal Street, Suite 1053  
Chicago, IL 60606-7204 (312) 886-8434  
FAX# (312) 353-4888; TDD (312) 353-2540

## **Federal Courts in Review 2006-2007**

### **I. Who Is an Individual with a Disability?**

#### ***Definition of Disability***

#### **Substantially Limited in Learning (learning alone or learning and other major life activities)**

Love v. LSAC, E.D. Pa 2007

<http://www.paed.uscourts.gov/documents/opinions/07D0299P.pdf>

Littleton v Wal-Mart, 11th Cir. 5/11/2007

<http://www.ca11.uscourts.gov/unpub/ops/200512770.pdf>

Didier v Schwann 8th 2006,8

<http://caselaw.findlaw.com/data2/circs/8th/053911 P.pdf>

Millington v. Temple University, 2006 U.S. Dist LEXIS 74926 (E.D. Pa., Oct 13, 2006)

#### **Other Substantially Limited**

Costello v. University of North Carolina at Greensboro, 2006 U.S. Dist. LEXIS 90519 (M.D.N.C. Dec. 14,2006) (unspecified major life activities)

<http://www.ncmd.uscourts.gov/Opinions/Dec06/03cv 1050op.pdf>

Cassimy v Rockford III Public School system <http://caselaw.findlaw.com/data2/circs/7th/05283 9p.pdf>

EEOC v. Watkins

<http://caselaw.findlaw.com/data2/circs/6th/05 3 218p.pdf>

#### **Regarded As**

Costello v. University of North Carolina at Greensboro, supra

Walton v U.S. Marshals Service, 476 F.3d 723 (9th Cir. 2007)

[http://www.ca9.uscourts.gov/ca9Inewopinions.nsf/8331AF5442A20EB28825727DOO0232801\\$file10517308.pdf](http://www.ca9.uscourts.gov/ca9Inewopinions.nsf/8331AF5442A20EB28825727DOO0232801$file10517308.pdf)

AHEAD 2007 \* Jo Anne Simon, Esq. \* Paul D. Grossman, Esq.

## **II. Disability-Based Discrimination or Application of Non-Discriminatory Standards?**

Buhendwa v. University of Colorado at Boulder, 2000 U.S. App. LEXIS 2207 (10th Cir. Jan. 30, 2007) (unpublished)

Hayden v. Redwoods Community College District, 2007 U.S. Dist. LEXIS 835 (Jan. 8, 2007)

Melendez v. Monroe College, 2006 U.S. Dist. LEXIS 73040 (E.D.N.Y. Oct. 6, 2006)

Gambini v Total Renal Care, 2007 U.S. App. LEXIS 9290 (9th Cir. May 24, 2007)  
<http://caselaw.findlaw.com/data2/circs/9th/O53509p.pdf>

## **III. Reasonable Modification/Reasonable Accommodation**

Hartnett v. Fielding Graduate Institute, 198 Fed. Appx. 89, 2006 U.S. App. LEXIS 24128 (2d Cir. Sept. 21, 2006) (unpublished)

PDF:

[http://www.ca2.uscourts.gov:8080/isysnative/RDpct3BpbnNcUIVNXDA1LTY2ODZfc28ucGRm/05-6686\\_so.pdf#xml=http://10.213.23.111:8080/isysquery/irl92a3/1/hilite](http://www.ca2.uscourts.gov:8080/isysnative/RDpct3BpbnNcUIVNXDA1LTY2ODZfc28ucGRm/05-6686_so.pdf#xml=http://10.213.23.111:8080/isysquery/irl92a3/1/hilite)

TEXT: <http://www.ca2.uscourts.gov:8080/isysquery/irl92a3/1/doc>

Hayden v. Redwoods Community College District, 2007 U.S. Dist. LEXIS 835 (Jan. 8, 2007)

Melendez v. Monroe College, 2006 U.S. Dist. LEXIS 73040 (E.D.N.Y. Oct. 6, 2006)

## **IV. Inter-active Process**

Hartnett v. Fielding Graduate Institute" supra

## **V. Accessibility**

American Council of the Blind, et al v. Paulson, et al

TEXT: [https://ecf.dcd.uscourts.gov/cgi-bin/show\\_public\\_doc?2002cv0864-72](https://ecf.dcd.uscourts.gov/cgi-bin/show_public_doc?2002cv0864-72)

AHEAD 2007 \* Jo Anne Simon, Esq. \* Paul D. Grossman, Esq.

National Federation for the Blind v Massachusetts and Cardtronics,

PDF:<http://www.nfb.org/images/nfb/documents/pdf/Cardtronics%20settlement%20agreement.pdf>

TEXT:[http://www.nfb.org/nfb/Cardtronics\\_Settlement\\_Agreement.asp?SnID=276562950](http://www.nfb.org/nfb/Cardtronics_Settlement_Agreement.asp?SnID=276562950)

National Federation of the Blind v. Target, 452 F. Supp. 2d 946, \*; 2006 U.S. Dist. LEXIS 63591

PDF: [http://dralegal.org/downloads/cases/target/062\\_order\\_deny\\_PI\\_grant\\_part\\_MTD.pdf](http://dralegal.org/downloads/cases/target/062_order_deny_PI_grant_part_MTD.pdf)

TEXT:[http://dralegal.org/downloads/cases/target/062\\_order\\_deny\\_PI\\_grant\\_part\\_MTD.txt](http://dralegal.org/downloads/cases/target/062_order_deny_PI_grant_part_MTD.txt)

## **VI. Retaliation**

Melendez v. Monroe College, 2006 U.S. Dist. LEXIS 73040 (E.D.N.Y. Oct. 6, 2006)

Gambini v Total Renal Care, *supra*

Bavon v SUNY Buffalo, 2006 U.S. Dist. LEXIS 18980 (W.D.N.Y. April 13, 2007)

## **VII. Sovereign Immunity**

Bowers v. National Collegiate Athletic Association, 475 F.3d 524 (3d Cir. 2007)  
<http://easelaw.findlaw.com/data2/circs/3rd/052262p-l.pdf>  
<http://easelaw.tindlaw.com/data2/circs/3rd/052262p.pdf>

Toledov.Sanchez, 454F.3d24(1stCir.2006)  
<http://laws.findlaw.com!stl051376.html>

Bayon v SUNY Buffalo, supra

AHEAD 2007 \* Jo Anne Simon, Esq. \* Paul D. Grossman, Esq.

### **VIII. Remedies**

A.W.v Jersey City Public School 3d Circuit, May 24 2007  
<http://caselaw.findlaw.com/data2/circs/3rd/052553p.pdf>

Doran v. Del Taco 2007 U.S. App LEXIS 12129 May 21, 29007  
2006 U.S. Dist LEXIS 53551

### **IX. Supreme Court:**

Ledbetter v. Goodyear,

[http://supreme.lp.findlaw.com/supreme\\_court/docket/2006/november/05-1074-ledbetter-v-goodyear.html](http://supreme.lp.findlaw.com/supreme_court/docket/2006/november/05-1074-ledbetter-v-goodyear.html)

AHEAD 2007 \* Jo Anne Simon, Esq. \* Paul D. Grossman, Esq.

## **CASE LAW from AHEAD**

### ***Tennessee v. Lane***

**U.S. Supreme Court**

**Decided May 17, 2004**

Available At:

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&navby=case&vol=000&invol=02-1667>

#### **Summary:**

Lane, who suffers from a mobility impairment, and other individuals, brought this suit after Lane was arrested for failure to appear at a court hearing because he could not climb up the courthouse steps and refused to be carried. The suit was brought under Title II of the American's with Disabilities Act (ADA) which prohibits state and local governmental agencies from discrimination based on disability. Plaintiffs in this class action sought to enforce Title II's provisions requiring access to the state court system to be accessible to persons with disabilities. The Court held that the Eleventh Amendment, which permits states to avoid suits due to sovereign immunity, may not be applied to private suits brought under Title II against states for monetary damages in Federal courts to address the denial of access of persons with disabilities to state and local court systems.

### ***Parr v. Middle Tennessee State University***

**U.S. Supreme Court**

**Decided May 24, 2004**

#### **Summary:**

Student with a disability alleged discriminatory conduct by the institution. The Sixth Circuit dismissed the suit, finding that plaintiff's claims under Title II of the ADA were barred by 11th Amendment immunity. Plaintiff petitioned the US Supreme Court for review. The Supreme Court granted certiorari, vacated the judgment and remanded the case to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *Tennessee v. Lane*, above.

### ***Garrett v. University of Alabama at Birmingham Board of Trustees***

**U.S. Court of Appeals, Eleventh Circuit**

**Decided September 11, 2003**

Available At:

<http://caselaw.lp.findlaw.com/data2/circs/11th/0216078p.pdf>

#### **Summary:**

Plaintiffs sued their former employer, state agencies, for discrimination based on their disabilities in violation of Section 504. The state agencies file a motion for summary judgment, claiming that the Eleventh Amendment bars such suits for monetary damages under Section 504. The Eleventh circuit, reversing the district court's decision on remand from the Supreme Court, held that Congress had unambiguously conditioned the receipt of Federal funds on a waiver of Eleventh Amendment immunity to claims under Section 504.

***Pace v. Bogalusa City School Board***  
**U.S. Court of Appeals, Fifth Circuit**  
**Decided March 24, 2003**

Available At:

<http://caselaw.lp.findlaw.com/data2/circs/5th/0131026p.pdf>

**Summary:**

A disabled student brought a case seeking damages under Section 504, Title II of the ADA, and the IDEA. A three judge panel of the court held that the Eleventh Amendment bars suits against state defendants for monetary damages under 504, Title II and the IDEA. However, this matter will be reheard by the full panel of the Fifth Circuit.

***Rush v. National Board of Medical Examiners***  
**District Court of Texas, Northern District**  
**Decided June 20, 2003**

**Summary:**

Plaintiff was a medical student with a learning disability who requested and was denied double time in which to take the U.S. Medical Licensing Exam. The court found that Rush was an individual with a disability because he was substantially limited in the major life activities of reading and learning compared to most people. The court, critical of the Board's experts, granted an injunction requiring the NBME to provide Rush with the accommodations of double time for the exam, stating that without such accommodations the exam would test his disability and not his mastery of the subject matter.

***Spychalsky v. Sullivan***  
**District Court of New York, Eastern District**  
**Decided August 29, 2003**

**Summary:**

Plaintiff had a learning disability which affected specific aspects of his learning process such as reading speed, spelling, proofreading and number manipulation. Various psychological tests over the course of his academic career confirmed this diagnosis. While in law school, plaintiff received numerous accommodations but was not permitted to waive the required Tax class. Plaintiff filed suit under Section 504 claiming his disability limited the major life activities of learning, reading and speaking. The court found that plaintiff's identified impairments were too isolated and minor to support his claim that his disability substantially limited his ability to learn, read or speak and granted St. John's University's motion for summary judgment.

***Marlon v. Western New England College***  
**District Court of Massachusetts**  
**Decided December 9, 2003**

Available At:

<http://pacer.mad.uscourts.gov/dc/opinions/woodlock/pdf/marlon%20%20dec%2009.pdf>

**Summary:**

Plaintiff was admitted to law school and began receiving treatment for pain, anxiety and depression. Because her grades were below the school's academic standards, she was informed she was ineligible to continue her studies. She petitioned for reinstatement and retook her first year courses. During this time she was diagnosed with carpal tunnel syndrome and began receiving accommodations from the school. Again her grades were below the college's standard and again she petitioned for reinstatement but the college refused and plaintiff filed suit under Section 504,

claiming the college discriminated against her based on her disability. The court analyzed three main impairments: pain, anxiety and depression. Because she had previously worked as a paralegal and could continue studies at another law school, the court found she was not substantially limited in the major life activity of working. The court also found she was not substantially limited in the major life activity of learning because her disability primarily affected only her ability to take long exams which was too narrow. Finally the court found that the fact that the college provided accommodations was not evidence that it regarded her as actually having a disability. The court did not address the limitations of her various impairments on the major life activities of reading and writing.

***Fraser v. Goodale***

**U.S. Court of Appeals, Ninth Circuit**

**Decided September 8, 2003**

Available At:

<http://caselaw.lp.findlaw.com/data2/circs/9th/0136018p.pdf>

**Summary:**

Plaintiff, a Type I insulin-dependant diabetic, was reprimanded at work for eating at her desk. She then requested permission to eat, which was refused and, after passing out, filed a complaint with her supervisor's supervisor. Four months later she was fired and filed suit alleging discrimination, wrongful discharge and retaliation. The district court granted the employer summary judgment holding that plaintiff did not present a genuine issue of material fact as to whether she was disabled under the ADA. On appeal the court addressed only whether Fraser had an impairment that substantially limited a major life activity. The Ninth Circuit found that, in Fraser's case, diabetes is a physical impairment which substantially limits the major life activity of eating but that her form of diabetes did not affect her ability to care for herself, think and/or communicate. The court refused to take into account the food Fraser might have eaten or the medications Fraser might have administered to herself, as mitigating measures, because the employer refused to let her employ these potential measures in the workplace.

***Labrecque v. Sodexho USA, Inc.***

**District Court of Massachusetts**

**Decided October 17, 2003**

Available At:

<http://pacer.mad.uscourts.gov/dc/opinions/ponson/pdf/labrecque-mo.pdf>

**Summary:**

Plaintiff was diagnosed with fibromyalgia which made sitting and/or standing for long periods of time extremely painful. When her employer promoted to supervisor/cashier her schedule changed and she was required to work 12-13 hour shifts. Plaintiff informed her employer she could not work these shifts but that she could work 8 hour shifts. The court concluded that plaintiff's fibromyalgia substantially limited her major life activities of sitting and standing. Though the complainant failed to show up for work when her accommodations were denied, the court did not find that she had voluntarily resigned.

***Powell v. National Board of Medical Examiners***

**U.S. Court of Appeals, Second Circuit**

**Decided April 7, 2004**

Available At:

<http://caselaw.lp.findlaw.com/data2/circs/2nd/029385p.pdf>

**Summary:**

Learning disabled student sued the NBME and the University of Connecticut after she failed the Step 1 Medical Licensing Exam three times and was dismissed from medical school. Plaintiff requested a waiver of the Step 1 Exam requirement from UConn which they refused and was subsequently denied accommodations of extended time on the exam by the NBME. The Second Circuit held that Powell failed to show that, even if she was disabled, she was otherwise qualified to continue to be a medical student at UConn; noting that she had a background of educational difficulty and an average to low-average IQ. The court also held that there was no proof UConn discriminated because they had provided extensive accommodations to plaintiff but were not required to offer accommodations that fundamentally altered the nature of the service, program or activity. Finally, the court found that based on the limited evidence submitted, the NBME followed its standard procedure in denying Powell's request for accommodations.

***Raytheon Co. v. Hernandez (on remand as Hernandez v. Hughes Missile Systems Co.)*****U.S. Court of Appeals, Ninth Circuit****Decided March 23, 2004**

Available At:

<http://caselaw.lp.findlaw.com/data2/circs/9th/0115512p.pdf>**Summary:**

The Ninth Circuit was asked to decide whether there was sufficient evidence to conclude that Raytheon refused to rehire Hernandez based on the fact that he was an alcoholic rather than based on company policy not to rehire employees who had been discharged for workplace misconduct. The court found there was a genuine issue of material fact as to the reason behind the decision not to rehire Hernandez and reversed summary judgment in favor of Raytheon and sent the case back to the district court for jury trial.

***Carten v. Kent State University*****U.S. Court of Appeals, Sixth Circuit****Decided February 25, 2002**

Available At:

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=6th&navby=case&no=02a0068p>**Summary:**

Plaintiff began graduate school at KSU and was dismissed a year later for poor academic performance. Plaintiff then filed suit against KSU alleging that they refused to accommodate him and dismissed him based on a learning disability. Carten accepted admission to the graduate program on a conditional basis and never made any request for accommodations. KSU's psychologist who evaluated Carten stated that the evaluation indicated that he did not have a learning disability. Carten received language, speech and hearing therapy in high school but no learning disability services. The Sixth Circuit, granting KSU summary judgment, held that the university was not required to provide accommodations for a student's alleged learning disability absent any evidence that he was found to have a disability or that he even requested accommodations.

***Rothberg v. Law School Admission Council, Inc.*****District Court of Colorado****Decided February 4, 2004****Summary:**

Learning disabled plaintiff with a lengthy history of disability diagnosis and accommodations was denied extended time accommodations on the LSAT. She was initially denied extended time

because she had not completed the Nelson Denny Reading test. She took that test and her score was consistent with earlier evaluations that he needed extended time on the LSAT. She was again denied the accommodation because the LSAC evaluator relied on the fact that plaintiff was able to perform in the average or low-average range on the SAT and LSAT without accommodations and that her deficiencies in written expression and mathematical ability would not impact her performance on the LSAT. The court further found the LSAC's proffered expert witness not to be credible on the issue of establishing plaintiff's disability. The court granted plaintiff a preliminary injunction compelling the LSAC to grant her extended time. The court held that Rothberg was substantially limited in the major life activities of learning and reading. The court rejected LSAC's argument that she did not need accommodations based on her average SAT and LSAT performance because the court found plaintiff only actually completed 1/3 of the exam without accommodations and then randomly filled in answers to questions she could not read and that this compensatory technique does not support a finding that she is not disabled. The court found the argument of the LSAC unpersuasive because it determined that without extra-time the LSAT would be measuring the plaintiff's disability rather than her knowledge.

***Chaffin v. Kansas State Fair Board***  
**U.S. Court of Appeals, Tenth Circuit**  
**Decided October 28, 2003**

Available At:

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=10th&navby=case&no=023410>

**Summary:**

Plaintiffs, all wheelchair users, sued the State Fair because the wheelchair section of the Fair's Grandstand did not provide adequate viewing, the wheelchair section was also too crowded and made restrooms inaccessible, the parking lots were inaccessible in that they were far away and full of potholes, and all restrooms were inaccessible because there were no unisex restrooms for disabled patrons who relied on a spouse for assistance. The court said the ADA requires more than mere physical access and that all patrons are entitled to the benefits of the fair. The court further stated that the individual elements that were not physically accessible added up to wholesale exclusion of persons with disabilities and that the State Fair, when viewed in its entirety is not readily accessible to individuals with disabilities.

***Stewmon v. Regal Cinemas, Inc.***  
**U.S. Court of Appeals, Ninth Circuit**  
**Decided August 13, 2003**

Available At:

<http://caselaw.lp.findlaw.com/data2/circs/9th/0135554p.pdf>

**Summary:**

Plaintiff, a wheelchair user, sued the movie theater under the ADA alleging that the wheelchair accessible seating, which was in some instances 11 feet away from the screen discriminated against disabled patrons by forcing them to view movies in uncomfortable and awkward seats. The court found for the plaintiff. The Supreme Court, on advice of the US Justice Department decided not to hear an appeal of this matter. However, DOJ has stated that it will look at the general question of stadium theater seating requirements.

*Lentini v. California Center for the Arts, Escondido*

U.S. Court of Appeals, Ninth Circuit

Decided May 27, 2004

Available At:

<http://caselaw.lp.findlaw.com/data2/circs/9th/0156612p.pdf>

**Summary:**

Quadriplegic plaintiff sued the concert hall owner and staff under the ADA after she was denied admission with a service animal. The Ninth Circuit court held that modifications of the concert hall's policies to permit a service animal that may have made disruptive noises at past performances, if such behavior would have been acceptable if engaged in by humans, was necessary and reasonable under the ADA. The court also held that modifications of policies did not fundamentally alter services that the concert hall provided.

## IDEA

### *Free Appropriate Public Education*

#### **§300.300 Provision of FAPE.**

(a) General.

**(1) Subject to paragraphs (b) and (c) of this section and §300.311, each State receiving assistance under this part shall ensure that FAPE is available to all children with disabilities, aged 3 through 21, residing in the State, including children with disabilities who have been suspended or expelled from school.**

(2) As a part of its obligation under paragraph (a)(1) of this section, each State must ensure that the requirements of §300.125 (to identify, locate, and evaluate all children with disabilities) are implemented by public agencies throughout the State.

**(3)(i) The services provided to the child under this part address all of the child's identified special education and related services needs described in paragraph (a) of this section.**

**(ii) The services and placement needed by each child with a disability to receive FAPE must be based on the child's unique needs and not on the child's disability.**

**(b) Exception for age ranges 3-5 and 18-21. This paragraph provides the rules for applying the requirements in paragraph (a) of this section to children with disabilities aged 3, 4, 5, 18, 19, 20, and 21 within the State:**

**(1) If State law or a court order requires the State to provide education for children with disabilities in any disability category in any of these age groups, the State must make FAPE available to all children with disabilities of the same age who have that disability.**

(2) If a public agency provides education to nondisabled children in any of these age groups, it must make FAPE available to at least a proportionate number of children with disabilities of the same age.

**(3) If a public agency provides education to 50 percent or more of its children with disabilities in any disability category in any of these age groups, it must make FAPE available to all its children with disabilities of the same age who have that disability. This provision does not apply to children aged 3 through 5 for any fiscal year for which the State receives a grant under section 619(a)(1) of the Act.**

**(4) If a public agency provides education to a child with a disability in any of these age groups, it must make FAPE available to that child and provide that child and his or her parents all of the rights under Part B of the Act and this part.**

**(5) A State is not required to make FAPE available to a child with a disability in one of these age groups if—**

**(i) State law expressly prohibits, or does not authorize, the expenditure of public funds to provide education to nondisabled children in that age group; or**

**(ii) The requirement is inconsistent with a court order that governs the provision of free public education to children with disabilities in that State.**

#### **§300.1 Purposes.**

The purposes of this part are—

**(a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;**

**(b) To ensure that the rights of children with disabilities and their parents are protected;**

**(c) To assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities; and**

**(d) To assess and ensure the effectiveness of efforts to educate children with disabilities.**  
**(Authority: 20 U.S.C. 1400 note)**

### **§300.13 Free appropriate public education.**

As used in this part, the term free appropriate public education or FAPE means special education and related services that—

- (a) Are provided at public expense, under public supervision and direction, and without charge;
  - (b) Meet the standards of the SEA, including the requirements of this part;**
  - (c) Include preschool, elementary school, or secondary school education in the State; and**
  - (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.340-300.350.**
- (Authority: 20 U.S.C. 1401(8))**

## **Subpart E -- Postsecondary Education**

### § 104.41 Application of this subpart.

Subpart E applies to postsecondary education programs or activities, including postsecondary vocational education programs or activities, that receive federal financial assistance and to recipients that operate, or that receive federal financial assistance for the operation of, such programs or activities.

### § 104.42 Admissions and recruitment.

(a) General. Qualified handicapped persons may not, on the basis of handicap, be denied admission or be subjected to discrimination in admission or recruitment by a recipient to which this subpart applies.

(b) Admissions. In administering its admission policies, a recipient to which this subpart applies:

(1) May not apply limitations upon the number or proportion of handicapped persons who may be admitted;

(2) May not make use of any test or criterion for admission that has a disproportionate, adverse effect on handicapped persons or any class of handicapped persons unless (i) the test or criterion, as used by the recipient, has been validated as a predictor of success in the education program or activity in question and (ii) alternate tests or criteria that have a less disproportionate, adverse effect are not shown by the Assistant Secretary to be available.

(3) Shall assure itself that (i) admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure); (ii) admissions tests that are designed for persons with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are other admissions tests; and (iii) admissions tests are administered in facilities that, on the whole, are accessible to handicapped persons; and

(4) Except as provided in paragraph (c) of this section, may not make preadmission inquiry as to whether an applicant for admission is a handicapped person but, after admission, may make inquiries on a confidential basis as to handicaps that may require accommodation.

(c) Preadmission inquiry exception. When a recipient is taking remedial action to correct the effects of past discrimination pursuant to §104.6(a) or when a recipient is taking voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity pursuant to §104.6(b), the recipient may invite applicants for admission to indicate whether and to what extent they are handicapped, Provided, That:

(1) The recipient states clearly on any written questionnaire used for this purpose or makes clear orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary action efforts; and

(2) The recipient states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with this part.

(d) Validity studies. For the purpose of paragraph (b)(2) of this section, a recipient may base prediction equations on first year grades, but shall conduct periodic validity studies against the criterion of overall success in the education program or activity in question in order to monitor the general validity of the test scores.

#### § 104.43 Treatment of students; general.

(a) No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education aid, benefits, or services to which this subpart applies.

(b) A recipient to which this subpart applies that considers participation by students in education programs or activities not operated wholly by the recipient as part of, or equivalent to, and education program or activity operated by the recipient shall assure itself that the other education program or activity, as a whole, provides an equal opportunity for the participation of qualified handicapped persons.

(c) A recipient to which this subpart applies may not, on the basis of handicap, exclude any qualified handicapped student from any course, course of study, or other part of its education program or activity.

(d) A recipient to which this subpart applies shall operate its program or activity in the most integrated setting appropriate.

#### § 104.44 Academic adjustments.

(a) Academic requirements. A recipient to which this subpart applies shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

(b) Other rules. A recipient to which this subpart applies 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.

(c) Course examinations. In its course examinations or other procedures for evaluating students' academic achievement, a recipient to which this subpart applies shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).

(d) Auxiliary aids. (1) A recipient to which this subpart applies 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 because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

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

#### § 104.45 Housing.

(a) Housing provided by the recipient. A recipient that provides housing to its nonhandicapped students shall provide comparable, convenient, and accessible housing to handicapped students at the same cost as to others. At the end of the transition period provided for in subpart C, such housing shall be available in sufficient quantity and variety so that the scope of handicapped students' choice of living accommodations is, as a whole, comparable to that of nonhandicapped students.

(b) Other housing. A recipient that assists any agency, organization, or person in making housing available to any of its students shall take such action as may be necessary to assure itself that such housing is, as a whole, made available in a manner that does not result in discrimination on the basis of handicap.

§ 104.46 Financial and employment assistance to students.

(a) Provision of financial assistance.

(1) In providing financial assistance to qualified handicapped persons, a recipient to which this subpart applies may not,

(i) On the basis of handicap, provide less assistance than is provided to nonhandicapped persons, limit eligibility for assistance, or otherwise discriminate or

(ii) Assist any entity or person that provides assistance to any of the recipient's students in a manner that discriminates against qualified handicapped persons on the basis of handicap.

(2) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of handicap only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of handicap.

(b) Assistance in making available outside employment. A recipient that assists any agency, organization, or person in providing employment opportunities to any of its students shall assure itself that such employment opportunities, as a whole, are made available in a manner that would not violate subpart B if they were provided by the recipient.

(c) Employment of students by recipients. A recipient that employs any of its students may not do so in a manner that violates subpart B.

§ 104.47 Nonacademic services.

(a) Physical education and athletics. (1) In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, a recipient to which this subpart applies may not discriminate on the basis of handicap. A recipient that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified handicapped students an equal opportunity for participation in these activities.

(2) A recipient may offer to handicapped students physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirements of

§104.43(d) and only if no qualified handicapped student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

(b) Counseling and placement services. A recipient to which this subpart applies that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of handicap. The recipient shall ensure that qualified handicapped students are not counseled toward more restrictive career objectives than are nonhandicapped students with similar interests and abilities. This requirement does not preclude a recipient from providing factual information about licensing and certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

(c) Social organizations. A recipient that provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination otherwise prohibited by this subpart.



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

---

### Reproduction and ordering information

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

Rod Paige  
*Secretary*

#### **Office for Civil Rights**

Kenneth L. Marcus  
*Delegated the Authority of Assistant Secretary*

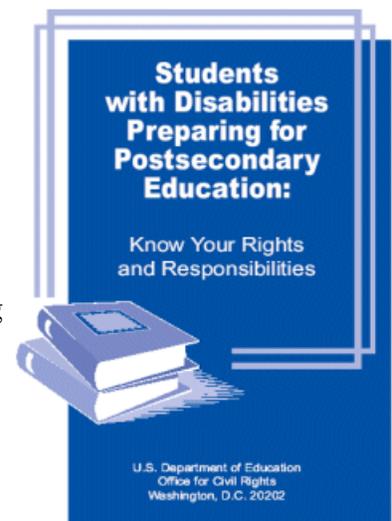
First published July 2002. Reprinted May 2004.

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

*May 2004*

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 that postsecondary schools have toward you. Being well informed will help ensure that you have a full opportunity to enjoy the benefits of the postsecondary education experience without confusion or delay.

The Office for Civil Rights (OCR) in the U.S. Department of Education is providing the information in this pamphlet to explain 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 that 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.\*/

Because both school districts and postsecondary schools must comply with these same laws, you and your parents might believe that postsecondary schools and school districts have the same responsibilities. This is not true; 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 include modifications to academic requirements and auxiliary aids and services, for example, 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 probably will 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 must 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 to do it. 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 this

Department of Education Web page:

[http://wdcrobcolp01.ed.gov/Programs/EROD/org\\_list.cfm?category\\_cd=SVR](http://wdcrobcolp01.ed.gov/Programs/EROD/org_list.cfm?category_cd=SVR).

### **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 also would 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 also must 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, 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)  
Internet home page: <http://www.ed.gov/ocr>

---

*\*/ You may be familiar with another federal law that applies to the education of students with disabilities—the Individuals with Disabilities Education Act (IDEA). That law is administered by the Office of Special Education Programs in the Office of Special Education and Rehabilitative Services in the U.S. Department of Education. The IDEA and its Individualized Education Program (IEP) provisions do not apply to postsecondary schools. This pamphlet does not discuss the IDEA or state and local laws that may apply.*

---

This publication is in the public domain. Authorization to reproduce it in whole or in part is granted. The publication's citation should be: U.S. Department of Education, Office for Civil Rights, *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities*, Washington, D.C., 20202.

To order copies of this publication, write:

ED Pubs  
Education Publications Center  
U.S. Department of Education

P.O. Box 1398  
Jessup, MD 20794-1398

You may fax your order to: 301-470-1244 or send an e-mail request to: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

You may also call toll-free: 1-877-433-7827 (1-877-4-ED-PUBS). If 877 service is not yet available in your area, call 1-800-872-5327 (1-800-USA-LEARN). Those who use a telecommunications device for the deaf (TDD) or a teletypewriter (TTY), should call 1-877-576-7734.

To order online, point your Internet browser to: [www.edpubs.org](http://www.edpubs.org)

This publication is also available on the Department's Web site at <http://www.ed.gov/ocr/transition.html>.

Any updates to this publication will be available at this Web site. On request, this publication is also available in alternate formats, such as Braille, large print, or computer diskette. For more information, please contact the Department's Alternate Format Center 202-260-9895 or (202) 205-8113.

**TRANSITION POWER POINT:**

# Riverland Community College



Transition to Post-Secondary  
Education



## Support Services

### Counselors Office

- Academic Planning
- Career Planning
- Personal Support

### Student Success Center

- Services for All  
Riverland Students
- Assessment Testing
- Disability Services



## Services for All Riverland Students

- Tutoring
- Study Group Formation
- Study Skill Counseling
- Make-Up Testing

---

## Disability Services

- Alternative Textbooks
- Adaptive Equipment
- Note-takers
- Special Testing Arrangements
- Priority Registration
- And More

Services are Based on Individual Needs



## Accommodations vs. Modifications

- Accommodations are provided to give students with a disability “Equal access to education”.
- Modifications are “changes to the curriculum” and are not permitted.

---

## Request Accommodations

- Contact the Student Success Center for “Intake Appointment”
- Provide current medical/psychological documentation of your disability
- After reviewing your documentation, the SSC and student will develop an “Action Plan” documenting provisions for reasonable accommodations

PLEASE NOTE: Requests for accommodations are not transferable from semester to semester.



## What is current documentation?

- Medical and/or psychological assessment by a qualified professional
- Describing the disability and how it impacts on learning
- Including recommendations to help facilitate learning
- An IEP (Individual Educational Plan) is not documentation but may be helpful

---

## Fine Tune your Self-Advocacy Skills

- K – 12 disability services are automatically in place for you
- Post-Secondary will provide adaptive services. However, you must...
  - Request Accommodations
  - Communicate your needs to Student Success Center, instructors, and others as it becomes necessary



## Questions to ask yourself

- What are your favorite and least favorite subjects in school?
- Do you have a career plan?
- Have you set realistic goals?
- What are your plans if you have difficulty with your school work?
- Have you attended IEP meetings?
- Do you understand your disability well enough to explain it to others?
- Are you taking any medications now and do you plan to continue taking them?

## Transition Tips

- Know your strengths and weaknesses
  - What's hard for you?
  - What's easy for you?
  - Knowing these things will help you develop good study habits
  - What kind of assistance are you receiving now?
  - Is this type of assistance helpful?



## Manage your time wisely and be prepared to work!

- For every hour in class it is expected that you will have 2 to 3 hours of homework.
- For a full-time student taking 12 credits...

12 credits  
+24 out-of-class homework  
36 hours a week

- IT'S IMPORTANT TO REMEMBER  
Even though you qualify to receive accommodations...  
**...you still need to perform at the college level.**

- 
- Prepare for college now by taking college prep courses
  - Make long-term and short-term goals
    - What classes will you take?
    - What course load will you take?
    - You may want to meet with someone in the SSC and Counseling Office
    - A good suggestion – take a *lighter load* until you experience the pace of college life



## The Student Success Center is here to help you succeed

- Austin
  - Mindi 433-0569
  - Sharon 433-0646
  - Vicki 433-0356
- Owatonna
  - Shawn 555-5880
  - Ext. 2260
- Albert Lea
  - Sue 379-3341
- Sign Language Interpreting Services
  - Rebecca 433-0538

**TRANSITION: Education Beyond High School**

Free booklet may be downloaded at:

<http://faculty.normandale.edu/~osd>

**WEBSITES:**

**Association of Higher Education and Disability (AHEAD) – [www.ahead.org](http://www.ahead.org)**

**Asperger's and Autism Spectrum Disorder:**

[www.asw4autism.org](http://www.asw4autism.org)

[www.autism-society.org](http://www.autism-society.org)

[www.learninghowtolearn.org](http://www.learninghowtolearn.org)

[www.professorsadvice.com](http://www.professorsadvice.com)

[www.aspergers.com](http://www.aspergers.com)

Autism Movement Seeks Acceptance, Not Cures

<<http://www.npr.org/templates/story/story.php?storyId=5488463>>

**Disability Access Information and Support: - <http://www.daisweb.com/>**

## **Mental Health:**

<http://www.extraordinaryvoices.com/>

a network of advocacy for children of parents with mental illness

<http://www.savingmillie.com/> to order the book, Saving Millie, the true story of a daughter's survival of her mother's paranoid schizophrenia

## **Universal Design:**

**DO-IT on Universal Design of Instruction** – [www.washington.edu/doiit](http://www.washington.edu/doiit)

(For definitions, principles, guidelines, processes, and strategies)

<http://www.cast.org>

**Center for Applied Special Technology Info on Universal Design for Learning**

## **Resources and Links**

<http://www.disability.state.mn.us>

**The Minnesota State Council on Disability (MSCOD)**

<http://www.minnesotahelp.com/public/>

**Disability Linkage Line**

<http://janweb.icdi.wvu.edu/>

**Job Accommodations Network- Info on job accommodations, ADA, and employability**

<http://www.therightsplace.org>

**Minnesota Department of Human Rights- All human rights issues in Minnesota**

<http://minnesotalifecollege.com/>

**Minnesota** Life College- 2-4 year postsecondary life skills training for young adults with learning disabilities

<http://www.disabilityinstitute.org>

The Disability Institute- Twin Cities **community** resource for people with disabilities

<http://www.ssa.gov/>

Social Security Online- All social security issues

<http://www.pepnet.org/>

The Postsecondary Education Programs Network- Regional centers for issues regarding education **and** Individuals who are Deaf or Hard of Hearing

<http://www.careers.org/>

Careers.Org Home Page- Career research **and** job hunting, includes disability issues

[www.mcil-mn.org/ada\\_mn.htm](http://www.mcil-mn.org/ada_mn.htm)

**Minnesota** **technical** assistance on ADA compliance, training for businesses **and** individuals

<http://www.collegelink.com/>

College Link- Info on all aspects of applying to colleges

<http://www.ahead.org/>

Association on Higher Education **and** Disability- Organization of professionals committed to full participation in higher education for individuals with disabilities

<http://www.closingthegap.com/>

Closing the Gap- Computer technology in special education **and** rehabilitation

<http://www.metrocouncil.org>

Metro Mobility- Door-through-door public transportation for people with disabilities in Twin Cities area

<http://readplease.com/>

**Read Please- Free downloadable text to speech software**

<http://www.rfbd.org/>

**Recording for the Blind and Dyslexic- Source for taped textbooks**

[www.deed.state.mn.us/rehab/](http://www.deed.state.mn.us/rehab/)

**Minnesota Workforce Centers/Rehabilitation Services- Info on Rehabilitation Services for Minnesotans with disabilities**

<http://www.mnssb.org>

**Minnesota Workforce Center/State Services for the Blind**

## References

Association for Higher Education and Disability. (2004). *Case Law*. [Brochure].

Association for Higher Education and Disability. (2007). *Federal Courts in Review 2006-2007*. [Brochure]. Simon, JA and Grossman, PD: Authors.

Bowen-Bailey, D. "Hospital Access Settlement Reached." *MRID Update*, April/May 2003.

Gillies, K., Cordingley, L. "TIPS for teaching Deaf and Hard-of-hearing Students." *National Technical Institute for the Deaf Department of Interpreting Services*, 2000.

The Minnesota Department of Transportation. *Technical Sign Language Manual Final Design Terms*. St. Paul, Minnesota: A Product of the Office of Workforce Equity & Diversity (O/WED), 2007.

U.S. Department of Education, Office of Civil Rights, *How to File a Discrimination Complaint with the Office for Civil Rights*, Washington, D.C. 20202.

U.S. Department of Education, Office of Civil Rights, *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities*, Washington, D.C. 20202.