

Reasonable Modifications and Accommodations

Week Seven Power point

The ADA

“This Act is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so hard: independence, freedom of choice, control of their lives, and the opportunity to blend fully and equally into the rich mosaic of the American mainstream.”

*President George Bush at the Signing
of the American with Disabilities Act of 1990*

Reasonable accommodations and modifications

- Given legal mandates under the ADA, postsecondary institutions must make reasonable accommodations and modifications in order to provide students with disabilities an equal opportunity to participate in courses, programs, and activities. This includes extracurricular activities.
- Universities and other covered entities must also reasonably modify their policies, practices, or procedures to prevent discrimination and to provide for inclusion for those with disabilities.
- Accommodations do not compromise the essential elements of a course or curriculum; nor do they weaken the academic standards or integrity of a course. Accommodations simply provide an alternative way to accomplish the course requirements by eliminating or reducing disability-related barriers. They provide a level playing field, not an unfair advantage.

Reasonable Accommodations

Appropriateness must be determined on a case-by-case basis.

An accommodation is usually reasonable if it is **not an undue hardship** and does not pose a direct threat to self or others.

Accommodations are not required if they will create an **undue financial or administrative hardship** or a **direct threat**.

Examples of reasonable accommodations

- Accommodations can be in the form of **academic adjustments or modifications** such as extended time for test taking or completing course work; substitution of specific courses to meet degree requirements; modification of test taking or performance evaluations so as not to discriminate against a person's sensory, speaking or motor impairments, unless that is what is being tested.
- Accommodations can also take the shape of **auxiliary aids and services** such as qualified sign language interpreters, note takers, readers, braille, large print, and electronic formats of print materials, and adaptive equipment.

Specific Examples of Accommodations

- **Labs:** Providing a lab partner or assistant can facilitate involvement in a lab activity for some students with disabilities
- Allowing extra time to set up a lab or complete the work can provide an effective accommodation for some students with disabilities
- Providing an adjustable workstation
- For students with hearing impairments, providing access to video demonstrations or software with captioning, providing written instructions or captioned video instructions prior to class, and providing preferential seating to view demonstrations and watch the instructor can all serve to maximize their participation
- For students who are blind, providing tactile drawings or graphs, using clear verbal descriptions of demonstrations or visual aids, and employing adaptive lab equipment can facilitate their participation
- For students with learning disabilities, using a combination of written, verbal and pictorial instructions, creating opportunities to work with lab partners rather than alone, and extending the time allotted for set-up and process can facilitate their participation

More examples of Accommodations

- **Testing and Assessment:** Providing an alternative, quiet testing location
- Providing test materials in alternative formats
- Allowing extra time to complete the examination
- Providing reading or scribe services
- For students who are blind, accommodations may include tests given in electronic formats, Braille or on audiotape
- For students with mobility disabilities, providing accessible seating, scribes, extended test-taking time and electronic versions of the test are effective accommodations
- Modifying testing and assessment materials, such as Braille versions of therapist-administered inventories
- Adjusting the environment (e.g., adding supplemental lighting) to facilitate ease of communication

More examples of Accommodations

- **Practicums, Internships, and Clinicals:**
- Modifying therapy and assessment rooms at internship and practicum sites (e.g., arranging furniture, using adjustable tables) for students with mobility impairments
- For students who are deaf or hard of hearing, providing FM loop systems, sign language interpreters, speech-to-text services and extended time
- Changing the location of protocols, forms and other supplies so they are more accessible to an intern in a wheelchair
- Providing printed material in large print, in Braille and/or on audiotape

Effectiveness of Accommodations

- Programs are not required to provide the most sophisticated auxiliary aids and services available; however, they must effectively meet the needs of a student with a disability. They should be selected after consultation with the student who will use them. No aid or service will be useful unless it is successful in equalizing the opportunity for a particular student with a disability to participate in the education program or activity. Not all students with a similar disability benefit equally from an identical auxiliary aid or service.
- The program must analyze the appropriateness of an aid or service in its specific context. For example, the type of accommodation needed by a student who is hearing-impaired may vary, depending upon whether the format is a large lecture hall or a seminar. With the one-way communication of a lecture, the service of a note taker may be adequate, but in the two-way communication of a seminar, an interpreter may be needed.

Auxiliary Aids and Effective Communication

- Both Title II and Title III entities must ensure that communications with individuals with disabilities are as effective as communications with others.
- Must furnish auxiliary aids and services when necessary to ensure **effective communication**, unless an undue burden or fundamental alteration would result.
- In order to provide effective communication, public and private entities are required to make appropriate **auxiliary aids and services** available when they are necessary to ensure effective communication.

Examples of Auxiliary Aids and Services

- qualified interpreters
- assistive listening headsets
- television captioning and decoders
- telecommunications devices for deaf persons (TDD's)
- videotext displays
- readers
- audio-tapes
- brailled materials
- large print materials
- captioning

Exceptions



Hearing aids

- Title II and Title III entities are NOT required to provide personal devices such as wheelchairs; individually prescribed devices (e.g., prescription eyeglasses or hearing aids); or services of a personal nature including assistance in eating, toileting, or dressing.
- Personal aids and services, including help in bathing, dressing or other personal care, are not required to be provided by postsecondary institutions.
- Entities need not provide attendants, individually prescribed devices, readers for personal use or study, tutoring, or other devices or services of a personal nature.
- Personal attendants and individually prescribed devices are the responsibility of the student who has a disability and not of the institution. For example, readers may be provided for classroom use but institutions are not required to provide readers for personal use or for help during individual study time.

Reasonable Modifications in Policies, Practices, and Procedures



Service dog and handler

For example:

A university that has a “no dogs allowed” policy must modify its policy to allow service dogs.

Universities must offer alternative dining services for students with health threatening food allergies

Universities may need to provide for priority class registration for some students with disabilities

“Un” Reasonable Accommodations

- ☐ Lowering standards
- ☐ Personal use items as described above (i.e.: prosthetic limb, eyeglasses, hearing aids, wheelchair)
- ☐ Placing a individual into a program if doing so would create a direct threat to the health or safety of the individual or others (and risk cannot be lowered to acceptable level with reasonable accommodation)
- ☐ Undue hardship
- ☐ Fundamental alterations

Direct Threat and Reasonable Accommodations

- If an individual poses a Direct Threat
 - significant risk of substantial harm to the health and safety of the individual or others
 - the entity must determine whether a reasonable accommodation would either eliminate the risk or reduce the risk to where substantial harm no longer exists.

Fundamental Alterations

- Colleges and universities do not have to provide accommodations that would “fundamentally alter” the educational program or academic requirements that are essential to a program of study or to fulfill licensing requirements.
- The determination of what is a fundamental alteration, however, is one which requires specific steps and a reasoned, determinative process on the part of the campus community, and necessitates that colleges and universities question their notions of what is truly fundamental and provide for alternate methods of achieving the results intended by the educational program.

Undue Hardship

- Limitations on accommodation.
- Not required to provide accommodations that are:
 - extremely costly
 - unduly extensive
 - substantial
 - disruptive or dangerous to others
 - would fundamentally alter the operation

Determining Undue Hardship

- The public entity is the one who is required to show that an accommodation is an undue hardship.
 - must always consider whether there is an alternative accommodation that would not impose hardship.
- Must first determine undue hardship on a case by case basis
 - consider the undue hardship in relation to the size of the entity,
 - the resources available, and
 - the nature of the operation.
- Assessment of undue hardship is an ongoing process as resources and situations change.

Initiating the Accommodations Process

- Under federal disability law, only if the student has disclosed a disability are you or your program responsible for providing accommodations. Most often, the student is advised to initiate the accommodation process with the disability resource center or office on campus.
- This office then determines whether the student is eligible for services and, if so, coordinates appropriate accommodations and services based on the documentation provided and in consultation with the student and other professionals, as appropriate.
- It is also the responsibility of students who seek disability-related accommodations and services to provide written documentation of their disabilities. You or your program may also opt to obtain your own professional determination of whether specific requested accommodations are necessary.

Considerations in the Accommodations Process

- Identify who is responsible for what
- Determine how the process is communicated to students
- Determine how the request for services needs to be made
- Decide how the department will respond to the request
- Conduct ongoing monitoring the effectiveness of the accommodations given
- Develop and make available a Grievance and Appeal process
- Document the steps of the accommodations process

Reference

- American Psychological Services, Disability Resources Toolkit (DART):
<http://www.apa.org/pi/disability/dart/toolkit-three.aspx>