

# Students with Disabilities and Higher Education: Rights and Responsibilities

## Overview of Legal Rights

The Federal Rehabilitation Act and Americans with Disabilities Act (ADA) prohibit discrimination against persons with disabilities. These laws apply to most colleges, universities and other post-secondary educational institutions (schools).

Qualified students with physical and/or mental disabilities may not be excluded from participation in, denied the benefits of, or be subjected to discrimination by, any covered school.

Schools are required to make **reasonable accommodations** if needed to provide students with disabilities with an equal opportunity to participate in courses, programs and activities, including extracurricular activities.

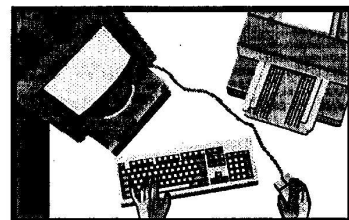
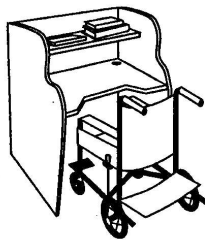
Reasonable accommodations may include:

- academic adjustments, such as a part-time schedule, testing modifications (quiet place, extended time, alternate format), course modifications or substitutions; and/or
- the provision of auxiliary aids and services, such as sign language interpreters, readers, note takers, large print or Braille materials, tape-recorded lectures.

*These are just a few examples of possible accommodations. The services provided to a particular student should be designed based upon the needs of that student.*

Schools may not be required to make the exact accommodation requested by a student, IF they offer to provide another reasonable accommodation that meets the student's needs. Schools are not required to make accommodations that would "**fundamentally alter**" (drastically change the basic purpose of) their programs or essential academic or licensing requirements. However, they have the burden of documenting and proving that a fundamental change is actually involved.

Before or during registration, a school should advise all students of its services for students with disabilities, and identify the designated staff person to be contacted for assistance. Written policies and procedures should be provided upon request.



**Physical accessibility** is required for all new and some newly renovated buildings. This may include having Braille signs for persons who are blind or sight-impaired, visual fire alarms for persons who are deaf or hearing impaired, and ramps, elevators, and accessible rest rooms for persons with mobility impairments. For older buildings in public colleges and universities, each service, program, or activity must be readily accessible when viewed in its entirety. Even if a particular building is not required to be physically accessible, programs have to be accessible. For private colleges and universities, older buildings must be made physically accessible if this is "readily achievable" (easy to do and not too expensive). Students will be entitled to reasonable accommodations if programs or services are not otherwise accessible to them.

Computer labs and equipment must be useable by students with disabilities. They must be physically accessible, and also have programs and adaptations that would enable use by students who are blind or sight impaired, deaf or hearing impaired, have limited use of their hands, or have learning disabilities.

The ADA further required all public colleges and universities to conduct a self evaluation of modifications needed to insure compliance, and to develop a detailed transition plan for making any necessary physical improvements. Necessary structural changes were required to be completed by January 26, 1995.

### **Students' Responsibilities**

Students with disabilities who may need accommodations from an institution of higher education should, after being accepted by the school, provide information regarding their disabilities and request any accommodations that may be needed. Schools have no legal obligation to accommodate disabilities about which they have not been informed. They are permitted to ask for information verifying the disability so that the need for a required accommodation may be established. That information should be kept separate from the student's other records, and should be kept confidential.

Students also must cooperate and communicate in a timely manner with the designated person within the school who is responsible for coordinating services for students with disabilities. Notice of the student's specific needs, as well as the courses in which the student wishes to enroll, should be provided in advance of the beginning of each semester so the school will have time to make arrangements for the accommodations before classes start.

Students should keep copies of all forms and letters submitted to the school regarding their disability. They should also keep written notes, including dates and names of persons involved, of all conversations and meetings with school personnel regarding their disability and/or requests for accommodations. Such records could be very helpful in case there is a dispute regarding services.

Students who are dissatisfied with the accommodations being offered, or who feel the school or a particular faculty member has discriminated against them on the basis of their disability, should follow the school's internal procedures for making complaints in a timely manner. Often, use of such processes result in a solution to the problem. If not, the groundwork will have been laid for a more formal legal complaint or challenge, if this becomes necessary.

### **LRS and Schools: Both May Be Responsible**

Some Louisiana students with disabilities are entitled to services from Louisiana Rehabilitation Services (LRS) because they have severe disabilities and higher education is part of their vocational rehabilitation plan. LRS services may supplement or complement services provided by a school.

Both LRS and schools are legally obligated to provide some services, such as auxiliary aids during classes. Neither should deny such a service to a qualified student on the grounds that it should be provided (and paid for) by the other entity. A student **may** be asked to apply to the other entity for assistance, **but provision of the needed services should not be delayed while an application is pending.** In other words, the students' needs should not take a back seat to an inter-agency dispute regarding which entity will provide a specific service.

Ideally, a student's LRS counselor and the school's disabilities services coordinator should work together to make sure a student receives all the supports and services s/he needs in the most efficient manner. If a student feels "caught" in a dispute between LRS and the school, s/he should request a meeting of all interested parties to seek a prompt resolution.

### **For More Information**

This flyer provides a brief overview of the law regarding services for students with disabilities pursuing higher education. It is not a substitute for legal advice. For more specific information on higher education of students with disabilities, advocacy assistance from the Client Assistance Program (CAP), and/or specific legal advice and possible representation, contact the Advocacy Center at 800-960-7705 (Voice) or 866-935-7348 (TTY).