Awareness of Laws

Probably the largest thing that they need to know is that the laws are different. The IDEA, the Individuals with Disabilities Education Act, does not apply in the college environment, so colleges and universities are not required to seek out students, to identify and evaluate them. It’s the responsibility of the student to self-identify, to make their needs known, and to ask for very specific accommodations. Of course we help students when they are trying to figure out what they need, but a student can’t come to us and say, “I have a learning disability. I want all the accommodations I qualify for.” They have to ask specifically for what they need, so legally they have to self-identify and justify the accommodations they’re asking for. The other concept that has a big difference is that in high school sometimes they would modify things; they would modify what’s required for graduation; they might modify how much homework or what’s involved in a test. You typically won’t see that in a college environment, we accommodate. Our goal is to provide access. If a student is in an engineering program, the degree requirements that they take in math, they don’t get to substitute or take a modified math, they need to take the same math as everyone else. They need to do the same level of homework; they need to take the same tests. So we do have students who may have had, “Well in my test I used to only have three multiple choice not five multiple choice.” In college that’s probably not appropriate. They need to be in the same level of work as every other student, so that’s probably one of the bigger things.

The other law that I would point out is FERPA, which is the Family Educational Rights and Privacy Act, where in a K-12 system, the law gave parent’s access to student records. Once they are 18 that restricts the parent’s access to student records, so parents do not automatically have access to see their student’s disability records. The student has to give written consent before they can access the information. That’s why the student is responsible for following through on setting up their accommodations. The parents can’t do that for them. The parents can’t make accommodations requests for the student, the student does. So to give you an example, I’ve had a parent call me before and say, “My student needs to have this new accommodation.” And I say, “Great, I will need to speak with your son. They’ll need to come in and talk to me, and we’ll talk through it, but I’m not going to take the request from you, I need to hear it from your son.”

The others laws that really apply to both K-12 and to colleges and universities are the Americans with Disabilities Act and of course the Amendments Act of the ADA, as well as Section 504 of the Rehabilitation Act and Section 508. They really do apply almost equally for K-12 and colleges. ADA is really about nondiscrimination and has some very specific language about telecommunications and physical access, and that applies especially in state institution there are a lot of things that are required, but it’s really similar to what you would see in your high schools. Section 508 is about electronic and website accessibility. Section 504 talks specifically about opportunities very similar to what you see in K-12 and for colleges and universities.

When a student wants to register with a disability service at a college or university, the process will be different from college to college, but most of them follow very a similar process. The student will need to submit some sort of request for an accommodation. Some people will do that by a meeting or an interview, some will have a form, some may have an online process, it just kind of depends on what resources are involved and how many students that college or university deals with. With that you will need to provide documentation of their disability.
most cases what they’re looking for is that medical documentation, evaluations, psychological evaluations, whatever details what the disability is and how it’s affecting them. Sometimes what can also be helpful, especially with some of the guidance we gotten after the ADA Amendments Act, is a history of their use of accommodations. It’ll be very helpful for us because sometimes doctors don’t write very good notes about how their disability affects them; they’ll do the very medical model of here is the diagnosis. But if we know what accommodations they’ve been using, putting that together can help us develop a much broader picture of what the student’s needs are. So submitting a 504 plan, submitting accommodations letters from the SAT or ACT, things like that can definitely help. It can’t be the only thing; we still need that disability documentation and the diagnosis and medical information to support why those accommodations were in place.

Many schools will have that initial submit your documentation process, depending on the volume that they deal with, it may take a couple of days, it may take a couple of weeks. Now a school our size, we’re dealing with almost 400 new students every semester, we can’t deal with them all in advance, so we do our initial review by paper. So we have the paperwork come in, we review it, either as an individual or committee depending on how complex or lengthy it is, they get assigned to one of our accommodations counselors, that accommodations counselor will follow up with them to start the process of setting up their accommodations. Sometimes we may ask for some additional information, maybe something was incomplete or not signed, or they didn’t submit the medical documentation, but they submitted the accommodation paperwork, and we’ll ask for that information. Then once everything is there, we can start making decisions on, then we’ll work with them through that accommodation process. So in many cases, we’ll ask the student to come in, meet with their counselor, kind of come up with that accommodation plan, in most cases we’ll put letters together, develop that plan, and that student will take that letter and bring it to their instructors to set up the accommodations in their classes.

I will caution that if the student has something that is very time sensitive or unique, or something that might need accommodations prior to classes starting, thinking about someone who might need an interpreter at our new student conference, someone who might need housing accommodations, that process happens long before the first day of class. Having those conversations early and submitting the documentation as soon as possible puts the university and student in a much better place to get those things set up. For us sometimes it can be really frustrating because after the housing assignments go out, then we get the request for, “Oh this won’t meet my needs.” And it’s really hard to put that into place after the fact once the assignments have been done. Telling us the day before classes start that you need an interpreter does not put us in a good place to be able to set that kind of accommodation up. So things like interpreters, audio books, braille, anything that’s going to require a lot of preparation, the sooner that that process starts the better. It’s not uncommon that we have students, who are juniors in high school, come for consultation meetings because they know they’re going to need to get things in place. Student with significant physical disabilities, who really are concerned about the access of their classrooms or residence halls, that’s going to be a part of their decision on which school they go to is how well they can be accommodated at that school.