

ADA CAFÉ

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Presented By L. Scott Lissner,
ADA Coordinator, The Ohio State University
Lissner.2@osu.edu

Privacy and the Need to Know

What protections does the ADA provide to disability documentation as applies to postsecondary disability offices?

- Neither the ADA or Section 504 have statements on confidentiality
- Both give the individual with a disability control over disclosure.
- Both provide protections from undue scrutiny and bullying
- Neither requires accommodations to be invisible

How does it (*confidentiality of documentation*) relate to or supersede FERPA and HIPAA?

- HIPPA does not apply to disability services or their files.
- A students file in a disability resource office is an educational record
- Designated FERPA Officer
- Need to Know

Coronavirus and COVID-19

My university is closed, due to Coronavirus – What if accessibility for text books is not available to students – What are the alternatives?

- How are accessible books anchored to your campus
 - Staff for production
 - Available Technology
- Alternatives
 - Remote staff
 - Third Parties
 - Home licenses

How long must recorded videos be available?

With respect to class recordings. Many professors are teaching their classes synchronously with a recording available for those who are unable to attend due to connection issues, etc. How long must these videos be available to comply with any ADA guidelines? Professors have been requesting that the videos be taken off line within 12 hours.

- Recordings as an alternative to notes and vice versa
- Salience and cuing in the live and recorded experience

What are your thoughts on granting a housing release for immunocompromised students in the Fall because of the COVID 19?

- Take a look at the current data
- Describe your time frame for housing assignments
- Consider the nature of your residential requirement
- Determine the basis and frequency of past decision
- Provisional decisions that can be revisited reversed

Assistance Animals

Can ESAs be permitted in classrooms and other campus common spaces?

- What does the law say you can and can't do?
 - Common spaces are covered by the ADA, Section 504, and state law
 - ADA Titles II & III only allow Service Animals
 - Section 504 is silent on animals but clear on accommodation process.
 - State law depends on the state.
- Develop a policy & process
 - Pet Policies
 - Documentation
 - Effective accommodations
 - Boundaries

Are there areas that they (*ESA or SA*) legally cannot be permitted?

- How does an animal create a fundamental alteration
 - Regulatory or certification requirement
 - Expectation of control
 - Religious environment
 - Sterile environment
 - A word about animal safety and protective gear

What about other students/faculty/staff health concerns or fear of an ESA (*or SA*)?

- Service Animals and Direct Threat Analysis
 - A significant risk of substantial harm to the health or safety of others
 - (1) The duration of the risk;
 - (2) The nature and severity of the potential harm;
 - (3) The likelihood that the potential harm will occur; and
 - (4) The imminence of the potential harm.
- Direct threat and an approved accommodation
 - Up a tree and down the road
 - An ESA

If an ESA exhibits aggressive behavior towards others, can the accommodation to have them be taken away from the student?

- “under control”
- Analogous human behavior and the code of conduct
- Progressive discipline