

STOCKTON | WELLNESS UNIVERSITY | CENTER

Learning Access Program

Faculty and Staff Handbook
Part One

Policies and Procedures for University Students with
Disabilities

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Purpose

This handbook is designed to assist Stockton University faculty and staff in working with students with disabilities.

Part one will:

- Explain disability law and faculty responsibility for implementation of the law
- Explain disability documentation
- Describe the role of the Learning Access Program (LAP)
- Review procedures for services

Part two will:

- Discuss disability conditions and reasonable accommodations
- Offer strategies to facilitate learning
- Provide a current list of sources for more information

Brief History

In 1990 the Americans with Disabilities Act was passed, focusing new attention on issues relating to individuals with disabilities.

To comply with this mandate, colleges and universities that receive federal assistance must ensure that the same educational programs and services offered to other students be available to students with disabilities.

Academic ability should be the primary basis for participation in post-secondary education.

To accomplish this goal, both physical and program access must be provided. This means more than the removal of architectural barriers and the provision of auxiliary services. It means that reasonable accommodations must be made in the instructional process to ensure full educational opportunity.

This principle applies to all teaching strategies and modes, as well as to institutional and departmental policies.

Mission and Philosophy

- The mission of **Learning Access Program of Stockton University** is to provide access to a quality education and an equal educational opportunity.
- The University is committed to nondiscrimination for all persons in admissions, employment, facility accessibility, student programs, activities and services.
- Achieving full participation and integration of persons with disabilities requires the cooperation of all of the University's departments, offices and personnel.
- Every effort will be made by University staff to provide assistance to persons with disabilities so they can participate fully in the life of the University community.
- The University will strive to achieve excellence in its services and to assure that its services are delivered equitably and efficiently to all.

Disability Law

Individuals with disabilities are protected from discrimination and assured right of equal access to programs and services under the Americans with Disabilities Act (ADA), the civil rights guarantee for persons with disabilities in the United States and under Section 504 of the Rehabilitation Act of 1973, which states that any program or activity which receives federal funding cannot deny participation in or discriminate against any individual solely because of a disability. (For more detailed information about the ADA, see www.usdoj.gov/crt/ada/adahom1.htm).

The ADA, signed into law on July 26, 1990, upholds and extends the standards for compliance set down in Section 504. Colleges and universities receiving federal money may not discriminate in the recruitment, admission or treatment of students. (For more detailed information about Section 504, see www.welfare-policy.org/504.htm).

Under the provisions of Section 504, universities and colleges may not:

- Limit the number of students with disabilities admitted
- Make pre-admission inquiries as to whether or not an applicant is disabled
- Exclude a qualified student with a disability from any course of study
- Limit eligibility to a disabled student for financial assistance
- Counsel a student with a disability towards a more restrictive career
- Measure student achievement using formats that adversely discriminate against a student with a disability

Federal law mandates the inclusion of otherwise qualified people with disabilities in all college sponsored programs and activities. Neither Section 504 nor the ADA is meant to protect individuals with disabilities from the consequences of their behavior or to make available to them programs and services for which they are otherwise not qualified.

Learning Access Program

Located on Main Campus J-204, the Learning Access Program (LAP) provides services to students with disabilities. The services are meant to help students devise strategies for meeting University demands and to foster independence, responsibility, and self-advocacy. Registration for support services is strictly voluntary and on a confidential basis.

Disability Defined

Section 504 and the ADA define a person with a disability as anyone with a physical or mental impairment that substantially limits one or more major life functions (seeing, walking, breathing, hearing, learning, etc.). The definition includes visible disabilities such as blindness, mobility impairment, or hearing aid use and hidden disabilities such as deafness, low vision, learning disabilities, psychological disabilities or chronic health impairments. LAP works with students in all disability categories.

Students with both long-term/permanent as well as temporary disabilities should register with the LAP to obtain services and accommodations.

If a student requests an academic accommodation without presenting an official notice from LAP requesting that particular accommodation, the student should be referred to the LAP.

Every effort is made to arrange appropriate accommodations based on a student's documented disability.

Disability Documentation Guidelines

LAP accepts documentation that meets the following criteria. Copies of the guidelines are in the addendum of this handbook. Generally, documentation must include the following:

1. Date of the most recent visit to diagnosing professional.
2. A clear statement of the diagnosis and the date of the original diagnosis.
3. A summary of diagnostic tests, methods and/or criteria used to make the diagnosis including evaluation results and standardized test scores if applicable.
4. A description of the current functional impact of the disability including specific test results, specific substantial limitations related to the disorder, especially those involved in attending a post-secondary educational institution (such as taking notes, reading for extended periods of time, etc.) and the examiner's narrative interpretation.
5. Treatments, medications, or assistive devices/services currently prescribed or in use with estimated effectiveness in ameliorating the impact of the disability (i.e. corrective lenses, vision therapy, etc.)
6. A description of the expected progression or stability of the impact of the disability and prognosis and anticipated duration of limitations and impairment.

Disability Documentation Guidelines (Cont.)

7. For medical and/or psychological conditions, medication side effects impacting education.
8. Documentation of acquired brain injuries must include a comprehensive evaluation by a speech pathologist or neuropsychologist, as well as the physician's diagnosis.
9. Recommended accommodations supported by the diagnosis.
10. The credentials of the diagnosing professionals, if not clear from the letterhead or other forms.

Copies of these guidelines are available upon request in the Learning Access Program Office, Main Campus J-204.

Reasonable Accommodations under the Law

Federal law mandates the inclusion of otherwise qualified people with disabilities in all University-sponsored programs and activities.

In some cases, facilities, programs, policies, and practices will need to be modified in order to provide equal participation. Such modifications are considered “reasonable accommodations under the law.”

A reasonable accommodation is a modification or adjustment to a course, program, service, job, activity, or facility that enables a qualified student with a disability to have an equal opportunity.

An equal opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges as are available to a similarly situated student without a disability.

A reasonable accommodation is **not** a change of program standards or requirements.

Determining Reasonable Accommodations

Once a student has presented documentation of disability to the LAP, a thorough individualized assessment is conducted. The University is obligated to make reasonable accommodations for those who meet established standards for participation and have documentation of their disability and limitations.

While many students self-identify to the LAP before classes begin, others may wait to do so after they feel the need to be accommodated. There is no stipulation as to when a person must identify himself / herself as having a disability, but adequate notice for the provision of accommodations and documentation of disability is necessary.

The following criteria are used to determine a reasonable accommodation:

- Understanding the limitations and capabilities of the student
- Understanding course requirements and program standards
- Maintaining as much independence as possible for the student
- Simplicity and logistics

Arranging for Accommodations

1. Disabled students who require accommodations should seek assistance from the LAP in a timely manner, usually prior to the start of classes or as soon as a disability becomes known.
2. Disabled students provide acceptable documentation of their disability and how it limits their participation in courses, programs, services, jobs, activities, and facilities of the University.
3. LAP will file official documentation of the disability, including information about the manifestations of the disability.
4. LAP and the disabled student will discuss the interaction between the disability and the academic environment. Consultation with faculty, staff, and University authorities regarding essential elements and reasonable accommodations will occur in situations that are new, complex, or sensitive.
5. LAP will outline the process for the provision of reasonable accommodations and will present this verbally and in writing to the student.
6. LAP will supply the student with letters to faculty members certifying that the student has a disability and stating the determined reasonable accommodations.
7. Student will deliver the accommodation letter to faculty and discuss needed accommodations. The student is responsible for contacting the LAP if reasonable accommodations are not implemented in an effective or timely way.
8. LAP will work with University personnel and disabled students to resolve disagreements regarding recommended accommodations.
9. Particular cases will be subject to review, as necessary, by a committee composed of representatives of the Dean of Students, Academic Advising, Divisional Dean and other appropriate University personnel deemed necessary.

Grievance Procedure

Students with disabilities who believe they have been discriminated against based on their disability may file a grievance with the Section 504 Coordinator, Valerie Hayes, in the Office of Institutional Diversity and Equity, located in L-214. The phone number is 609.652.4695.

Confidentiality

The LAP is committed to ensuring that all information regarding a student is kept confidential as required by law. Any information collected is used for the benefit of the student. This information may include test data, grades, biographical history, disability information, performance reviews, and case notes. No one has immediate access to student files except staff from the LAP. Any information regarding a disability shall be considered confidential and shall be shared with others within the institution on a need-to-know basis only.

Disability-related information is to be treated as medical information is treated.

A student may give written authorization for the release of information when he or she wishes to share it with others.

Before giving such authorization, the student should understand the information being released, the purpose of the release, and to whom the information is being released.

Information will not be released without consent unless Federal or state law requires it.

Diagnostic Testing

About one quarter of our students with learning disabilities are diagnosed while at Stockton. Students with previously undiagnosed learning disabilities may come to the LAP for an initial screening interview and may then be referred for off-campus diagnostic testing.

Other Programs

The LAP directs an aide program in which paid students serve in a variety of capacities such as note-takers, scribes, proctors and readers.

The University provides tutorial services to all students through the Writing Lab, Main Campus J-105a, and through the Math Lab, Main Campus J-108.

Rights and Responsibilities

Rights and Responsibilities of Students with Disabilities

Students at the University have the right to:

- Equal access to courses, programs, services, jobs, activities, and facilities offered throughout the University.
- An equal opportunity to work, to learn, and to receive reasonable accommodations, academic adjustments, and/or auxiliary aids and services.
- Appropriate confidentiality of all information regarding their disability and to choose to whom information about their disability will be disclosed, except as disclosures are required or permitted by law.
- Information, reasonably available in accessible formats.

Students at the University have the responsibility to:

- Meet qualifications and maintain the essential University standard for courses, programs, services and activities.
- Identify as an individual with a disability with the LAP and seek information, counsel, and assistance when necessary.
- Provide the appropriate medical, psychological, psycho-educational, or neuro-psychological documentation from a licensed professional indicating the disability and suggested accommodations.
- Provide signed consent authorizing the LAP to discuss the need for reasonable accommodations, academic adjustments, and /or auxiliary aids with the professional source of his/her documentation and with faculty or program from whom accommodations are being requested.
- Follow procedures for obtaining reasonable accommodations, academic adjustments and/or auxiliary aids and services.

Rights and Responsibilities of the University, Faculty and Staff

University, faculty and staff have the right to:

- Receive verification of a documented disability from the LAP in the form of a faculty accommodation letter that may or may not state the disability--per student request.
- Contact the LAP to discuss appropriateness of accommodations or arrangements that have been requested by the student during his/her initial contacts.
- Set academic and program standards.
- Determine the conditions under which an exam is to be administered (e.g., open book, use of notes, etc.) and make arrangements as to how the exam will be delivered and returned if administered out of the classroom using the services of LAP (see **Test Accommodations**.)

Faculty and staff have the responsibility to:

- Evaluate students on their abilities, not their disabilities.
- Keep all disability-related information regarding a student confidential.
- Maintain the same standards for students with disabilities as are applied to all other students.
- Provide and arrange any reasonable classroom accommodations, personally or by making arrangements with the LAP.
- Assure timely delivery of exams, along with all necessary instructions and materials for proper administration, if exam is administered outside of class.
- Refer students who request accommodations without official notice to the LAP.
- Create a learning environment that is accessible.

Responsibilities of the Learning Access Program

- Determine eligibility for participation of students with disabilities in the academic accommodation process based upon a review of appropriate documentation.
- Determine the appropriate accommodation for each student based on the individual's need.
- Assure the student receives the appropriate accommodation.
- Interact with faculty when appropriate.
- Maintain academic standards

Implications of the ADA and Section 504

The detailed implications of ADA and 504 are being refined in the courts, but to date, they have been interpreted in some cases to provide the following for students with documented disabilities:

- No discrimination during the admissions process for qualified applicants.
- Modification of academic courses so that there is no discrimination on the basis of disability. While overall goals for the course should remain the same for all students, those with disabilities may require modifications in the way they achieve those standards.
- A classroom's location may be changed to provide accessibility. The University does not need to make every classroom accessible, but must provide for the participation of students with disabilities when "viewed in its entirety."
- Costs of required auxiliary services borne by the University, not the student. A number of recent court cases have tested the extent of the University's financial obligation to students with special needs. It currently appears that the costs of adapted equipment, taped texts, readers, scribes, and interpreters, if reasonable, are to be paid by the institution. The expenses of diagnosis and evaluation are to be paid by the student.
- The University may refuse to grant a student's request for accommodation that is not specifically recommended in the student's documentation.
- The University is not required to provide personal services such as attendant care, personal tutors, or personal aids such as wheelchairs or eyeglasses.
- Once the student has made an accommodation request and has provided documentation of disability, he or she may not be penalized by delays due to indecision or inaction.

Procedures to Obtain Academic Accommodations

Note Takers

A student wishing to utilize note-taker services should follow these procedures:

1. Student has disability verified by the LAP.
2. Student meets with a professional LAP staff member, who will then authorize note-taker services as appropriate.
3. Student fills out a request for a note-taker, making sure to list all of the classes for which note-takers are needed.
4. Student delivers a memorandum from the office to the instructor, asking the instructor to announce in class that someone is needed to take notes.
5. Student may locate his/her own note-takers. Note-taker candidates should have at least a 2.5 GPA.
6. Note-taker candidates are hired by the LAP.
7. Student should notify the LAP if there are problems or concerns with the note-taker.
8. All information regarding the student for whom the note-taker is taking notes is confidential. However, the student may self-identify if he/she desires.

Test Accommodations

Tests, as used in this context, refer to quizzes and examinations taken during the semester as part of an academic class.

While the LAP encourages faculty to administer and proctor their own exams, we do recognize that at times accommodations for extended time and distraction reduced locations are difficult to arrange.

In order to assist faculty and meet the needs of the student, LAP will help provide these accommodations when the professor is unable to do so.

The role of the LAP is that of a facilitator of time and place and in no way usurps the authority of the professor regarding administration of tests and exams.

Federal and state laws mandate that students with appropriately verified disabilities may be provided with extra time, alternate location, alternate test format, writers and/or readers, as needed, according to the nature of the student's disability.

Because disabled students are best served when accommodated in the most integrated setting possible, the LAP strongly encourages instructors to provide test accommodations within their own departments.

Exam Modification Procedures

LAP hosts exams only when instructors cannot provide students with test accommodations.

- The service is structured to provide students with a fair opportunity to demonstrate their knowledge of course content without resulting in a competitive academic advantage over the students.
- The student obtains a **Test Accommodation Scheduling Form** from the LAP office (minimum of one week prior to test) before the scheduled exam.
- The student fills out name, course section, time and location and gives the form to the professor. The form indicates exam date and time, how LAP will obtain the test, where it should be delivered when complete, and any special instructions for administration. *Tests are proctored Monday through Friday, 9:30am to 4:30pm.*
- The professor supplies the needed information and returns the form to the student.
- The student returns the form to LAP before the test so an appropriate location and adequate time can be arranged.
- LAP does not make copies of exams and does not maintain an exam file.
- Exams are received and returned according to prearranged instructions on the Test Accommodation Scheduling Form.

The following procedures should be followed when setting up test accommodations with the LAP:

- The student and disability specialist discusses the accommodations needed.
- The professor is notified of the disability-related need for test accommodations. The disability specialist provides consultation and advocacy if necessary.
- The student makes arrangements for the implementation of the accommodations with the professor.
- The student contacts the LAP if the professor cannot host the exam.
- LAP administers the exam and returns it according to pre-arranged instructions.

If the student does not keep the appointment for the exam, the exam is returned to the instructor. It is the student's responsibility to contact the instructor to seek permission to reschedule the exam.

Procedures for Testing Proctored by Learning Access Program

1. Student taking the test will come to The Learning Access Program, Main Campus J-204 at the beginning of class or other time so specified by instructor within the hours of 9:30am to 4:30pm, Monday through Friday when office is open.
2. Test proctor will escort test taker to the testing location and monitor the test taking.
3. Test taker will leave all belongings not needed to complete the test in the LAP office.

If there is a time restriction on the exam, LAP must be informed of the restriction at the time that the test documents are received, preferably on the test form.

Conclusion

Every student brings unique strengths and experiences to higher education. The LAP hopes that the information in this handbook will facilitate communication between faculty and students to optimize learning.

For further information, please contact the Learning Access Program at 609.652.4988.

RESOURCES CONSULTED

- A Faculty and Staff Guide: Optimizing the Learning Environment for Students with Disabilities. Montgomery College.
www.mc.cc.md.us/Departments/studevgt/DisabGde.html
- Americans with Disabilities Act, The Law and its Impact on Post-secondary Education*, pamphlet, American Council on Education. Washington, DC. 20036
- Auxiliary Aids and Services for Post-secondary Students with Handicaps, Higher Education's Obligations Under Section 504*, Washington, D.C. :U.S. Department of Education.
- Disability Services Handbook*, Clemson University.
http://www.clemson.edu/Disability_Services/dshandbook.html
- Disability Student Services Manual*, Syracuse University.
<http://fiji.edu/depts/assist/manual.html>
- Faculty Guide in Assisting Students with Disabilities*, Northwestern University
<http://www.nwu.edu/hr/eo/facguid.htm>
- Guidelines for Documentation of a Learning Disability in Adolescents and Adults*, AHEAD: Association on Higher Education and Disability, Columbus, Ohio.
- National Institute of Mental Health, General Information Booklet,
http://www.ldonline.org/ld_indepth/general_info/gen-nimh-booklet.html
- 1998 Disability Resource Guide*, University of Illinois at Urbana-Champaign,
<http://www.als.uiuc.edu/dres/>
- "Nonverbal Messages Speak Louder to Students with Psychiatric Disorder."*
 Disability Compliance for Higher Education. V4, #4. November 1998.
- Policy and Procedures Regarding Students with Disabilities*, University of Connecticut,
<http://www.ucc.uconn.edu/~stusr2/policies.html>.
- Policy Statement for Documentation of Attention-Deficit/Hyperactivity Disorder in Adolescents and Adults*, April 1998, Office of Disability Policy, Educational Testing Service, Princeton, New Jersey 08541. *Section 504, the Law and Its Impact on Post-secondary Education*, pamphlet, American Council on Education. Washington, DC.
- Roth, Vicki. *Learning Disabilities, Attention Deficit Disorder, and The College*. Fourth Edition. University of Rochester, Rochester, New York. 1999.

Support Services and Accommodations for Students with Diagnosed Learning Disabilities. University of South Carolina. September 1997.

Understanding Learning Disabilities: A Parent Guide and Workbook, Learning Disabilities Council, Incorporated, Richmond, VA, 1991.

Visual and Auditory Processing Disorders. National Center for Learning Disabilities, 231 Park Avenue South, Suite 1420, New York, NY 10016.

Vogel, Susan A. Ph.D., *College Students with Learning Disabilities: A Handbook Fourth Edition,* Northern Illinois University, 1993.