THE STUDENT WITH A DISABILITY IN THE CLASSROOM: INFORMATION for FACULTY

MIDLAND COLLEGE
REVISED MAY 2012
INTRODUCTION

All institutions of higher education have seen an increased number of students with disabilities over the last fifteen to twenty years. Federal laws which mandate that people with disabilities be allowed equal opportunities and access the same as non-disabled individuals have only added to that increased number. With the increasing number of students with disabilities showing-up on college and university campuses, in 1977 some forward thinking professionals organized the Association on Higher Education and Disability (AHEAD). AHEAD delivers quality training through workshops, conferences, publications, and consultation based on the current knowledge of rehabilitation engineering which is utilized for disability services in education.

The discipline of disability services is not an exact science. Neither is the person who delivers these services an exact scientist. Consequently, we must use the policies that AHEAD has developed, based on their research of rehabilitation engineering, the Federal disability laws, the ethical consideration of educating students with disabilities, and of course the policies and procedures of educational institutions.

The rights of students with disabilities at the college and university level are protected under Section 504 of the Vocational Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990, and the ADA Amendments Act (ADAAA) of 2008. To the best of our ability and knowledge, the disability services office at Midland College follows these laws and the policies and procedures that AHEAD has developed. First and foremost, however, student’s rights, and safety are given due consideration in an educational context.

The information that follows is a brief description of the process that the disability office at Midland College follows before writing a Notification of Needed Accommodation(s). The process begins when a student identifies him/herself as a person with a disability and makes a request for academic accommodation(s). At that time, an initial meeting takes place. The student is asked to complete an application for disability services and is requested to provide the office of disability services with documentation regarding their specific disability. Guidelines for documenting a disability can be viewed in the application for disability services, the Handbook for Students with Disabilities, or on the MC website - http://www.midland.edu/students/student_services/career/disabilities.php.

The Process of Requesting an Academic Accommodation:

- Student identifies him/herself as a person with a disability.
- Requests a meeting with the counselor for disability services.
- Student reviews the ACADEMIC ACCOMMODATION packet and completes the APPLICATION FOR SERVICES FROM STUDENTS WITH DISABILITIES.
- Disability documentation is requested from the student.
- Documentation is received and reviewed.
- Notification of Needed Accommodations is developed for each class for which an accommodation is requested and given to student.
Student takes said Notification to each instructor and returns original to the disability office.
Student receives the stated classroom accommodation.
This process is followed each semester for each class that an accommodation is requested.

THE STUDENT WITH A DISABILITY IN THE CLASSROOM: INFORMATION for FACULTY

Faculty response is crucial to the success of students with a qualified disability who seek a college education. The extent to which faculty members provide reasonable accommodation(s) for special needs – in effect, to make what is taught in the classroom accessible – is the determining factor in whether or not a student with a qualified disability is able to complete a course or a program of study. Equally important, a student’s future employment depends upon acquisition of a degree or certificate.

Laws have been passed which require equal access to a college education for individuals with a disability; the college must make reasonable accommodations for these students. Individual faculty members must assist in making these accommodations in the classroom. Unfortunately, faculty members sometimes feel unsure as to how to respond to a student with a disability or overwhelmed by the responsibility of having a student with special needs in the classroom.

In most instances, responding to the needs of a student with a disability requires little adjustment to the environment or to teaching style. With some flexibility and a genuine willingness to help, instructors and academic departments can find ways to accommodate special needs. The information in this guide is designed to facilitate that process. Additional procedural help is available from Midland College Disability Services. MC Disability Services provides liaison between students with a disability and other areas of the college. Please feel free to call whenever we may be of assistance.

MC Counselor/Disability Specialist
MIDLAND COLLEGE

DISABILITY SERVICES
EXACTLY WHAT DOES THE LAW SAY IN REGARD TO ACADEMIC ACCOMMODATION?

Section 504, Rehabilitation Act of 1973 (Public Law 93-112 and subsequent regulation) has several sections which deal specifically with academic accommodations. Part 104.43, Treatment of Students, states:

*No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, counseling, physical education, or other post-secondary education program or activity.*

The regulations further state that students must be educated in the most integrated setting appropriate to the individual’s needs.

Part 104.44, Modification of Requirements, states that modifications must be made to academic requirements to ensure that they do not discriminate against a qualified student with a disability.

*Academic requirements which can be demonstrated to be essential to the program of instruction being pursued (i.e., the degree) or to any directly related licensing requirement are not considered discriminatory. Modifications such as changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted may be necessary.*

The regulations further state that tape recorders, guide dogs, brailers, interpreters, notetakers, or other “aids or adaptations which may be necessary to provide equality of access may not be prohibited from the classroom”. Course examinations or other evaluations must be provided
by methods or in formats which will best ensure that the results of the evaluation represent the student’s achievement in the course, rather than reflecting the impairment.

Finally, the regulations state the “auxiliary aids or adaptations must be provided to ensure participation of students with impaired sensory, manual or speaking skills in classroom instruction or to ensure that such students are able to benefit from the instruction”. These may include taped textbooks, readers, interpreters, notetakers, typewritten transcripts, adaptive equipment, or other effective methods of making classroom presentations accessible to the student. The institution has flexibility in choosing the methods by which the aids will be supplied and can opt to use resources already available through state vocational rehabilitation agencies, private charitable organizations, testbook taping services, etc. Within the classroom, partnering the student with a classmate for lab situations and using volunteer notetakers, etc., are legitimate methods of providing accommodations. It is not necessary to provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

The American with Disabilities Act of 1990, is a civil rights act enlarging the scope of Section 504. It protects individuals with disabilities from discrimination by certain employers, by providers of public services (such as housing, transportation, communication), and by states, agencies, political subdivisions of states, boards, commissions or other instrumentalities of states and political subdivisions. It provides legal recourse whenever persons with disabilities are denied equal opportunity to gain the same benefit, obtain the same result, or reach the same level of achievement as individuals who are nondisabled in the most integrated setting appropriate to the individual’s needs. Qualification standards, selection criteria, performance standards, or other eligibility criteria that exclude or deny services, programs, activities, benefits, jobs or other opportunities to an individual with a disability must have been demonstrated to be both necessary and substantially related to the ability of an individual to perform or participate or take advantage of the essential components of the particular program, activity, job or other opportunity. These standards must be detailed in writing and available to the general public for viewing (Title II, ADA, Section 35:106).
WHEN IS SOMEONE CONSIDERED TO HAVE A DISABILITY?

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA of 2008) defines a person with a disability as:

- having a physical or mental impairment that substantially limits a major life activity
- having a record of such impairment
- being regarded as having such an impairment

WHAT IS MY RESPONSIBILITY IN ACCOMMODATING THE NEEDS OF STUDENTS WITH DISABILITIES?

Academic departments (and the individual faculty members who make up those departments) are responsible for ensuring that their programs are accessible to students with a disability. This guide will help in understanding what is required by law and in devising ways to make the necessary accommodations with the help of the Counselor for Students with Disabilities.
HOW WILL I KNOW IF THERE ARE STUDENTS WITH A DISABILITY WHO NEED ACCOMMODATIONS IN MY CLASS?

It is up to each student with a qualified disability to request the modification. It is the student’s responsibility to let the Counselor for Disabilities know of their special needs. Students are advised to contact the Counselor for Students with a Disability regarding their need for accommodations during the first week of class. When testing accommodations are indicated, it is the student’s responsibility to remind the instructor in advance of each test.

HOW DO I KNOW THAT THE ACCOMMODATION THE STUDENT IS REQUESTING IS APPROPRIATE AND LEGITIMATE?

If the student presents to you a Notification of Needed Accommodations form memo prepared by the Counselor/Disability Specialist, the student has provided the appropriate documentation to the college. The accommodation(s) requested on the form will have legitimacy in relation to the disability. A student requesting accommodations who does not have the above form(s) should be referred to the Counselor/Disability Specialist.

In order to qualify for accommodations/modifications, a student must present to the Counselor/Disability Specialist documentation (the results of testing) to validate his/her need(s). Acceptable forms of documentation include testing results from their high school; assessment results from the Texas Division for Rehabilitation Services (DARS); testing results from a private psychologist/diagnostician; testing results from a neurologist, psychologist, or other medical doctor; and/or diagnostic results from any branch of the armed services. Such assessments/test results are usually prescriptive in nature. However, if these reports do not
indicate the accommodation needed the Counselor/Disability Specialist will do so, based of the evaluation results.

HOW CAN I BE SURE I AM DOING WHAT IS NECESSARY TO PROVIDE ACADEMIC ACCESS?

The most successful way to ensure academic access is to discuss with the student what his/her needs are. No two students with disabilities are alike. Only a personal conference with the student which discusses both the course demands and the student’s accommodation needs is likely to provide both parties with a satisfactory outcome. Before providing any accommodation(s) you must have a Notification of Needed Accommodations form from the Counselor/Disability Specialist.

SUPPOSE I DON’T AGREE TO PROVIDE ACCOMMODATIONS IN THE EXACT WAY THE STUDENT IS REQUESTING?
Accommodation(s) are set by the Counselor/Disability Specialist based on the individualized diagnostic/testing information for that student. There are usually several ways that a student’s special needs can be met so your input is always welcome. However, federal law requires that students with a qualified disability be given equal access to education by providing “reasonable” accommodation. The Counselor/Disability Specialist has the education, knowledge, and experience to provide accommodations. If you have questions about an accommodation(s) please contact the Counselor/Disability Specialist to discuss your concerns. If, however, the objection stems from the student’s use of an assistive device necessary to compensate for his/her disability (i.e., tape recorder), federal law may require that it be allowed.

**AM I BEING ASKED TO COMPROMISE ACADEMIC STANDARDS OR GIVE THE STUDENT WITH A DISABILITY AN ADVANTAGE?**

Definitely not. If the existence of the disability has been verified, the accommodation should have the purpose of providing an equal opportunity for the student, in effect, giving the student equal footing with others. To compromise standards, or “water down” the requirements, would not assist the student in acquiring a competitive degree. The student with a disability should fulfill all the essential course-related requirements; however, altering the format, substituting an equivalent requirement, or changing the method of meeting requirements may provide the student a more equitable chance at success.

**BY MAKING CERTAIN ACCOMMODATIONS TO STUDENTS WITH DISABILITIES, AM I NOT DISCRIMINATING AGAINST THE OTHER STUDENTS?**

Technically it may appear that preferential treatment is being given to students with disabilities; however, the objective of the legal requirement is to help the student compensate for a life function which is not the same as that of the other students in the class. Through the use of an accommodation(s), an attempt is made to provide the student with the same opportunity that other class members without special needs have. The law allows, and in fact requires, that special needs are met.
COMMON DISABILITIES
AND POSSIBLE ACCOMMODATIONS

The suggestions below (listed by the type of disability) provide guidelines for adaptations/modifications to eliminate discrimination against students with disabilities. A discussion of changes appropriate for many students (adaptations in the test environment, extra time, proctors, etc.) is also included.

CHRONIC MEDICAL CONDITIONS

Chronic medical conditions include a variety of conditions that may restrict/inhibit a student’s full participation in one or more of his/her college activities. These conditions include, but are not limited to:

- hematological: hemophilia, sickle cell anemia, acquired immune deficiency
- respiratory: asthma, cystic fibrosis, allergies
- seizure disorders
- cardiovascular disease
- neurological dysfunction
- systemic disease or dysfunctions: lupus, diabetes, cancer

Students with hidden disabilities may have to cope daily with constant severe pain, a high level of fatigue, or medication which may affect classroom performance. Needs will differ widely and adaptations should be made by the Counselor/Disability Specialist.

POSSIBLE MODIFICATIONS

If a student identifies him/herself as having one or more of these chronic medical conditions please refer that student to the Counselor/Disability Specialist. The specific condition will need to be verified with the appropriate medical documentation. The appropriate modifications will be made based on documentation.
A hearing impairment may be caused by a physical diminution, loss of hearing ability, or by a perceptual problem that causes the brain to process incorrectly what is heard. Such an impairment may cause the student not to hear or to comprehend rapidly spoken information such as procedural instructions, descriptive background, or questions posed by other students and responses given before the actual test begins.

POSSIBLE MODIFICATIONS

Students may be given written instructions or information ordinarily read aloud by the instructor/examiner.

Oral or sign language interpreters may translate oral instructions and information.
A learning disability is a documented perceptual handicap which affects the ability of people of average to above average intelligence to process information. Individuals may have difficulties in one or more areas of receiving or sending information. These may include spelling, reading, handwriting, short-term memory, attentiveness, organizing, following directions, spatial relations, math, even translating oral cues.

**POSSIBLE MODIFICATIONS**

Arrange for alternate methods of recording answers such as tape recording, typing, or dictating answers to a proctor who marks the answer sheets or scribes the essay.

Arrange for a special edition of the exam, i.e., on tape, individually read, large print, essay form as opposed to short-answer, or short-answer form as opposed to essay.

Where spelling and punctuation are related to course objectives, student and instructor may determine a way for grammar to be evaluated within the parameters of the adaptation.
Allow the student to use a dictionary and provide additional time.

Allow the use of a word processor spell-check/grammar-check capability, etc.

Permit test to be given individually in a quiet room without distractions.

All modifications must be initiated with the appropriate documentation from the Counselor/Disability Specialist.

MOTOR IMPAIRMENT

The inability to move (or limited/restricted movement), or in-effective use of one or more body parts, due to paralysis, loss of limb(s) or arthritis, which may require the use of aids/appliances (wheelchairs, crutches, arm/hand splints) for independent movements in specific activities such as walking, climbing stairs, or arm/hand movement.

POSSIBLE MODIFICATIONS

Arrange for exams to be given in accessible buildings and classrooms; arrange for a lab assistant to be present, etc.

Arrange for a proctor to assist with the manipulation of test materials, marking exams, and writing numbers and/or symbols as directed by the student.

Arrange for alternative methods of recording answers such as typing or taping.
PSYCHOLOGICAL/PSYCHIATRIC DISABILITY

A condition (other than learning disabilities, ADD, and ADHD) having diagnosis under the Diagnostic and Statistical Manual of Mental Disorder-IV-TR that are mild or moderate in nature. Even if in clinical remission, such conditions may require continual or ongoing therapy that enables the individual to meet the daily or situational demands of college life. If a student self-identifies him/herself as having a psychological/psychiatric condition, or you suspect that he/she has a psychological/psychiatric condition, please talk with the Counselor/Disability Specialist.

POSSIBLE MODIFICATIONS

Administer the regular exam individually with the regular time limit.

Determine an alternative task to be completed as long as requirements and objectives are suitably met.

Refer the student to the Counselor/Disability Specialist if they have not previously been seen for disability services. Appropriate modifications will be developed suitable to the class and the disability.

SPEECH IMPAIRMENT

A speech impairment may cause a student to be unable to speak, to mispronounce certain words, to speak slowly or in a manner difficult to understand. Speech impairments rarely restrict a student’s ability to write during examinations. However, depending on the extent of the impairment, it may influence a student’s ability with oral recitation.

POSSIBLE MODIFICATIONS

Written examinations might be substituted for oral exams.

Students may write his/her responses for an oral exam.

Students may use an auxiliary aid such as a work board or interpreter for classroom participation.
TRAUMATIC BRAIN INJURY

A traumatic head injury/brain injury (TBI) is an injury to the brain or base of the brain causing a variety of physical, cognitive and/or behavioral disabilities. A TBI has the potential to be one of the most catastrophic of disabilities because it can affect physical, cognitive, and behavioral issues. If you suspect a student may have a head injury, contact the Counselor/Disability Specialist for possible modifications.

VISUAL IMPAIRMENT

A visual impairment may represent a physical diminution, complete loss of vision, or the inability of a person to perceive what is viewed through the eye. Such an impairment may cause a student not to see or comprehend written material which may include announcement of test dates, procedural information, and content of the examination itself. In addition, visual perceptual problems (which may include inability to discriminate figure or ground, sequencing
and letter reversals, and similarly shaped letters) may preclude comprehension of printed test materials and/or completion of a standard answer sheet or essay exam in the usual manner.

POSSIBLE MODIFICATIONS

Arrange for a special edition of the exam, i.e. tapes, questions read to the student, large print, or braille.

Students may use electronic optical aids, such as a Visual-tek (which enlarges the print), or non-optical aids such as an Opticon or a Kurzweil reading machine (which changes the format of the print) to be utilized by people visual impairments.

Students may record answers by typing or tape recording answers.

Students may indicate answers to a proctor who marks the answer sheet or scribes the essay.

Where spelling and punctuation are related to course objectives, student and instructor may determine a way for grammar to be evaluated within the parameters of the adaptation.

ADAPTATIONS WHICH AID STUDENTS WITH A VARIETY OF DISABILITIES

TIMING OF TESTS

Some adaptations to conventional test formats require that the examinee be granted additional time to complete the exam. The act of reading braille or large print take longer than reading a standard typed page, as does use of print enlargers. Similarly, listening to a tape recorder or dictating an answer takes longer than writing answers in longhand. Extended time is frequently
necessary, but there are rigid rules for determining how much additional time should be given; extended time should permit reasonable progress without dawdling. Many instructors find that allowing the student with a disability time and one-half to complete a test will fit most situations. Factors to be considered in determining a reasonable time extension include:

- type of accommodation (device, personal aide)
- exam format (short answer, multiple choice, open book, paper)
- experience of the student (prior education or onset of disability)
- purpose of the course (personal development, career preparation)

All modifications to test time limits must be initiated with the appropriate documentation by the Counselor/Disability Specialist.

**TEST ENVIRONMENT**

Taking a test under standard conditions requires certain skills and abilities which are not a part of what is being measured by the test instrument. For some students with disabilities the format of the test itself or the physical location in which the test is to be administered will constitute a discriminatory barrier to performance. Ideally, students should be allowed to take an adapted test in the same classroom at the same time with the other students. However, if adaptation requires the exam to be administered in a place other than the regular exam site, effort should be made to provide a setting which is equally conducive to concentration. Considerations include:

- free from interruptions and distractions
- adequate privacy for working with a reader, a scribe, an interpreter, or such devices as a laptop computer, talking calculator, Braille, etc.
- sensible and sensitive proctoring
All modifications must be initiated with the appropriate documentation from the Counselor/Disability Specialist.

EXAM PROCTORS AND ADMINISTRATORS

Objective test administration may best be assured by arranging for a proctor other than the student’s instructor, reader, or interpreter. An exam individually administered by an instructor can be an intimidating experience for some students and could put the student at a disadvantage as compared to the relative anonymity of group administration of a test in large classes. It also may be difficult to ascertain that a reader or interpreter for a student with an impairment has maintained objectivity. Proctors who administers exams adapted for various functional limitations may need:

- orientation in methods of reading aloud
- practice in writing exactly what is dictated
- discussion of methods to maintaining integrity and ethics in the test situation
CONFIDENTIALITY

Information concerning a student who has a disability for which special accommodation must be made is not a part of public information and must be treated as confidential. Every effort should be made to preserve the privacy of the student who needs special accommodation. Each individual has the right to expect treatment with the same dignity and courtesy as a student without a disability. Confidentiality requirements are dictated by federal and state law. Questions regarding confidentiality should be directed to the Counselor/Disability Specialist.

EMERGENCY PROCEDURES

In case of an emergency contact the MC Police Department at X6833, X4775, 528-3680, or simply dial 911 and give them your location on MC Campus. In a situation where the student is able to communicate with you consult the student involved for information on emergency medical procedures. The student will be the best guide for what to do.

**IN THE EVENT OF AN EMERGENCY SITUATION REQUIRING EVACUATION**

The safe exit of every student/individual from a building will naturally be a priority. Students in wheelchairs and others with mobility disabilities should move toward the nearest marked exit. As a first choice, the wheelchair occupant or other person with a disability may attempt to use the elevator, although in case of fire, elevators will be inoperable. The person with a disability may request help from others. If this is the case, ask the individual for instructions on lifting and moving. (Must the individual be moved in the wheelchair or with other support? If so, where can the chair be safely grasped for lifting, i.e. handlebars, wheel rims, etc.) If a power wheelchair must be moved downstairs, remove batteries before attempting to transport it. Make sure the foot rests and arm rests are locked. If a seatbelt is available, secure the person in the chair. A relay team arrangement may be needed. If it is not possible to carry the individual downstairs, the wheelchair occupant or other person with a disability should stay on the landing in the stairwell. This is the safest place during an emergency. Rescue personnel are trained procedurally to first check all exit corridors and exit stairwells for any trapped persons.