

Faculty Guidelines
For Services for Students
With Disabilities

Thank you to Pablo Negrón for sharing HVCC's faculty handbook and allowing us to gain from his knowledge

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FOREWORD

SUNY College of Technology at Delhi is committed to the full and total inclusion of all individuals and to the principle of individual empowerment. SUNY Delhi encourages students with disabilities to pursue a college education, and is committed to making every effort to provide an accessible, learning and technological environment and support services for those who meet the academic standards for admission. Our college is known for campus-wide commitment to accessibility for all qualified students. It was in the spirit of this commitment that this manual was written, for through awareness and understanding comes acceptance. The Resnick Learning Center (referred to in this manual as RLC) staff is eager to assist any and all staff and faculty of SUNY Delhi to more fully provide equal access to the many educational opportunities offered here.

This faculty guide is designed to provide you with the resource necessary to assist students with disabilities in their pursuit of equal education at Delhi. You as a faculty member are obligated by law to provide students with disabilities full and equal access to college programs and activities. In addition, you as a teacher and role model can make a positive difference in the lives of your students with disabilities by making your courses more “user friendly.” This user-friendliness can usually be achieved by making small adjustments in the physical environment, in your written classroom materials, in the oral delivery of your lectures, or in your method of examining student mastery of the material. Making your courses accessible to students with disabilities helps them to fulfill their potential and ultimately to become full contributors to our society.

This handbook provides helpful information for college faculty to assure the access of individuals with disabilities to college programs and activities. It is not intended to be an all-inclusive guide, but will hopefully provide faculty members with some practical suggestions for the instruction of students with various disabilities. I hope this handbook will increase your awareness of the difficulties faced by these students and that it will answer questions of how to accommodate their disabilities without compromising the learning experience.

I encourage you to contact me if you have questions about this document or other accessibility issues. I will be happy to provide additional guidance beyond that which this handbook provides.

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OVERVIEW OF THE LAWS PROTECTING PERSONS WITH DISABILITIES

The Individuals with Disabilities Education Act (IDEA) of 1990 (PL94-142)

This legislation mandates that all children, regardless of disability, are entitled to a free and adequate education through graduation from high school or age 21, whichever comes first. The effect IDEA has had on higher education is obvious. With more access to elementary and secondary education, students with more varied and complex disabilities have been pursuing higher education in increasing numbers.

The Rehabilitation Act of 1973

Title V of the Rehabilitation Act of 1973 is generally regarded as the first “civil rights” legislation for persons with disabilities on the national level. Of direct importance to the post-secondary community is Subpart E of Section 504, which reads:

“No otherwise qualified person with a disability in the United States...shall, solely on the basis of a disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal financial assistance.”

This includes, but is not limited to, students who have a physical or mental impairment which substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, has a record of such an impairment, is regarded as having an impairment, or has a physical or mental impairment that substantially limits major life activities only as a result of the attitude of others toward such impairment.

Section §504 is a program access statute. It requires that no otherwise qualified person with a disability be denied access to or the benefits of, or be subject to discrimination by any program or activity within SUNY Delhi. While Subpart E does not require that special educational programming be developed for students with disabilities, it does require that an institution be prepared to make appropriate academic adjustments and reasonable modifications to policies and practices in order to allow the participation of students with disabilities in the same programs and activities available to non-disabled students.

Under the provisions of Section §504, colleges and universities may not:

- limit the number of students with disabilities admitted;
- make pre-admission inquiries as to whether or not an applicant is disabled;
- use admission tests or criteria that inadequately measure the academic level of blind, deaf or otherwise applicants with disabilities, because special provisions were not made for them;
- exclude a student from a course of study;
- counsel a student with a disability toward a more restrictive career;
- measure student achievement using modes that adversely discriminate against the student with a disability, or
- institute prohibitive rules that may adversely affect students with disabilities.

The Americans with Disabilities Act (ADA)

The Americans with Disabilities Act is a federal civil rights law enacted on July 26, 1990. It is intended to integrate persons with disabilities into every aspect of society. It is viewed as a “bill of rights” for persons with disabilities and builds upon many state and federal laws including section §504 of the Rehabilitation Act of 1973. The ADA prohibits discrimination on the basis of disability, and provides for entitlement “in the full and equal enjoyment of goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation.”

The ADA protects any individual with a physical or mental impairment that substantially limits that person in some major life activity, and any individual who has a history of, or is regarded as having such an impairment. As with Section §504 of the Rehabilitation Act, the key components of this definition are: physical or mental impairment, substantially limits, and major life activity.

- Physical or mental impairment: In order to fall within the guidelines of the ADA, a covered impairment must be a physiological or mental disorder.
- Substantially limits: An impairment substantially limits an individual in a major life activity if the person cannot perform the life activity at all, or if the individual is limited in the condition, manner or duration of the activity.
- Major life activity: Examples of these kind of activities include, but are not limited to: walking, seeing, speaking, breathing, learning, working, or performing manual tasks.

A “qualified person with a disability” is defined as one who meets the academic and technical standards requisite to admission or participation in the college’s program and activities. This includes, but is not limited to, students with any of the following disabilities:

AIDS	Epilepsy	Mental illness	Orthopedic impairment
Cancer	Hearing impairment	Mental retardation	Perceptual impairment
Cerebral palsy	Heart disease	Multiple sclerosis	Speech impairment
Diabetes	Learning disabilities	Muscular dystrophy	Substance abuse
			Visual impairment

The ADA excludes people who currently use illegal drugs from its protection, but prohibits discrimination against recovering (non-active) drug addicts and alcoholics. In order to encourage individuals to end substance abuse, the ADA provides civil rights protection for individuals who have successfully completed rehabilitation.

Under the ADA, which draws heavily on Section §504, colleges and universities are prohibited from discriminating against a qualified person with a disability in all aspects of academic life. This means that colleges and universities must provide necessary auxiliary aids and academic adjustments to accommodate the known physical or mental disabilities of an otherwise qualified individual.

Such accommodations for students with disabilities could include:

- extending the time permitted to earn a degree;
- modifying teaching methods and examinations to meet the needs of students with disabilities;
- accepting assignments in an alternate format, such as an oral report in lieu of a written paper;
- developing course substitutions or waivers; or
- allowing the use of such learning aids as tape recorders, word processors, and pocket spell checkers.

The institution is under no obligation to assure the success of students with disabilities in higher education, only to assure that such students have the same opportunities as other students to be successful on the basis of their intellectual abilities and academic achievements.

The college needs to keep in mind that all programs conducted by the college are covered by Section §504 — grant-funded programs, off-campus programs, continuing education programs, etc. The programs and activities, when viewed in their entirety, must be readily accessible to and usable by people with disabilities.

Provided below are some general ADA guidelines to protect individuals from discrimination based on disability.

- A qualified individual with a disability must be provided access to programs, activities and services which are offered to others.
- A qualified person with a disability must have an equal opportunity to participate in or benefit from that which is offered to others.
- Programs, activities, services and accommodations for persons with disabilities cannot be separate or different from those provided to other individuals, unless necessary to achieve equally effective services.
- Programs, activities, services, and accommodations must be provided to an individual with a disability in the “most integrated setting” appropriate. If you find it necessary to set up separate or different programs, activities or services for persons with disabilities to achieve an equal effect, you must still allow them to participate in existing programs if they are capable and desire to do so.
- Standards, tests, criteria or methods of administration that have the effect of discriminating on the basis of disability may not be used.
- Equal programs, activities, services, and accommodations may not be denied to anyone because he/she is associated with or related to an individual with a disability.
- Eligibility criteria cannot screen out or tend to screen out individuals with a disability unless such criteria can be shown to be necessary for the programs, activities, services, or accommodations being offered.

- Individuals with disabilities may not be charged extra for the costs incurred in barrier removal, alternatives to barrier removal, reasonable modifications or the provision of auxiliary aids to make the college accessible and usable.

ELIGIBILITY FOR RECEIVING ACADEMIC ADJUSTMENTS/AUXILIARY AIDS

In order to determine whether or not a student needs academic adjustments/auxiliary aids, the student must provide documentation of the disability to the Coordinator of Services for Students with Disabilities. The Coordinator of Services will make a determination whether or not academic adjustments/auxiliary aids are needed. To protect the student's privacy, the student is not obligated to discuss the disability with you, only the needed academic adjustments.

Aids provided must be effective for the individual. The best way to ensure that an auxiliary aid is effective is to consult first with the individual who will be using the aid before providing it. The college is not required to provide a different or more expensive aid than an individual requests, unless he/she can prove that the aid requested is more effective.

RIGHTS & RESPONSIBILITIES OF STUDENTS WITH DISABILITIES

To ensure a student's right to equal access to college programs, activities, and services, students with disabilities have the same obligation as any other student to meet and maintain the college's academic and technical standards. They have the responsibility to advocate for their own individual needs and to seek information, counsel, and assistance as necessary to be effective self-advocates. This includes:

- Providing appropriate documentation of the disability to the Coordinator of Services in order to determine appropriate academic adjustments and services in a timely fashion;
- Making contact with individual faculty members to obtain syllabi and lists of course materials in order to request materials in an alternate format;
- Adhering to reasonable deadlines established by faculty for requests for special academic adjustments; and
- Making themselves available to faculty or advisors to discuss concerns.
- Having a responsibility to demonstrate or document how their disability affects a particular delivery system, instructional method, or evaluation criteria when requesting accommodation.
- Having a responsibility to actively participate in the search for accommodations and auxiliary aids. This responsibility extends to working with the institution to seek financial assistance from government agencies and private sources.
- Having the same obligation as any student to meet and maintain the institution's academic and technical standards.

- Having a right to be evaluated based on their ability, not their disability. If their disability affects the outcome of an evaluation method, they are entitled to an evaluation by alternate means.
- Being entitled to an equal opportunity to learn. If the location, delivery system, or instructional methodology limits their access, participation, or ability to benefit, they have a right to reasonable alterations in those aspects of the course to accommodate their disability.
- Being entitled to an equal opportunity to participate in and benefit from the academic community. This includes access to services, extracurricular activities, and transportation at a level comparable to that provided to any student.
- Having a right to appeal the institution's decisions concerning accommodations. First internally, by filing a petition with the ADA Compliance Office, Bonnie Martin 746-4498 then, if necessary, by filing a complaint with the regional Office of Civil Rights or through the Civil Court system.

THE RIGHTS AND RESPONSIBILITIES OF SUNY COLLEGE OF TECHNOLOGY AT DELHI

- Has the responsibility to inform its applicants and students about the availability and the range of accommodations.
- Has the responsibility to evaluate applicants based solely on their abilities. If an evaluation method or criteria has a negative effect on an applicant with a disability, the college will seek reasonable alternatives.
- Has the responsibility to insure that all of its programs are accessible.
- Has the responsibility to make reasonable adjustments in the instructional method and evaluation system for a course when these have a negative impact on a disability.
- Has the right to identify and establish the abilities, skills, and knowledge necessary for the success in its programs and to evaluate applicants on this basis.
- SUNY Delhi faculty have the right to identify and establish the abilities, skills, and knowledge that are fundamental to their academic programs/courses and to evaluate each student's performance on this basis. These fundamental program/course goals are not subject to accommodation.
- Has the right to request and review documentation that supports requests for accommodation. Based on this review, SUNY Delhi has the right to refuse an unsupported request.

QUESTIONS ABOUT ACCOMMODATIONS AND AUXILIARY AIDS

Statement of Policy: SUNY College of Technology at Delhi provides equal opportunity, auxiliary aids, academic adjustments, and services to students with disabilities in accordance with the Rehabilitation Act of 1973 (29 U.S.C. 793) and the Americans with Disabilities Act of 1990 (PL 10 1-336; 42 U.S.C. _12 112; CFR 1630). Delhi is committed to the provision of auxiliary aids and academic adjustments to ensure that no student with a disability is excluded, denied services, segregated or otherwise treated differently than other students. To this end, Delhi provides auxiliary aids and services necessary for all students.

Q: What are auxiliary aids and academic adjustments?

A: Auxiliary aids and academic adjustments include but are not limited to:

- qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- qualified readers, taped texts, e-files or other effective methods of making visually delivered materials available to individuals with visual impairments;
- acquisition or modification of equipment or devices; and
- other similar services and actions.

Q: What is determined to be reasonable?

A: Delhi recognizes reasonableness as defined by the Rehabilitation Act and ADA to be an auxiliary aid/service that provides the student with a disability equal access to all academic programs/activities without fundamentally altering the nature of the academic program or activity.

Q. Who is a student with a disability?

A. Anyone currently enrolled in a matriculated, certificate program or continuing education program, full or part-time, who meets one or more of the following criteria:

- a physical or mental impairment that substantially limits one or more of the major life activities* of such individual;
- a record of such an impairment; or
- being regarded as having such an impairment.

(*Major life activities include but are not limited to: learning, seeing, hearing, walking, breathing, working.)

Q: Who should a student contact for auxiliary aids and academic adjustments?

A: The student should contact the Coordinator of Services for Students with Disabilities (607)746-4593 which is located in room 221 in the RLC. There they will be provided with information on procedures.

Q: What will a student need when he/she registers with the Disabilities office?

A: A student will need to bring documentation of his/her disability that relates to any auxiliary aid or service requested. For a student with a learning disability, this documentation is usually a current adult neuropsychological exam. For students with other types of disabilities, a letter from a doctor or a therapist is commonly used.

Examples of auxiliary aids and academic adjustments

Testing accommodations Note-taking Assistive listening devices
Sign language interpreting Reading onto tape Course substitutions
Adaptive computing technology Adaptations to learning environments
E-file books

PROCEDURES FOR REQUESTING AUXILIARY AIDS AND ACADEMIC ADJUSTMENTS

Students who seek auxiliary aids, academic adjustments, and services must follow the procedures below. Faculty who receive inquiries from students seeking auxiliary aids, academic adjustments, and services will refer students to the procedures below.

1. The student will contact the Coordinator's office to arrange for an intake. During the intake, information will be gathered about the student's needs including documentation of disability. Assessment of need and eligibility for services such as note-taking, testing accommodations, alternative print media will be determined at the intake unless further review or data is needed. The Coordinator will make a decision within five business days after receipt of documentation.

All services require at least five days notice, though greater advance notice is always preferable. Services provided throughout a semester (such as note-taking) are requested once each semester, preferably at the beginning of the semester. Testing accommodations can be scheduled in advance according to a course syllabus. Students requesting sign language interpreters are strongly advised to provide as much notice as possible due to shortages of freelance interpreters in the area.

3. If you would like to appeal the decision made about your request, Compliance Officer in the Affirmative Action Office, Bonnie Martin, Bush Hall, Room 103. Decisions will be made within ten business days by the Compliance Officer's receipt of the appeal and supporting documentation.

Student Responsibilities: To contact the Coordinator's office and to document their needs. To make service requests in a timely manner with at least 2 business days notice and preferably with as much notice as possible.

College Responsibilities: To assess students' needs for academic adjustment within 5 business days or sooner if possible, based on medical documentation and the information gathered during the intake. Within 5 days, refer the student for the appropriate service OR notify the student that the service cannot be provided. Ensure that any recommended services are provided.

Faculty Responsibilities: To refer students to the Coordinator's office. To work with the student in providing course information necessary for determining if student will need auxiliary aids or academic adjustments. To assist in the provision of services and provide necessary alternatives as determined by the Coordinator of Services for Students with Disabilities.

All references to length of time are dependent on whether all the information needed has been presented by the student. If a time extension is needed at any step in the request or provision process, verbal and written communication of this need will take place.

WHAT CONSTITUTES REASONABLE ACCOMMODATION

In higher education, it is easier to define what is not reasonable. You should assume that if the accommodation needed, does not clearly fall under the guideline of not reasonable, it is probably reasonable!

The language used in the ADA focuses on an accommodation being reasonable as long as it does not pose an “undue hardship” when compared to the entity’s total operating budget, size of facility, number of employees, etc. Court decisions and agency rulings have held that requests of students need not be provided and are not reasonable under the following circumstances:

Direct Threat to the Health or Safety of Others

An accommodation is not reasonable if it poses a direct threat to the health or safety of others. In order to establish a direct threat, the institution must be able to document a substantial risk of significant harm. Concern about direct threat arises most frequently in relation to allied health and professional programs in which the student’s ability to provide safe and appropriate quality care is questioned. It should be noted that the mere existence of a disability does not provide evidence of direct threat. Nor does the possibility of a difficulty arising constitute a substantial risk of significant harm.

It is important to note that, under the ADA, the direct threat must be to someone else. The individual with a disability has a right to choose to assume the risk to self in the same way that anyone else who participates chooses to assume that risk. An individual who is blind could not be denied participation in a hiking class that covers rough terrain because it is feared that he/she might trip and fall, but it might be appropriate to deny participation to this individual in scuba diving class in which participants are paired up and are responsible for monitoring each other’s safety through the visual inspection of valves and gauges.

Substantial Change in an Essential Element of Curriculum

In the academic context, an accommodation is not reasonable if it means making a substantial change in an essential element of a course or in a student’s curriculum. It is the institution’s responsibility to demonstrate both that the change requested is substantial, and that the element targeted for change is essential to the conduct of the course or curriculum. Whether or not the change requested is substantial/essential may be a judgment call on behalf of the administrators and service providers charged with making those decisions, but it is not unusual for the decision to be a fairly logical one.

Examples include:

An institution may logically decide that demonstrated mastery of a foreign language is essential for a deaf student in International Studies and that a substitution for the foreign language requirement is not reasonable.

In contrast, an institution may not logically decide that demonstrated mastery of a foreign language is essential for a deaf student majoring in Philosophy because he/she is enrolled in the College of Arts and Sciences and “everybody in Arts and Sciences has a foreign language requirement.”

An institution may logically decide that asking to make a substitution for basic math course work for a Business major is not reasonable; not only is it appropriate to insure that anyone graduating with a degree in Business has some basic competency in math, but the skills mastered in that basic course work will serve as the underpinning for much of the advanced course work in the field.

An institution may logically decide that it is reasonable to make a substitution for a math course that is the only math requirement (3 hours) in a 150 hour course sequence for an early childhood education major; this 3-hour requirement is neither a substantial part of this curriculum nor is it essential to the course of study.

(NOTE: In these last two examples, it is presumed that the individual making the request has already been determined/documentated to be a person with a disability which substantially impacts on the ability to follow the standard curriculum regarding the math requirement)

Sometimes the question of “What is reasonable” hinges not on the course of study, but on the manner in which a specific course is conducted.

In an intensive Weekend MBA program designed to give students experience in working cooperatively with classmates, a student who (for legitimate disability-related reasons) will not be able to attend class regularly, and thus cannot participate in group experiences, may be denied admission to the program. To ask that the model of delivery be altered to focus on something other than this cooperative learning model is asking for a substantial change in an essential element of course design.

On the other hand, to demand that students in an Accounting Class finish a requisite amount of work in a limited amount of time and thus refuse the accommodation of extended time in testing is not appropriate. Although the instructor may have traditionally measured speed of calculations as one element in grading, that is not essential to the demonstrated mastery of the subject matter. There is no requirement for a substantial alteration in what is being taught in this instance - the faculty is not teaching “speed.”

Substantial Alteration in the Manner in Which Services are Provided

From an administrative point of view, it is not a reasonable accommodation if it means making a substantial alteration in the manner in which you offer your goods and services (in this case, educational opportunities and everything that go with them). This discussion

sometimes revolves around method of delivery, and sometimes on the opportunity being delivered.

An institution that does not have a distance learning program (whereby students access courses or degrees from alternative sites and/or through various electronic media) is not required to create such an alternative for an academically qualified student with a disability who is unable to reach campus and participate in the in-class, “hands-on” learning experiences.

A commuter institution does not have to create housing options for individuals with disabilities who need to be in close proximity to the campus if the institution is not involved in housing its nondisabled students.

On the other hand, it is not unreasonable to expect institutions of higher education to provide textbooks and handouts in alternative media for students with disabilities who cannot use standard print. It is not a substantial alteration in the delivery of opportunity. The opportunity is not the chance to read a book, the opportunity is having access to materials to be used in learning and studying, and therefore the institution must see that this opportunity is provided equally to all students regardless of disability.

An individual with a learning disability who reads more slowly may need to have additional time made available to read materials kept on closed reserve in the library. While others are allowed to check out these materials for 60 minutes at a time, the individual with a learning disability might be allowed 90 minutes. It is not reasonable, however, for the student to request that the library stay open an extra 30 minutes past regular closing time in order to have the full 90 minutes. That would be a substantial alteration in the manner in which the library delivers its services

Undue Financial or Administrative Burden

An accommodation is not reasonable if it creates an undue financial or administrative burden for the institution. HOWEVER

Title II of the ADA (which would encompass all public postsecondary institutions) indicates that, when examining the cost of provision for auxiliary aids and services, the government will be looking at the total resources available in the situation. In other words, it will not be the budget of the Biology Department, of the School of Science, or State University that is evaluated, but rather the budget of the State of _____ against which the yardstick of “undue financial burden” will be measured.

In 20 years of case law and findings under Section 504 (which includes public and private institutions), the federal government has never allowed an institution of higher education to refuse to provide auxiliary aids or services solely on the basis of cost. Never.

On the other hand, there may be instances in which a request for accommodation does constitute an undue administrative burden.

A request from an individual with multichemical sensitivity that no construction work be done on campus during school terms could legitimately be viewed as “not reasonable.” The institution must be allowed to maintain and enhance its facilities in order to best serve the full campus community.

A request from a student with a disability to have the institution reschedule the offering of a needed class to dovetail with the student’s transportation arrangements (in other words, offering the class during daytime hours instead of in the evening) is not reasonable (but a request for priority scheduling for the student with a disability to assure placement in the one offering of that class that meets during the day is reasonable).

Remember

An Accommodation is Not Reasonable if....

the student is not qualified when compared to other applicants/participants in a program
the accommodation would result in a fundamental alteration of the program or a dilution of standards

the institution is being asked to address a personal need such as attendant care

the accommodation would impose an undue financial or administrative burden on the organization when compared to its total operating budget

the accommodation poses a direct threat to the health or safety of others

It is important that students understand that not all requests for accommodation are reasonable. Some further examples of unreasonable requests are:

requests requiring large expenditures of funds or changes in the physical facilities which are made at the last minute

being waived out of a class without a relevant substitution solely on the basis of disability

missing classes (without faculty consent) when attendance is a requirement listed in the class syllabus

requesting university payment of tutors as an accommodation for a learning disability

expecting services without thorough, recent and comprehensive documentation of disability on file with the Coordinator of Services for Students with Disabilities

When a Request is Deemed Unreasonable

It is important to remember that the institution is only required to make reasonable accommodations to assure equal access to opportunity for persons with disabilities. If the request for accommodation is judged to be unreasonable (as detailed above), it may be

refused. However, a request for an accommodation that is deemed not to be reasonable does not affect the obligation to provide needed accommodations that are reasonable. Saying “no” to a request that is not reasonable should never be viewed as the end of a discussion of all accommodation options. If the individual has a documented disability and needs accommodation to assure access, then the institution is obligated to work with that student to determine whether there is some reasonable accommodation that can be devised to provide such access.

The Coordinator of Services for Students with Disabilities will work with the student, and academic or administrative departments and community agencies to actively seek accommodations which are both cost effective and utilitarian.

Some of the objections to providing accommodations are “it is unfair to non-disabled students,” or “this law is lowering academic standards and violates academic freedom,” or “these students are simply not qualified to operate in the postsecondary environment, what will happen to them after they graduate?” While these are important questions, we must be careful not to obscure the real issues. These questions divert our attention from the subject of the specific accommodations that should be provided to a particular student and instead involve us in a debate regarding the issue of whether and how equal opportunities should be provided to individuals with disabilities as a class. The question of how we should address the equity issue regarding individuals with disabilities has been answered by the passage of federal and state laws to protect their rights. These laws have been around since the 1970’s but were not enforced until the ADA stepped up enforcement and began awarding punitive damages to plaintiffs whose claims were upheld.

An important reason for faculty to cooperate with the reasonable accommodation process is suggested by Salome Heyward, an attorney who is widely recognized as a national expert in the field of Disability and Higher Education. She reports institutions that employ faculty have compliance responsibilities and obligations. “There is a shared responsibility because the provision of academic adjustments to students requires the participation of those who are employed to teach.” She cites several judicial decisions in which persons who have improperly denied services, benefits and opportunities to individuals with disabilities have been held personally liable for those discriminatory acts. As noted by the court in Howe v. Hull 873F. Supp. 72, 77 (N.D. Ohio 1994):

An individual may be subject to personal liability under the ADA. Given the broad language and remedial purposes of the ADA, allowing individual liability in some circumstances...is consistent with both the plain language of the statute and Congressional intent. To hold differently would allow individuals with both the authority and the discretion to make decisions based on discriminatory animus to violate the ADA with a degree of impunity not envisioned by Congress.

The circumstances under which individuals may be held personally liable according to the court are:

where he or she is in a position of authority, within the ambit of this authority he

or she has both the power and discretion to perform potentially discriminatory acts and the discriminatory acts are the result of the exercise of the individual's own discretion, as opposed to the implementation of institutional policy. (See also U.S. v. Morvant, 843 F. Supp. 1092 E.D. La. 1994)

ENCOURAGING DISCLOSURE

The following is an example of the statement which should be included on all course syllabi:

Reasonable accommodations will be provided for students with documented physical, sensory, systemic, cognitive, learning, and psychiatric disabilities. If you have a disability requiring accommodation in this class, please notify the Coordinator of Services for Students with Disabilities. The office is in 221 Bush Hall in the RLC and the office number is 746-4593. That office will provide me with verification of a disability, and will determine appropriate accommodations.

CONFIDENTIALITY

Students with disabilities are enrolling in SUNY College of Technology at Delhi in increasing numbers. These students are protected from discrimination under Section 504 of the Rehabilitation Act of 1973. As a result of attitudinal barriers and misconceptions regarding the potential of persons with disabilities, these federal mandates for nondiscrimination carry within them strict rules regarding the confidential treatment of disability-related information.

What are the Rules Regarding Confidentiality?

Disability-related information should be treated as medical information and handled under the same strict rules of confidentiality as is other medical information.

Persons with disabilities must provide comprehensive documentation from an appropriate source to establish the existence of their disability and their need for accommodation or consideration.

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

Disability-related information should only be shared on a limited basis with the institutional community. It may be shared only when there is compelling reason for the individual seeking information to know some specific aspect of this confidential information.

Why Do These Rules Appear So Strict?

Some disability-related information is clearly medical in nature. Other disability-related information is not clearly medical. However, if an individual has a disability that has strong societal impact today (for example, AIDS, epilepsy, or a history of psychiatric illness) it is easy to understand why it is important to protect the privacy of that individual by handling this information in a highly confidential manner. The federal statutes regarding persons with disabilities hold the promise that they will provide no lesser level of protection for any one individual, or class of individuals, with disabilities that they do for another. Therefore, since some disability-related information must be guarded closely, all such information should be protected equally.

What Does That Mean for Postsecondary Institutions and Delhi in Particular?

- Typically, one office on campus is assigned the responsibility for collecting and holding disability-related documentation for students with disabilities. At Delhi, this office is in the RLC, located on the second floor of Bush Hall, in room 221.
- The information regarding a student's disability should be shared by those who hold the documentation on a limited basis, and only when there is a compelling reason for such disclosure to faculty. This may mean sharing with faculty only the information that a student has a documented disability and need for accommodations(s). *The Department of Justice has indicated that the faculty member generally does not have a need to know what the disability is, only that it has been appropriately verified by those individuals (or the office) assigned this responsibility on behalf of the institution.* Thus, faculty have no legal right to demand access to the actual documentation, including testing scores, dates, or names of professionals providing such documentation.
- Administrators may have a need to collect such data as how many students are being served, the nature of their disabilities and recommended accommodations. Under typical circumstances, however, Administrators do not have a need for personally identifying information for purposes of statistical or survey reporting. One way to protect the confidentiality of students with disabilities is by being careful to see that their names do not appear on general listings that may be circulated throughout the institutional community in other contexts.
- As postsecondary institutions become increasingly computerized in their recordkeeping and communication functions, it is important to note that information regarding

someone's disability, or their status as a person with disability, is sensitive and should be managed carefully. Interoffice correspondence regarding the needs of a student with a disability should not be placed in shared files without password protection. The same memo sent to a number of students with disabilities by computer, thus with a multiple address listing, may lead to a violation of confidentiality by revealing the names of those students to each other.

- The need to share disability information may change with time and circumstances. If, for example, a student files a grievance regarding treatment by a faculty member, the administrator charged with handling the concern may have a need to know the specifics of the individual's disability and history within the institution.

But Doesn't FERPA Give Faculty the Right to More Information?

The Family Educational Rights and Privacy Act of 1974, also known as the Buckley Amendment, provides faculty with access to educational information in institutional files regarding students with whom they are working. Disability-related records provided by a physician, psychiatrist, psychologist, or other recognized professional are not subject to free access under FERPA. The Act exempts such disability-related records that are used for support of the student and are available only to service providers and other professionals chosen by the student.

GENERAL SUGGESTIONS for FACULTY

Accessibility is a broad term not limited to wheelchair usage, but includes such considerations as adequate light and sound amplification, material format and presentation, and a range of other physical or psychological barriers. Suggestions for helping students with disabilities include, but are not limited to, the following:

- Prepare a detailed syllabus early. This will give students with disabilities some lead time in acquiring accessible books and materials, planning their study and time management strategies, and so forth. Syllabus should include information on course objectives and requirements; the material to be covered in class on specific dates; and exam dates, due dates, grading procedures, and a textbook list. Also provide information on how to get in touch with you outside of class. Read selected portions of the syllabus to the class.

- • Alternative Tests: Potential formats of alternative tests: multiple choice, essay, oral, etc.
- Order textbooks early — during the previous semester if possible — to allow time for Braille, tape-recordings, or other reformatting.
- Invite students to see you privately about academic adjustments they may need, including accommodations for field trips you have planned. Confirm with the student and the Coordinator of Services for Students with Disabilities the appropriateness of academic adjustments or modifications before implementing them. Include a statement on your syllabus. See page 16 for a sample.
- Be respectful of confidentiality issues. Students are not required to disclose information about their disability to you, only information about academic adjustments needed.
- Organize your lectures by briefly reviewing material from the previous class stating what today's lecture will be, and summarizing material before moving on to a new topic.
- Provide handouts and in-class exercises and examinations in accessible form.
- Help recruit a note-taker. If a student requires a note-taker, lab assistant or other in-class assistance, it's preferable to recruit someone already connected with the class, such as another student, on a voluntary basis. Arrangements can be made through the tutoring office.
- Offer assistance before giving it, such as in the case of taking a blind person's arm to provide an escort. Asking first allows the person with a disability to accept or decline any help.

It is recommended that you create periodic opportunities to ask students with disabilities how well you are responding to their particular needs. In addition to preventing unchecked problems from lingering, this feedback should help you anticipate similar requests for assistance from new students.

ADVISING THE STUDENT WITH A DISABILITY

Advising

Many students with disabilities have become dependent on others (parents, resource teachers) to make decisions for them. Many of them do not understand their own needs. Explain to them that one of the goals of the college is to teach students to become independent. (Reinforce to them that, the research of a course and the decision-making is their responsibility.)

If a student has met with the Coordinator of Services for Students with Disabilities, they have received specific information regarding the campus and available support services. To give sound advice, you will need to understand the student's accommodations and how it affects the student in the academic environment. At this point, the best source of information about this is the student. (Don't be afraid to ask the student).

When advising students with disabilities, you should treat them as you would any other student. Work with the student as an individual by becoming familiar with their goals, skills, weaknesses, and levels of readiness for college academics. Many times students with disabilities have unrealistic career choices or may not have been given the opportunity for career exploration. When this is the case you may want to suggest that the student visit the Career and Transfer Services (also in the learning center) for some career counseling.

Scheduling

1. Some students may have limited mobility. For example, a student may not be able to take a class in Evenden Tower and be at to the Applied Technology Complex in time for his/her next class.
2. Some students with disabilities depend on attendants to get ready and to reach the college. Early morning classes may not be possible.
3. Call the RLC to help arrange an accessible schedule. They have the authority to request room changes for scheduled classes. Direct the student to that office for follow-through.

Some suggested guidelines that you may use when advising students with disabilities who have self identified their disabilities are as follows:

1. Remind the student to balance their course load. They must be honest with themselves and know their strengths and weaknesses.
2. Have the student find out about course requirements before enrolling in a class that may prove to be extra challenging for them because of their disability.
3. Advise the student to make a preliminary survey of courses between semesters and other breaks.

4. If the student requires an alternate format for a book, have him/her check with the instructor or campus store for a book list in advance to allow sufficient time to order the books before classes begin. The more time the better.
5. If the student has a learning disability related to reading, have him/her take into consideration the reading load for each individual class and plan accordingly.
6. Remind the student to be aware of workshops and course specific assistance offered in the RLC.
7. Remind the students that during the semester they need to assess how they are doing in each course. They should meet with their instructors if they have concerns.
8. Make sure that the students are aware of deadlines and have them mark their calendars with the last day to add, drop, or withdraw from classes.
9. Remind the students that if they need help with laying out a time schedule for test taking and assignments, to bring their syllabi to the Learning Center. The staff will assist them with a time schedule.
10. If the student has a mobility impairment and he/she has a class that requires an internship or field experience off campus, we need to make sure that the site is accessible.
11. Remind the student not to wait until a small issue becomes a large problem before consulting with their instructor or the Coordinator. **BE PROACTIVE!**
12. Remember that for successful advising the student must be involved in their own planning and self management.

POST-SECONDARY STUDENTS WITH ATTENTION DEFICIT DISORDER

The majority of students with disabilities who enroll in post-secondary education of any type enroll in two year community colleges (Barnett, 1992). As the percentage of students with all types of disabilities continues to increase at Delhi, so does the number of students with Attention Deficit Disorder (ADD).

Attention Deficit Disorder (ADD) is a neurologically-based disorder which affects 5 - 10% of the general population. ADD is present from childhood and was initially thought to be “outgrown” by adolescence. Experts now recognize that ADD is a lifelong condition that is commonly undiagnosed, and often not accurately identified. Many people are misinformed about ADD and consequently dismiss expert claims about this relatively new disorder. It is important to note that most students who are diagnosed with ADD are likely to also have a learning disability.

Students with ADD are frequently viewed as simply “not working hard enough”, “less-driven”, or “lazy”. In addition, because the symptoms described below are not readily apparent in conversations, the diagnosis can be difficult to believe. Likewise, students with ADD can display excessive variability of academic performance which again can result in confusion and disbelief.

All students display the following emotional and academic difficulties at one time or another. *The difference for students with ADD is the severity of the characteristics, AND the fact that problems in these areas will, in all likelihood, be present throughout their entire academic and adult life.*

PRIMARY CHARACTERISTICS OF STUDENTS WITH ADD

Hyperactivity manifests itself in the following ways:

- a. Motor restlessness - difficulty sitting for long periods of time, restless sleep, sleep disorders.
- b. Mental restlessness - distractibility, difficulty sustaining focus/attention.
- c. Mood changes - characterized by: impatience, temper outbursts, depression, unpredictable behaviors.
- d. Impulsivity - interrupting lectures/conversations, excessive talking, not listening while others talk.
- e. Disorganization in time and space.

ACADEMIC AREAS IMPACTED BY ADD

The following characteristics are present in both disabled and non-disabled students. However, for the student with ADD, the difference lies in the SEVERITY of the problem.

- a. Overwhelmed by time management.
- b. Reading comprehension problems caused by an inability to persevere with a task, which results in an inability to complete the assignment within the expected time frame.
- c. Problems with sustained attention during lectures, compounded by accentuated auditory sensitivity.
- d. Note-taking is difficult because it requires the orchestration of 3 major psychological tasks: listening, retaining information in short term memory, and writing.
- e. Writing - organization and sustained attention span necessary to write coherently.

ACCOMMODATIONS FOR STUDENTS WITH ADD

In The Classroom:

- a. Note-taking or copy of the instructor's lecture notes.
- b. Visual aids the student may need to ask the instructor for outlines, charts, maps, etc. to supplement lecture notes.
- c. Auxiliary aids tape recorders, calculators, text books on tape, books on cd rom, e-file.
- d. Video tapes it can be extremely helpful for an instructor to provide a list of video tapes available to supplement lecture and textbook information
- e. Preferential seating allowing front row seating

For Exams:

- a. Extended time.
- b. Separate location, distraction-reduced.

SUBTYPES OF ATTENTION PROBLEMS

ATTENTION SPAN refers to the length of time an activity is pursued. For example, switching from task to task without completing the task is an example of a weakness in attention span. An individual is not able to continue attending long enough to achieve successful completion.

FOCUSING attention refers to the ability to tune out distracting or irrelevant stimuli so that attention is directed toward the appropriate stimuli. This type of attention deficit becomes more problematic as the difficulty of the task increases.

DIVIDED ATTENTION refers to the ability to split attention between two or more inputs or aspects of a task. In comparison, focused attention requires the exclusion of distracting or irrelevant stimuli within a single focus. For example, if an instructor is demonstrating a machine process and teaching the steps verbally, the student has to divide allocated attention between the process being demonstrated and the message being delivered. If an instructor is giving an example of gravity by describing a ride at an amusement park, the attention needs to be focused on the message and distracting, irrelevant conversations need to be ignored.

SUSTAINED ATTENTION is the ability to maintain the focus of attention over time and is related to arousal or activation of the nervous system.

INTENSITY OF ATTENTION has been shown to have an influence on focus as well as memory. The greater the intensity of the attention from factors such as interest, motivation or novelty, the greater the ability to focus and sustain attention.

SEQUENTIAL ATTENTION is the ability to focus attention on the stimuli in the order that is necessary for successful task completion or accurate comprehension. For example, if directions are being given, attention must be directed to the order for accurate comprehension.

SELECTIVE ATTENTION is the ability to choose the appropriate stimuli for processing. After attention is focused and sustained, pieces of stimuli are chosen for further processing. For example, in a textbook, the terms are put in bold print to help the selection of these pieces of information for processing rather than other words in the text.

INVOLUNTARY ATTENTION is an automatic response to a stimulus. For example, if someone calls a person's name, the attentional/response is immediate.

VOLUNTARY ATTENTION is conceptually driven and is intentional. Planning and expectation are involved but can become more automatic over time and practice. For example, driving a car is an example of a task involving selective attention that becomes an automatic process. As the car leaves the motor vehicle department, the new driver is thinking of every detail related to the driving process but with experience, the driver can look at scenery, recognize familiar friends and listen to the news while driving without interference to the driving process.

FILTERING is the process of weeding out irrelevant stimuli from relevant stimuli. Schema set and response set are involved with filtering. The schema set uses physical properties for selection. With the "response set", the selection is based on the similarity between the stimuli and the conceptual expectation. For example, if an individual is told to attend to the instructor with the blue dress, the schema set would control the selection. If the individual were told to attend to the instructor talking about space, the response set would control the selection.

Suggestions for Teaching Students with

VISUAL DISABILITIES

The two major types of visual disabilities are caused by the loss of central vision for close visual tasks, and the loss of peripheral vision for mobility and for seeing items not directly in the visual field. Other types of visual disabilities include loss of binocular visual function and color perception. There is a range of functioning and impairment.

By the time a student with a visual disability gets to college, she/he has probably used strategies to accommodate their disability. Some of these strategies include adaptive technology, using the services of note-takers or readers, or using books on tape. Other assistive devices include canes, guide dogs, enlarged print, signs with high-contrast colors, good lighting, Braille and other tactile devices.

How You Can Help a Student with a Visual Disability:

Please note that many of the adaptations students with visual disabilities require involve making printed materials more accessible. It can take weeks or months for

textbooks to be Brailled or recorded, so your advance planning will greatly help students.

Other adaptations include being descriptive in your language. Different visual impairments will require different adaptations, so it is best to learn/know your student's needs.

It may be helpful to provide materials on diskette to your student. Information on diskette can be formatted through the use of adaptive computers to synthesize speech, produce enlarged print, or produce Brailled documents. It may also be helpful to your student to post such information on the Internet.

In addition to the General Suggestions listed on page 18 of this manual, the following would be helpful to students with visual disabilities:

- Avoid making assumptions about the ability of a student with visual issues to participate in certain classes, such as art classes. Ask the student what academic adjustments will be needed.
- If you are teaching a lab or require your students to move around, orient the student with a visual disability by describing the surroundings, keeping safety issues in mind (chemicals, barriers that can trip people, emergency exits).

Keep your classroom accessible by:

- keeping aisles clear and free of clutter or debris
- providing adequate lighting for those with low vision and reporting deficient lighting to the facilities office
- allowing students with visual disabilities to sit in the most advantageous place

Present your lectures by:

- speaking directly to the class; maintaining eye contact with a person with visual issues so she/he can tell the direction of your voice
- referring to objects that you are talking about by name, and avoid using such vision-based language as "this" and "that" or pointing to objects; describe objects you are showing to the class
- speaking clearly and in a normal tone of voice
- using graphs, charts, diagrams, handouts, etc. in large print or raised print (on-campus thermal machines used for making transparencies can provide raised images)

- explaining what you are writing on the chalkboard
- using large handwriting on the chalkboard for students with low vision
- allowing tape recorders and guide dogs in the classroom
- acknowledging students by name so persons with visual disabilities know who is participating

Construct your exams with accessibility in mind for students with visual disabilities by:

- allowing a reader to be present by testing orally using audio tape or providing Brailled or large-print tests if appropriate. Also the exam can be scanned and read to student in the testing center
- allowing students to take the exam in a separate location using appropriate adaptive devices
- providing extra time for students to take the exam
- considering the types of items on tests that will affect a person with a visual disability, such as matching items, identifying parts of a diagram, and open book tests.
- using/providing large print lab handouts, lab signs, and equipment labels
- TV monitor connected to microscope to enlarge images
- computer with optical character reader, voice output, Braille screen display and printer output
- audio-taped or Brailled lecture notes, handouts, and texts
- raised-line drawings and tactile models of graphic materials
- Braille lab signs and equipment labels
- adaptive lab equipment (e.g. talking thermometers and calculators, light probes, and tactile timers)
- class assignments made available in electronic format
- computer with optical character reader, voice output, Braille screen display and printer output.

Suggestions for Teaching Students With

HEARING DISABILITIES

Deafness is an inability to discriminate spoken words through the ear. Persons who are deaf are those who cannot use their hearing for communication. Hearing impairment refers to a range of auditory disorders. Persons with hearing disabilities will have different issues with access depending on their type of hearing disability.

Persons who became deaf before they developed language (prelingually deaf) are more likely to use and understand sign language rather than written or spoken language. There may be some grammatical differences for persons who use sign language, much as there would be for persons for whom spoken English is not their first language.

Persons who have lost their hearing after they developed language are more likely to use amplification devices or lip reading rather than sign language. Please note that lip reading, even under ideal conditions such as good lighting and appropriate articulation, is challenging. At best, people who lip read can understand only up to 40% of spoken words. Repeating yourself or rephrasing will be helpful to people with hearing issues, as will direct eye contact and proper enunciation.

Some persons with hearing disabilities may use spoken language but may not have control of their volume. Written communication is appropriate in communicating with a person with a hearing disability, and writing notes is an acceptable option.

How You Can Help a Student with a Hearing Disability:

In addition to the General Suggestions listed on page 18, the following would be helpful to students with hearing disabilities:

- Avoid making assumptions about the ability of a student with hearing issues to participate in certain classes, such as music classes. Ask the student what academic adjustments will be needed.

Keep your class accessible by:

- Providing adequate, non-glare lighting
- Allowing students with hearing disabilities to sit in the most advantageous place

- Reducing background noises in consideration of those who use amplification devices.
- Arranging chairs in a circle for classroom discussions.

Present your lectures by:

- using as much written communication as possible, such as a detailed syllabus, handouts, lecture notes, graphs, charts, diagrams, maps, and writing on the chalkboard
- speaking directly to the class and avoiding talking while writing at the chalkboard
- allowing the interpreter to “shadow” you by standing close by while you write on the chalkboard
- speaking and looking directly to the person with the hearing disability rather than to his/her interpreter
- repeating important information or writing it down, such as key discussion points, class cancellations, or clarification on an assignment
- repeating or rephrasing important points
- articulating, not exaggerating, your words
- using facial expressions and hand gestures to help communicate your message
- considering the presence of an interpreter by allowing for the time lag between the spoken word and the interpretation
- not standing in front of a bright window or light source, since this will make it difficult for a person who lip reads to see you
- planning for appropriate acoustics (i.e., microphones) if using a large lecture hall
- using captioned films and videotapes; or if captioning is not available, allow dim lighting for the interpreter
- providing a glossary of unfamiliar terms to students

Construct your exams with accessibility in mind for students with hearing disabilities by:

- allowing for presence of an interpreter for oral or written tests; some students with hearing issues do better with sign language than with spoken or written language
- use of interpreter, “real-time” captions, FM system, and/or note-taker
- keep face turned toward student when speaking; using visual aids

- written assignments, lab instructions, demonstration summaries

- visual warning system for lab emergencies
- use of electronic mail for class and private discussions

Suggestions for Teaching Students With

HEAD INJURIES

A head injury is a traumatic insult to the brain, which can result in physical, intellectual, emotional, social, and vocational changes. There are four types of head injuries:

Closed brain injury is a non-penetrating injury. Sudden falls, jolts of the head such as might occur in an automobile accident or by being shaken violently are the major causes of closed brain injury.

Open brain injury results from a penetration of the brain by a bullet, a blow to the head, or other insult. Brain damage depends on the location of the penetration.

Acquired brain injury occurs when the brain suffers a loss of oxygen. Some causes of loss of oxygen to the brain are stroke, near drowning, or heart attack.

Minor head injury is caused by a blow to the head or sudden, violent movement for which there is a momentary loss or alteration of consciousness.

Hospitalization may not be necessary; in fact, minor head injuries may even be undetected because of the subtle changes that may result.

Signs of a brain injury may be very subtle or very obvious. A person with head injury may show a specific loss of function, such as a loss of speech, or she/he may exhibit more subtle cognitive losses. Persons with head injuries may experience any of the following:

seizures	decreased concentration/high distractibility
fatigue	short-term memory deficits
headaches	emotional outbursts or anxiety reactions
vision/hearing/speech disturbance or loss	impaired judgment, planning, or decision
difficulty with walking	making
poor balance, strength or coordination	inappropriate behavior
poor comprehension	paralysis

No two head injuries are alike. Persons with head injuries will vary in their abilities, depending on a number of factors including severity and type of injury. Recovery is inconsistent, and both gains and losses may occur. Academic adjustments for the student with a head injury may change with the student's abilities.

How You Can Help a Student with a Head Injury:

In addition to the General Suggestions listed on page 18, the following would be helpful to a student with a head injury:

Present your lectures by:

- using demonstrations, charts, pictures, handouts, or other visual aids to help your student's understanding
- repeating or paraphrasing important points
- providing a copy of your class notes to students who need them
- pausing to allow for student's delayed processing time
- giving step-by-step directions

Keep your classroom accessible by:

- requesting the repair of flickering classroom lights which might cause a seizure reaction
- allowing preferential seating to the student with a disability

Check your student's understanding of the material by:

- asking the student to repeat information back to you
- asking questions
- holding review sessions
- providing practice problem sets

Construct your exams with accessibility in mind for students with head injuries by:

- allowing extra time on tests
- providing an alternate testing site with fewer distractions
- allowing student to use adaptive computing equipment for test-taking
- accepting a substitute for measuring student mastery of material (i.e., taped test, oral test, special project)

Suggestions for Teaching Students with

ORTHOPEDIC and/or MOBILITY IMPAIRMENTS

Persons with mobility impairments include those who have orthopedic, neuromuscular, cardiovascular, and pulmonary disorders. Persons with such disabilities may use wheelchairs, crutches, braces, walkers, artificial limbs, or other assistive devices. Functional limitations may include decreased ability to write due to weakness or paralysis, decreased motor coordination, or decreased physical stamina.

Physical access for those with mobility impairments is a major challenge. They must negotiate their way through narrow classroom aisles, over cobblestone, up ramps, past vehicles that block curb cuts, in rest rooms, through heavy doors, and into facilities that have inadequate provisions for wheelchairs.

How You Can Help a Student with Mobility Impairments:

Although the scope of this Handbook is to address program accessibility rather than architectural accessibility, there are measures that faculty can take to eliminate some barriers for wheelchair users. In addition to the General Suggestions listed on page 18, the following would be helpful to students with mobility impairments:

Avoid making assumptions about the ability of a student with mobility issues to participate in certain classes, such as physical education. Ask the student what academic adjustments will be needed.

Keep your class accessible by:

- requesting input from the student with mobility issues on accessible field trip sites, class activities, etc.
- asking other students to keep the path of travel clear of books, bags, and other objects
- keeping the doorways clear of barriers
- requesting a classroom assignment that has a table for the wheelchair user
- allowing preferential seating, especially in a room with theater seating where sloping floors may be an issue
- considering that a person with a mobility impairment has to negotiate and travel through crowded hallways and slow elevators between classes and may be late to your class
- providing the wheelchair user with transportation to field trips if transportation is provided to other students

- allowing for the participation of an aide or personal care attendant
- modifying a workstation (i.e., laboratory, workshop, or art studio) to accommodate a wheelchair

Construct your exams with accessibility in mind for students with mobility impairments by:

- allowing for oral tests when handwriting is an issue
- providing extended time for tests
- allowing the student to go to the RLC for a less distracting testing environment
- accepting the presence of a writer to record answers for the student
- note-takers and/or audio-taped class sessions
- extra exam time, alternative testing arrangements
- visual, aural, and tactile demonstrations incorporated into instruction
- computer with voice output, spell checker, and grammar checker

Suggestions for Teaching Students with

PSYCHIATRIC DISABILITIES

Psychiatric disabilities refer to a broad range of mental and emotional disorders. The American Mental Health Association states that psychiatric disabilities are not the result of personal weakness or dysfunctional upbringing; rather, they are thought to be caused by a combination of biological, psychological, and social factors.

Some of the more common psychiatric disabilities include major depression and manic depression (Bipolar disorder); Anxiety disorders such as Post Traumatic Stress Disorder (PTSD), Phobias, or Obsessive-Compulsive Disorder; and other disorders such as Seasonal Affective Disorder and Schizophrenia.

Persons with severe psychiatric disabilities can live productive lives with the help of medications and appropriate professional treatment. Some of the functional limitations that a person with a psychiatric disability faces include decreased concentration, stress, anxiety, confusion, inflexibility, and inappropriate social skills. Possible side effects from medications are drowsiness, muscle spasms, restlessness, or blurred vision.

A student with a psychiatric disability may already be engaged in supported education where she/he is receiving social supports, appropriate therapy, and skills training in coping with the disability. Although medications and other supports help the student with a psychiatric disability, a relapse may occasionally interfere with their attendance, performance, or ability to complete assignments in a timely manner.

If inappropriate behavior becomes an issue, discuss it with the student privately. It is helpful to be direct with the student about the problem behavior, as well as what is acceptable behavior. If abusive or threatening behavior occurs, the University Police at 4700, should be contacted.

How You Can Help a Student with a Psychiatric Disability:

In addition to the General Suggestions listed on page 18, the following would be helpful to students with a psychiatric disability:

Keep your class accessible by:

- allowing the student to have preferential seating (i.e., close to the door, in front, away from distractions)
- permitting student to have an escort accompanying him/her to class
- allowing the use of tape recorders in class
- extending assignment due dates
- accepting alternative forms for students to show mastery of material
- allowing handwritten assignments rather than typed materials
- providing student with an “Incomplete” grade rather than a failing grade if the disability becomes an issue

Present your lectures by:

- providing lecture notes for follow-along or allowing a note-taker in class
- pre-arranged rest breaks with the student

Check your student’s understanding of the material by:

- permitting substitute assignments

- allowing a student to demonstrate their mastery of the material in an alternate format (special projects, a term paper rather than a speech, an informal discussion in your office)

Construct your exams with accessibility in mind for a student with a psychiatric disability by:

- permitting a change in test format (take-home, tape-recorded, essay, dictated)
- arranging for student to take the test in a non-distracting setting
- permitting individually proctored tests
- extending the time permitted to take the exam
- increasing the frequency of quizzes or exams
- segmenting the test into several sections

Suggestions for Teaching Students with

OTHER DISABILITIES

There are many disabilities which are not readily recognizable but may nevertheless cause difficulties for a student and interfere with the learning process----- arthritis, epilepsy, heart problems, for example. The student will be encouraged through my office to communicate appropriate information about his/her disability to the instructor and any accommodation, if necessary, that will be mutually acceptable.

(ADD) Attention Deficit Disorder	Cerebral palsy	Lupus
(ADHD) Attention Deficit Hyperactivity Disorder	Coronary disability	Multiple Sclerosis
Emotional Disorder	Diabetes	Psychiatric Disability
Recovering Alcoholic/Addict	Arthritis	Epilepsy
	Cancer	AIDS

The degree to which these conditions “disable” the person in an academic setting vary widely. Often, it is not the condition that causes academic difficulty, but the effects of medication taken for the condition. Common side effects of medications that impair academic performance include fatigue, memory loss, drowsiness, loss of concentration, euphoria, shortened attention span, and confusion.

Construct your exams with accessibility in mind for a student with a health impairment by:

- note-takers

- flexible attendance requirements and extra exam time
- assignments made available in electronic format: use of e-mail to facilitate communication

SUMMARY: WHAT DO THE ADA AND SECTION §504 REQUIRE?

Essentially, these acts require that colleges and universities make those reasonable adjustments necessary to eliminate discrimination on the basis of a disability. For example, it may be necessary to remove classroom prohibitions against animals (in the case of guide dogs) for students with visual impairments. Other less obvious examples might include extending time limits on exams for a student with a learning disability or allowing lectures to be tape recorded when disabilities impair a student's ability to keep up with the lecturer. Occasionally, a course requirement may need to be substituted (e.g., an art appreciation elective vs. a music appreciation elective for a student with a hearing impairment). Classes enrolling students with mobility impairments may need to provide special services such as registration assistance, interpreters for the hearing impaired, mobility assistance or specially proctored examination arrangements.

Note that the emphasis in each of these adjustments is on the "may". The key is accommodating the disability, NOT altering course content. The "may" means that, with the exception of removing architectural barriers, no set formulas exist for making adjustments. For example, a computerized registration procedure may provide easy access to students with hearing impairments or mobility difficulties, but may pose problems to students with certain types of learning disabilities or visual impairments. In the classroom, a student who has difficulties in reading due to a learning disability or visual impairment may experience problems with taking written tests. A student with a mobility impairment may experience problems requiring an additional allotment of time on an examination. Thus, the adaptation will be specific to the needs of the individual student. In every case, the intent is to accommodate the disability without altering academic standards or fundamental nature of the course.

The law requires that an instructor adapt the course presentation to meet the unique needs of the student's disabling condition. However, adaptations of course procedures are not solely the instructor's responsibility. The student bears responsibility to make his or her need for reasonable accommodations known and to meet instructors' expectations for performance and work standards in classroom procedures with or without accommodations. The institution and student must work cooperatively to assure reasonable accommodations are available in order to prevent discrimination due to a disabling condition. Topics that generally need to be addressed with any student with a disability include test taking and note-taking procedures (for students with learning disabilities, visual impairments, and mobility difficulties), reproduction of written materials and visual aids (for students with visual impairments and learning disabilities), and lecture procedures (for students with hearing impairments and certain learning disabilities).

RESOURCES

GENERAL RESOURCES

1. Association on Higher Education and Disability (AHEAD)
P.O. Box 21 192
Columbus, OH 43221-0192
(614) 488-4972 (V/T)
(614)488-1174 (FAX)
www.ahead.org

Higher education and disability, Section 504, ADA, technical assistance for Association members.

2. HEALTH Resource Center - National Clearinghouse on Postsecondary Education for Individuals with Disabilities
One Dupont Circle
Suite 800
Washington, DC 20036-1193
(202) 939-9320 (V/T)
(202) 833-4760 (FAX)
heath@ace.nche.edu

Educational support service, policies, procedures, adaptations and opportunities at American campuses, vocational- technical schools and other postsecondary entities.

3. Office of the Americans with Disabilities Act
Civil Rights Division
U.S. Department of Justice
P.O. box 66738
Washington, DC 20035-6
ADA Information Line:
(800)514-0301 (V)
(800) 514-0383 (T)
www.usdoj.gov/crtladaltaprogram.htm

Information on: ADA technical assistance, disability-related organizations.

4. United States Department of Education
Office of Special Education and Rehabilitative Services
(800) 872-5372 (information line)
www.ed.gov/offices/osers or www.ed.gov/1DEA
Special Education, IDEA, grants, disability-related organizations

5. Recording for the Blind and Dyslexic, Inc. (RFB&D)
20 Roszel Road
Princeton, NJ 08540
(609) 452-0606
(609) 520-7990 (FAX)
(800) 221-4972 (book orders only)

Non-profit organization which provides recorded textbooks, library services and other educational services to individuals who cannot read standard print because of visual, physical or perceptual disability.

Resources for Individuals With Psychiatric/Psychological Disabilities

1. Center for Psychiatric Rehabilitation
Sargent College
Boston University
730 Commonwealth Avenue
Boston, MA 02215
(617) 353-3550

Supported education, employment programs and general information.

2. National Alliance for the Mentally Ill (NAMI)
200 North Glebe Road
Suite 1015
Arlington, VA 22201
(703) 524-7600
(800) 950-6264
(703)516-7991 (T)
(703)524-9094 (FAX)

Self-help network, advocacy, education and support groups

3. National Mental Health Association (NMHA)
1021 Prince Street
Alexandria, VA 22314-2971
(703) 684-7722
(800) 969-6642
(703) 684-5968 (FAX)

Referrals, prevention circular materials, advocacy and volunteer training.

Resources for Individuals with Visual Impairments

1. American Council for the Blind (ACB)

1155 15 Street, NW
Suite 720
Washington, DC 20005
(202) 467-5081
(800) 424-8666
(202) 467-5085 (FAX)

General information, referral and advocacy.

2. American Foundation for the Blind (AFB)

11 Penn Plaza
Suite 300
NY, NY 10011
(212) 502-7600
(800) 232-5463 (National - 9:00 am. to 2:00 p.m. EST)
(212) 502-7657 (NY only)
(212) 502-7777 (FAX)
(212) 502-7662 (T)
abfinfo@afb.org

Information and consultation on education, rehabilitation, employment and special products.

3. American Printing House for the Blind (APH)

1839 Frankfort Avenue
Louisville, KY 40206-0085
(502) 895-2405
(800) 233-1839
(502) 895-1509 (FAX)

Educational, workplace and lifestyle products and services for people with visual impairments.

4. National Association for the Visually Handicapped (NAVH)
22 West 21st Street
New York, NY 10010
(212) 889-3141
(212) 727-2931 (FAX)

Information and publications for individuals with partial vision.

5. National Federation for the Blind (NFB)
1800 Johnson Street
Baltimore, MD 21230
(410) 659-9314
(410) 685-5653 (FAX)

Postsecondary, education, adaptive equipment, referrals and general information.

Resources for Individuals who are Deaf or Hard of Hearing

1. National Information Center on Deafness (NICD)
Gallaudet University
800 Florida Avenue, NE
Washington, DC 20002
(202)651-5051 (V)
(202) 651-5052 (T)
(202) 651-5054 (FAX)
nicd@gallua.gallaudet.edu

General information on programs, services, organizations and publications.

2. Assistive Devices Center
Gallaudet University
800 Florida Avenue, NE
Washington, DC 20002
(202) 651-5328 (V/T)

Assistive devices for people who are deaf and hard of hearing.

3. National Association for the Deaf
814 Thayer Avenue
Silver Springs, MD 209 10-4500
(301)587-1788(V)
(301)587-1791 (FAX)
(301) 587-1789 (T)

Consumer advocacy organization promoting equal access to communication, education and employment.

4. Self-Help for Hard of Hearing People, Inc. (SHHH)
7910 Woodmont Avenue
Suite 1200
Bethesda, MD 20814
(301)657-2248(V)
(301) 913-9413 (FAX)
(301) 657-2249 (T)
74024@compuserv.com

Educational organization that provides information about the causes, nature, and complications associated with hearing loss.

5. Helen Keller National Center for Deaf-Blind Youths and Adults (HKNC)
111 Middle Neck Road
Sands Point, New York 11050
(516)944-8900(V)
(516) 944-7302 (FAX)
(516) 944-8637 (T)

Diagnostic evaluation, short-term comprehensive rehabilitation, personal adjustment training, job preparation and placement.

Resources for Individuals with Chronic Illness

**Chronic illness covers a large group of disabling conditions. This list of resources is abbreviated. The organizations listed below can assist you with finding organizations and contacts that deal with specific chronic illnesses.

1. National Organization of Rare Disorders, Inc. (NORD)
P.O. Box 8923
New Fairfield, CT 068 12-1783
(203) 746-6518
(800) 999-6673
(203) 746-6481 (FAX)
(203) 746-6972 (T)
76703.301 4@compuse
www.pcnet.com/

World wide clearinghouse for information on rare disorders; voluntary agency composed of health organizations, scientific researchers, physicians and individuals.

2. National Information Center for Children and Youth with Disabilities (NICCYD)
P.O. Box 1492
Washington, DC 20013-1492
(800) 695-0285 (V!T)
(202) 884-8441 (FAX)
www.nichey.org

Information and resource center with a focus on adolescents with chronic illnesses and disabilities and the issues surrounding their transition to adult life.

3. AIDS Action Council
1875 Connecticut Avenue, NW
Suite 700
Washington, DC 20009
(202) 986-1300
(202) 986-1345 (FAX)
hn3384@handsnet.org

The council represents more that 1,000 community-based AIDS service organizations.

Resources for Individuals with Learning Disabilities

1. Center for Postsecondary Education for Students with Learning Disabilities
The University of Connecticut, U-64
249 Glenbrook Road
Storrs, CT 06269-2064
(860) 486-0178
(860) 486-5037 (FAX)

Postsecondary and secondary issues in education for students with learning disabilities.

2. Learning Disability Association of America (LDA)
4156 Library Road
Pittsburgh, PA 15234-1346
(412) 341-1515
(412) 344-0224 (FAX)

A national information and referral service.

3. Orton Dyslexia Society
The Chester Building
8600 LaSalle Road
Suite 382
Baltimore, MD 21286-2044
(410) 296-0232
(800) 222-3123
(410) 321-5069 (FAX)
laubache@pie.org

An international scientific educational association concerned with developmental dyslexia, a specific learning disability.

4. National Center for Learning Disabilities (NCLD)
381 Park Avenue
Suite 1420
New York, NY 10016
(212) 545-7510
(212) 545-9665 (FAX)

Learning disabilities awareness, national information and referral, educational programs, and legislative advocacy.

5. Council for Learning Disabilities (CLD)
P.O. Box 40303
Overland Park, KS 66204
(913) 492-8755
(913) 492-2546 (FAX)

National organization that serves professionals who work with individuals with learning disabilities.

Resources for Individuals with Mobility Impairment and Injury Related Impairment

1. National Spinal Cord Injury Association (NSCIA)
545 Concord Avenue
Suite 29
Woburn, MA 01801
(617) 441-8500
(800) 962-9629
(617) 441-3449 (FAX)

Provides information on spinal cord injuries and related subjects.

2. National Head Injury Foundation
1140 Connecticut Avenue, NW, Suite 812
Washington, DC 20036
(800) 444-6443 (202) 296-6443

An advocacy group composed of families, friends, medical and social service professionals concerned with the physical and emotional well-being of people who have been head injured.

3. United Cerebral Palsy Associations, Inc. (UCPA)
1660 L Street, NW
Suite 700
Washington, DC 20005
(202) 776-0406 (V/T)
(800) 872-5827 (V/T)
(202) 776-0414 (FAX)
(202) 973-7197 (T)

A nationwide network of 155 state and local voluntary agencies that provides services and education for individuals with cerebral palsy and other disabilities.

4. TASH: The Association for Persons with Severe Handicaps (TASH)
29 West Susquehanna Avenue
Suite 210
Baltimore, MD 21204
(410) 828-8274 (V)
(410) 828-6706 (FAX)
(410) 828-1306 (T)

A membership organization dedicated to improving the living, learning and working environments of people with severe disabilities.

5. Epilepsy Foundation of America (EFA)

4351 Garden City Drive

Landover, MD 20785

(301) 459-3700

(800) 332-1000 (Consumers)

(800)332-4050 (Professional Library)

(301) 577-2684 (FAX)

efanel@capcon.net

National organization that works for people affected by seizures through research, education, advocacy and service.

Resources for Obtaining Alternate Materials

Materials appropriate for a particular student's needs may already be available from various sources including:

- 1) Access USA
P.O. Drawer 160
242 James Street
Clayton, NY 13624
1-800-263-2750

Access USA transcribes literature of all sizes, from brochures to books into Braille, audio cassette tape, large-type or electronic format. Open and closed video captioning as well as audio descriptive services (a narrative addition that describes the actions, motions, emotions and details of each video scene) are also available. Access USA offers 24 language choices.

- 2) Adobe Accessibility Web site: <http://access.adobe.com> or <http://www.adobe.com/products/acrobat/solutionsacc.html>

For students who may prefer HTML, a web based PDF to HTML conversion service is available at: http://www.adobe.com/products/acrobat/access_simple_form.html

- 3) AMX (Alternate Media Exchange) www.htctu.fhda.edu

- 4) American Foundation for the Blind (AFB)
Textbooks and Instructional Materials Solutions Forum
Accessible Textbooks Tool Kit
260 Treadway Plaza
Dallas, Texas 75235
(214) 352-7222, ext 15
siller@afb.net
www.afb.org/education.asp

The American Foundation for the Blind (AFB) created the Accessible Textbooks Tool Kit to address the challenge faced by textbook administrators, school district leaders, teachers and parents of identifying appropriate instructional materials for students who are blind or visually impaired. The packet of materials contains common acronyms used when speaking about accessible textbooks, the major issues surrounding textbook acquisition, and resources.

- 5) Bookshare.Org
The Benetech Initiative
480 California Avenue
Suite 201
Palo Alto, CA 94306-1609
www.bookshare.org

Bookshare.org is an online community that enables U.S. residents with a disability that makes it difficult or impossible to read standard print to legally share scanned books. Bookshare.org provides access to a large online library of accessible digital book. Textbooks are provided by schools and individuals that share material they have taken the time to scan and prepare for their own use reducing duplication of scanning effort. Books from Bookshare.org contain the full text of the book (not pre-recorded audio) that can be read with the adaptive technology of the reader's choice. A talking software application is included with membership, providing members with one option for reading the books. Books are available in two specialized formats: the ANSI/NISO Z39.86 (DAISY3 digital talking book) standard and the Braille digital format BRF. Schools can also order embossed Braille and contracted digital Braille copies of books from the collection.

Schools can sponsor and manage individual subscriptions for their students through a Multiple Subscription Account.

- 6) Captioned Media Program
National Association of the Deaf
1447 East Main Street
Spartanburg, SC 29307
1-800-237-6213 Voice, 1-800-237-6819 TTY
E-mail info@cfv.org
www.cfv.org for the complete CMP catalog and online ordering

Captioned Media Program (CMP), funded by the U.S. Department of Education, selects, captions, and distributes captioned media. CMP has over 4,000 open-captioned videos that are loaned free of charge to persons who are deaf or hard of hearing, parents, teachers, and other professionals who work with this population. CMP welcomes recommendations for additional titles to be captioned. CMP also has free materials (printed and online) that explain the difference between open- and closed-captioning, listings of captioning agencies across the United States, and guidelines to help schools and beginning captioning agencies learn how to caption.

- 7) Center for Applied Special Technology (CAST)
40 Harvard Mills Square, Suite 3
Wakefield, Massachusetts 01880-3233
(781) 245-2212
cast@cast.org
www.cast.org/nff (for information on the National File Format)

CAST is a not-for-profit education research and development organization that uses technology to make education more flexible and accessible for all students, especially those with disabilities. CAST offers professional development and intensive training in Universal Design for Learning (UDL)-based classroom practices for teachers and administrators.

- 8) E-Brary <http://www.ebrary.com> , <http://learningnetwork.ebrary.com/>

- 9) Kurzweil Educational Systems, Inc.
14 Crosby Rd.
Bedford, Massachusetts 01730
(800) 894-5374 ext. 609
www.kurzweilededu.com

Kurzweil Educational Systems, Inc. is a vendor of reading technology for people with learning difficulties and those who are blind or visually impaired. All of Kurzweil's Reading Machines incorporate clear, human-like synthesized voices coupled with easy-to-use features for accessing, reading, managing and creating text and images.

- 10) Louis Database www.aph.org

- 11) MetaText Digital Textbooks <http://www.metatext.com/>

- 12) National Library Service for the Blind and Physically Handicapped (NLS): The Library of Congress
<http://www.loc.gov/nls>

- 13) NetLibrary <http://www.netlibrary.com>

- 14) Project Gutenberg <http://promo.net/pg/>

15)Recording for the Blind & Dyslexic
RFB&D, 20 Roszel Road
Princeton, NJ 08540
1-800-221-4792
609-520-8096 Custom Recording Service
www.rfbd.org

RFB&D's library contains more than 98,000 titles in a broad variety of subjects, from literature and history to math and the sciences, at all academic levels, from kindergarten through post-graduate and professional. Anyone with a documented disability—including a visual impairment, learning disability or other physical disability which makes reading standard print difficult or impossible—is eligible to use RFB&D's audio textbooks. Institutional or individual membership is required to access the RFB&D library. Students may join as individual members or become a member through their school if the school has an RFB&D Learning Through Listening™ institutional membership. There is a membership fee.

16)SafariX www.safarix.com

17)University of Virginia <http://etext.lib.virginia.edu/>

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