DISABILITY SERVICES: Transitioning From Public School to Higher Education
POSTSECONDARY LAW

Section 504 of the Rehabilitation Act of 1973
Americans with Disabilities Act of 1990
ADA Amendments Act
NC Bill 866
504 & ADA....

..are civil rights statutes designed to prevent discrimination against students with disabilities.
Section 504

- The objective of 504 is to ensure that people with disabilities have opportunities and access to the benefits of all federally funded programs and activities.

- Forbids discrimination against persons with disabilities by programs and activities receiving federal funds.
Requires that people with disabilities not be excluded from participation in, or be denied the benefits of, or be subjected to discrimination.

Does not require the institution receive federal financial assistance.

Provides clear enforceable standards addressing discrimination against individuals with disabilities by ensuring the federal government plays a significant role.
Implications of 504 & ADA

- Those who have qualified for admissions have a right to be in higher education.
- Once admitted, students have a right to access academic and nonacademic programs.
- Qualified students are eligible to receive reasonable accommodations that relate to their disabilities.
- Students have a right to confidentiality of all disability related information.
- **Guarantees ACCESS - NOT success!**
ADA Amendments Act

Senate Bill S. 3406 broadens coverage of the ADA and Section 504 of the Rehabilitation Act in four key areas.

- **Definition of “disability”** – gives broader coverage and includes episodic and remission impairments
- **Major life activities** – includes learning, thinking, concentrating, bodily functions, etc…
- **Mitigating circumstances** – can’t consider auxiliary aids, learned behavior, assistive devices, etc…
- **Individuals regarded as disabled** – does not have to limit or be perceived to limit a major life activity.
Guarantees the right to persons with disabilities in accessing electronic information, including web sites, computers in public libraries, etc. This bill requires compliance by municipalities, counties, community colleges, universities and any agencies in state government.
Documentation

- **Purpose**: 
  - To establish that an individual has a disability
  - To describe and document the functional impact of the disability for use in establishing the need for and design of accommodations
Documentation

- Should include:
  - The credentials of the diagnosing professionals
  - Statement identifying the disability, date of the most current diagnostic evaluation, and the date of the original diagnosis
  - Description of the diagnostic tests, methods, and/or criteria used
Documentation

- Description of the **current functional** impact of the disability which includes specific test results and the examiner’s interpretation
- Description of the **expected progression** or stability of the impact of the disability over time
- Description of current and past accommodations, services and/or medications
- Recommendations for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support service
ACCOMMODATIONS
Accommodations

• Purpose…
  • is not to improve chances of being successful, but rather to assure equal access to the opportunity, allowing the student to show whether he/she can be successful

• Guarantees access, not success.
Accommodations

- Colleges must look at each individual disability and the functional impact of the disability for each student. (case-by-case and class-by-class)
- Colleges must provide reasonable accommodations to ensure equal access.
Accommodations

- An accommodation is not reasonable if it causes...
  - a direct threat to the health and safety to others
  - a substantial change in an essential element of curriculum
  - a substantial alteration in the manner in which services are provided
  - an undue financial or administrative burden
IDEA
(Individuals With Disabilities Education Act)

“IDEA requirements apply to state education agencies, school districts and other public agencies that serve IDEA eligible children. Institutions of postsecondary education have no legal obligations under IDEA.”

Dear Colleague Letter, March 16, 2007
Documentation

- **Public School**
  - I.E.P.
  - School provides evaluation at no cost to student
  - School retests over time

- **College**
  - Varies depending on the disability and must include testing documentation
  - Student must provide the evaluation at his own expense
  - Student provides retesting
Responsibilities

- **High Schools**
  - **Student**
    - Identified by school
    - School sets up accommodations
  - **Parent**
    - Has access to student records
    - Participates in accommodations
    - Mandatory involvement

- **College**
  - **Student**
    - Self-identifies to Disability Services Office
    - Responsible for securing accommodations
  - **Parent**
    - No access to student records without consent
    - Student requests accommodations
    - Student is self-advocate
Responsibilities

- **High School**
  - **Instructor**
    - Modification of curriculum
    - Use of multi-sensory approach
    - Weekly testing, mid-term, final and graded assignments
    - Attendance taken and reported

- **College**
  - **Instructor**
    - Not required to modify curriculum
    - Multi-sensory not required. Lecture is predominant
    - May test sporadically
    - Attendance often not taken but student can be dropped after missing 10%
Grades & Conduct

- **High School**
  - Grades modified based on curriculum
  - Disruptive conduct may be accepted

- **College**
  - Grades reflect the quality of work submitted
  - Student who are disruptive and unable to abide by the college’s code of conduct are deemed “not qualified” and can be dismissed
Summary

- **High School**
  - IDEA is about Success
  - High school is mandatory and free

- **College**
  - ADA & 504 are about Access
  - Postsecondary is voluntary and expensive
Resources

- http://telr.osu.edu/fame/
- http://www.arcc.mnscu.edu/studentservices/disabilities_guide.cfm
- http://www.ahead.org/
- http://www.ed.gov/about/offices/list/ocr/index.html
THANK YOU!

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