ADA in the Classroom

creating ACCESS rather than ensuring success
KAHOOT!

- Kahoot.it.com
  - Game PIN
  - Consider using a FAKE name

https://create.kahoot.it/kahoots/my-kahoots
The Facts
Post-secondary institutions; documented disabilities

- Learning disability
- ADHD
- Psychiatric diagnosis
Canvas ADA:
Faculty Responsibilities Training course

You may find this resource helpful:
https://lynn.instructure.com/courses/11033
We will discuss the following topics:

1. ADA Law in Higher Education
2. Student/Parent Expectations (Misconceptions) about ADA in Higher Education
3. Implementing Accommodations with Fidelity
4. Potential Areas of Risks
5. Do’s & Don’ts
We will discuss the following topics (continued):

6. Accessible Content
7. Accommodating Students Through Canvas
8. Auxiliary Aids and Services
9. Unique Accommodations
Learning Objectives:
At the end of this course, you will understand:

1. Your obligation in the ADA process.
2. The importance of implementing accommodations with fidelity.
3. Who to speak to for clarification, questions, or concerns.
ADA Law in Higher Education
ADA Law

1973, Section 504 of the Rehabilitation Act of 1973, a law that prohibits discrimination on the basis of physical or mental disability. It states:

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . .

The Office for Civil Rights associated with the Department of Education investigates complaints.

DOJ has enforcement authority.
Access

My disability exists not because I use a wheelchair, but because the broader environment isn’t accessible.

Stella Young
Which provides more accessibility to more people?
Universal Design for Learning (UDL)
ADA Eligibility

In order to qualify for ADA/504 accommodations, students must present us with three elements from a qualifying professional:

1. Diagnosis
2. Functional limitation
   A. Objective evidence
3. Need for accommodation(s)
Interactive Process

- Describes the process the university must engage in with qualified individuals with a disability to explore reasonable accommodations.

- Who grants ADA accommodations?
  - ADA Office
  - Academic coaches
ADA Interactive Process

Documentation reviewed

Student requests accommodation(s)

Academic coach discusses accommodations to provide access

Student and coach mutually agree on accommodations

Coach grants accommodations and provides form to student.
Student provides form to faculty.
Coach provides form to testing center.
Balancing ADA

Fundamental nature of the task

Disability (functional limitation)
Weighing academic accommodations (functional limitation) with the fundamental nature of the curriculum

SLO’s?
Accommodation Denial

In this instance, the ADA Specialist and the committee are in agreement that there is no need for an accommodation. However, when the student takes courses that mandate more than one presentation and with different professors, we recommend the student re-request the accommodation so that the committee and relevant professors can revisit a potential accommodation. One accommodation that the committee suggested is the option of the student recording the presentation and then playing it in class to receive peer and faculty feedback. This represents one of the intervention strategies articulated in the “Public Speaking Support” document.
Public speaking denial: Example

• Please refer the student to the public speaking scaffolding procedure
PARENT/STUDENT EXPECTATIONS (MISCONCEPTIONS)
### Student/Parent Expectations & Misconceptions about ADA in Higher Ed

#### PERSPECTIVES

<table>
<thead>
<tr>
<th>K-12</th>
<th>IDEA/504</th>
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<tbody>
<tr>
<td>Perspective is that <strong>Education is a Right</strong> and that schools should ensure academic success</td>
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<td>(Free and Appropriate Education or FAPE).</td>
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<th>Higher Education</th>
<th>ADA/504</th>
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<tr>
<td>Perspective is that <strong>ACCESS</strong> to education is provided but that education as a whole is not a right.</td>
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## Student/Parent Expectations & Misconceptions about ADA in Higher Ed

### Responsibility

#### K-12
IDEA/504

- Schools have a responsibility to:
  - Identify students with disabilities
  - Develop a plan (IEP) to promote success and demonstrate growth
  - Provide services that are delineated in the plan.

#### Higher Education
ADA/504

- Students must apply to the university, meet requirements, and then they can attend.
- Students must disclose their disability to the school through appropriate documentation and request accommodations.
### Student/Parent Expectations & Misconceptions about ADA in Higher Ed

#### Responsibility - 2

<table>
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<td><strong>IDEA/504</strong></td>
<td><strong>ADA/504</strong></td>
</tr>
<tr>
<td>• Core material and modification is required so that students are able to demonstrate growth.</td>
<td>• Accommodations/modifications are provided while maintaining the fundamental nature of the curriculum.</td>
</tr>
<tr>
<td>• All members of the school are expected to have knowledge of the students’ disability and to interact with and provide services according to the plan.</td>
<td>• The student has the responsibility for disclosing their disability. The ADA Office does not provide information regarding students’ disabilities to other members of campus.</td>
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[https://www2.ed.gov/about/offices/list/ocr/transition.html](https://www2.ed.gov/about/offices/list/ocr/transition.html)
IMPLEMENTING ACCOMMODATIONS WITH FIDELITY
ADA Implementation Process

OCR guidance states that “faculty be intuitive, engaged, and thoughtful.”

- Implementation with fidelity
- Who is responsible?
- Identifying a problem
- Communication
- Monitoring
#1 Reason why accommodations are not implemented with fidelity?

Communication

- Poor wording on the ADA Accommodation Notification Form
- Faculty misunderstanding of what the accommodation means
- Student misunderstanding of what the accommodation means

Building consensus across campus
Troubleshooting a student complaint

1. Check the accommodation notification form.
2. Verify that the student and you share consensus about what the accommodation means.
3. Check that the ADA Office and you share consensus about what the accommodation means.
4. Ensure that you, the student, and the ADA Office share consensus about what the accommodation means.
Specific scenarios of potential implementation problems

- Asking professor for accommodations
- Obvious disability/injury, but no ADA accommodations
- “My accommodations are not working.”
  - “I didn’t have enough time to finish the test.”
- Encouraging (specific) students to take tests in the classroom.
- Encouraging (specific) students to take tests in the testing center.
Faculty Implementation Problem
POTENTIAL AREAS OF RISK
Potential Areas of Risk

- Student, ADA Office, & Faculty may overlook the need for accommodations

What examples can you list?
Educationally related activities

“Colleges and universities have an obligation to provide FULL and EQUAL ACCESS to students with disabilities in all institutional programs and activities.”
Potential Areas of Risk, continued

- External speakers
- External off campus educational related activities
- Verbiage for external speakers

The Speaker agrees to work with University in order to meet the needs of any attendees indicating a requirement for special seating, lighting, auxiliary aids and services, and/or materials due to visual, auditory or other impairments in accordance with provisions outlined within the Americans With Disabilities Act.
DO’S & DON’TS
Do’s & Don’ts

• Do not confuse IAL students with ADA students.
• Do not assume that a student either has or does not have a disability.
• Do not ask specific students for their ADA Accommodation Notification Form.
Do’s & Don’ts, continued

- Once a student has requested accommodations from you but you do not have the form, please direct the student to the ADA Office – in writing.
- Please do not accommodate students without the ADA Notification Form.
- Keep students’ ADA designation confidential.
ACCESSIBLE CONTENT
• Please post all content in Canvas.
  • All content: all materials for which students may have to demonstrate a competency. For example, if a student needs specific content in order to write a paper, give a presentation, or take a quiz/test, it should be posted.

• Learn how to make content accessible.
  • Syllabus
  • Modules
  • Handouts
AUXILIARY AIDS & SERVICES
Auxiliary Aids & Devices

“(A recipient of federal funds) . . . shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.”

Various types of auxiliary aids and services:

- Assistive technology (speech to text; text to speech)
- Bluetooth microphone
- Visual magnifier
- Closed captioning

https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html
Use of Recording Device

What if an instructor objects to the use of an auxiliary or personal aid?
Sometimes postsecondary instructors may not be familiar with Section 504 or ADA requirements regarding the use of an auxiliary or personal aid in their classrooms. Most often, questions arise when a student uses a tape recorder. College teachers may believe recording lectures is an infringement upon their own or other students’ academic freedom, or constitutes copyright violation. The instructor may not forbid a student’s use of an aid if that prohibition limits the student’s participation in the school program. The Section 504 regulation states:

A recipient may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient’s education program or activity.

In order to allow a student with a disability the use of an effective aid and, at the same time, protect the instructor, the institution may require the student to sign an agreement so as not to infringe on a potential copyright or to limit freedom of speech.

https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html
UNIQUE ACCOMMODATIONS
Unique Accommodations

1. Modified Attendance
2. Adjusted Assignment Deadlines
3. Temporary Injury Accommodations
4. Retroactive Accommodation
5. Service Animals/Emotional Support Animals
6. Pregnant/Parenting Students
Transitioning to college
https://www2.ed.gov/about/offices/list/ocr/transition.html

UDL
http://www.udlcenter.org/aboutudl/udlguidelines

OCR/tape recorders
https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html
Department of Education
https://www2.ed.gov/about/offices/list/ocr/504faq.html

Office for Civil Rights
https://www2.ed.gov/about/offices/list/ocr/docs/hq9805.html

Association on Higher Education and Disability
https://www.ahead.org/home

National Association of Independent Schools