Don’t Reinvent the Wheel: Service Provision for Temporary Conditions

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We ask you to join us in creating a culture that reflects…

Access and Inclusion
and
Civility and Respect
…this week and in all aspects of our organization.
Introduction

• What are temporary conditions?
• What does the law say?
• How your office and campus can assist in providing possible solutions and eliminate barriers to access.

• Outcomes of Presentation
  • Understanding of an appropriate process of determinations
  • Appropriate outcomes
What are Temporary Conditions?

• Time-limited health conditions that may substantially impact numerous daily living activities

• Think about Prong I of the definition of disability that we are used to working with
  • A physical or mental impairment that substantially limits a major life activity.

• Now, let's look at Prong III
Prong III, “regarded as” preventative law?

• “An individual is not ‘regarded as having such an impairment’ if the public entity demonstrates that the impairment is, objectively, both ‘transitory’ AND ‘minor.’”

• “the public entity must demonstrate that the impairment is (in the case of an actual impairment) or would be (in the case of a perceived impairment), objectively, both ‘transitory’ and ‘minor.’”

• “For purposes of this section, ‘transitory’ is defined as lasting or expected to last six months or less.”
Temporary Conditions

• Under the letter of the law, it is hard to tell if coverage is “required”

• It certainly comes up in lots of Title I cases

• Why wouldn’t we?
Condition, Manner or Duration:

• A useful framework for thinking about “temporary” impairments
Condition, Manner or Duration: Condition and Manner

• “An impairment may substantially limit the “condition” or “manner” under which a major life activity can be performed in a number of ways.”
  • “…the condition or manner under which a major life activity can be performed may refer to the way an individual performs a major life activity.”
  • “Condition or manner may also describe how performance of a major life activity affects the individual with an impairment.”
  • “…condition or manner may refer to the extent to which a major life activity… can be performed.”
Condition, Manner or Duration: Duration

• “Duration” refers to the length of time an individual can perform a major life activity or the length of time it takes an individual to perform a major life activity…”
Condition, Manner or Duration:

• “Condition, manner, or duration may also suggest the amount of time or effort an individual has to expend when performing a major life activity because of the effects of an impairment, even if the individual is able to achieve the same or similar result as someone without the impairment.”
Service Provision Process

• Types of Temporary Conditions
  • Visible
  • Non-Visible
  • Transitional
Service Provision Process

• The Conversation

• Student is the expert

• When documentation is necessary
Access and Universally-Designed Solutions

Readily available solutions:

• Assistive Technology
• Academic Services
• Other Services
Institution-Wide Support for Temporary Conditions

• Collaboration, Connection and Conversation:
  • Adjusted attendance policies
  • Late withdrawal permission
  • Incomplete class approval
Universal Design Collaborations

• Who might you collaborate on your campus about:
  • physical design or physical access?
  • Digital environment?
• Empowerment
  • Do you feel empowered to be proactive?
  • If not, how can I start?
Questions?
Session Evaluation

• Your feedback helps shape future programming.

• Thank you for attending!