

Portland State University

Disability Resource Center

Faculty Guide

2007

Teaching Students with Disabilities:

In View of the Americans with Disabilities Act

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PREFACE

This manual has several objectives:

1. Provide information about laws that affect education at Portland State University including student responsibilities and rights, and faculty responsibilities and rights.
2. Provide information about specific disabilities common to college students.
3. Describe difficulties students may have in the classroom setting or in testing situations as a result of their disability.
4. Offer examples of accommodations which may assist students.
5. Suggest various alterations in environment or teaching style.
6. Describe common testing accommodations.

INTRODUCTION

Awareness of the need for physical access to buildings and classrooms has increased dramatically in the general public since the passage of the Americans with Disabilities Act in 1990. Private businesses and schools are not exempt from accommodating individuals with disabilities. Public colleges and universities receiving federal funds have been mandated under the 1973 Vocational Rehabilitation Act, specifically section 504, which states:

“No otherwise qualified handicapped individual in the United States...shall, solely by reason of his handicap, 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.”

This statute means that from the admission process through graduation students who have disabilities must receive accommodations which will equalize their ability to compete with other students in academic classes, as well as be able to access student activities or university sponsored events.

Students with disabilities are a rapidly growing population at Portland State University. Since 1992 the population of students who identified themselves as having a disability grew from fewer than 50 to well over 450. That number includes only those students who choose to identify that they have a disability.

DISABILITY RESOURCE CENTER

The Disability Resource Center (DRC) was created to assist students in reducing barriers of attitude or access which might otherwise impede their academic success. The DRC is committed to providing students with disabilities the opportunity to obtain a quality education and develop into well-integrated and self-reliant graduates. The DRC attempts to coordinate individual needs with services and resources available within the university.

The Disability Resource Center is located on the fourth floor of Smith Memorial Student Union in Room 435. The DRC serves as a resource for faculty and staff regarding classroom accommodation as well as consultation with departments for policy and procedure changes which affect access to programs. The DRC provides academic accommodations for classroom and testing situations. The DRC also works closely with Facilities and Scheduling to provide access to rooms for students with mobility issues.

The DRC provides information about disabilities and consults with students who self-identify or are referred by concerned faculty. The Resource Center refers students for further assessment and testing as needed, and assists students with interpretation of test results or medical information as it applies to their classroom accommodations.

The DRC encourages students to advocate for themselves and to make use of the services available on campus.

Within the DRC is a component which assists students in obtaining books in alternative format. The Reader Services Coordinator works closely with faculty and students to make sure the students have their material in a timely manner.

Other services provided to students include:

- Pre-admission counseling
- Academic coaching
- Priority registration
- Adjustments or arrangements when needed (room changes, readers for tests, etc.)

STUDENT RIGHTS

Rights for persons with disabilities have been portrayed both positively and negatively in the media. This may result in incorrect or unclear interpretations of what the rights and responsibilities are when dealing with students with disabilities in the classroom.

Higher education is governed by two laws which guide accommodation issues. Public Law, Section 504 of the Rehabilitation Act of 1973 is the first law addressing accommodation and access in higher education and public agencies. The Americans with Disabilities Act of 1990 used Section 504 as a model on which to base accommodation and access, no longer exempting private entities from compliance with the law. The ADA expanded 504 to include employment, transportation, and telecommunication sections of compliance.

Students with disabilities may expect their college/university and individuals associated with it to comply as follows:

Students cannot be denied nor can there be caps on admissions on the basis of the disability.

All space, rented or leased, including workshops, classes, and programs provided through any "off-campus" site, must be accessible.

Also, prohibitions of discriminatory treatment of students apply to all agencies or programs which, through contract, are part of the university's curriculum.

Students may participate in the most integrated setting.

Criteria for eligibility to participate must be "necessary to the provision of the activities or services." Examples include safety risk for the students or others which are based on actual risk, not "assumed" (as through stereotypes.)

Reasonable modifications by the university and departments are needed in policies, practices, and procedures to avoid discrimination. An example would be that public lectures or events would consistently be held in accessible areas.

Students may use service animals (e.g. registered seeing-eye dog, hearing-ear dog, or other assistance animal) in all student areas including housing.

Students cannot be discriminated against through association with a person who has a disability. An example would be refusing to hire a student to do food service work because his/her partner is HIV+.

By law, there shall be no harassment or retaliation of anyone who has filed a complaint.

STUDENT ELIGIBILITY

In order to meet eligibility requirements for support services, the students first meet with either the Accommodations Coordinator or the Assistant Director of the DRC. Prior to the intake appointment, they will have submitted documentation of the disability by their medical or mental health professionals. This documentation is required to include the actual diagnosis and any medication currently used. Documentation should be current within three years, but exceptions may be allowed depending on individual circumstances and disability. The DRC has medical information release forms for student use. Students who have a temporary disability need to re-document their disability each term before services can continue.

For a learning disability, documentation must include a written report by a certified and licensed professional with a history of assessing college-age students. The report must be completed after the age of 18 or within three years and include the actual diagnosis and test scores used to determine the learning disability. The DRC has a list of requirements for learning disability documentation available upon request.

Students seeking services must have documentation on file.

If documentation does not meet the standards for "acceptable documentation" to support eligibility for services provisional academic accommodation may be made. Upon receipt of complete documentation to the DRC eligibility for continued services will be determined.

WHAT QUALIFIES AS A DISABILITY

Under the Americans with Disabilities Act, a person with a disability is defined as someone who:

1. has a physical or psychological condition, either permanent or temporary, which substantially limits one or more major life activities;
2. has a record of such an impairment;
3. is regarded by the covered entity as having an impairment.

These comments are included in ADA legal interpretation regarding potential disabilities.

Visual impairment

Disorders in the structure and functions of the eye as manifested by at least one of the following:

1. visual acuity of 20/70 or less in the better eye after the best possible correction;
2. a peripheral field so constricted that it affects the student's ability to function in an educational setting;
3. a progressive loss of vision which may affect the ability to function in an educational setting. Types of visual impairment may include, but are not limited to, cataracts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa and strabismus. Multiple sclerosis and traumatic head injury may cause enough constriction to qualify the person as being visually impaired.

Physical impairment

Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems:

neurological
musculoskeletal
special sense organs

- respiratory (including speech organs)
- cardiovascular
- reproductive
- digestive
- genito-urinary
- hemic and lymphatic
- skin and endocrine

Hearing impairment

A loss of hearing of 30 decibels or greater at the 500, 1000, and 2000 Hz levels, uncorrected, in the better ear is considered a disabling condition. The loss may be

- conductive (physical mechanism problems)
- sensorineural
- the result of trauma
- genetic

Specific learning disabilities

The term 'Learning Disability' is actually a generic phrase that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and/or use of listening, speaking, writing, reading, reasoning, symbolic or mathematics ability.

Learning disorders are diagnosed when the individual's achievement on individually administered standardized tests in reading, mathematics, or written expression is substantially below that expected for age, schooling, and level of intelligence. These learning problems significantly interfere with academic achievement and are not caused by a lack of environmental or academic experience.

Psychological impairment

Any psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disability which are included in the DSM-IV or the 'Mental Disorders' section of the ICD (International Classification of Diseases.) The ADA specifically exempts a few disorders. However, the person who is mentally retarded or has a severe brain syndrome would not meet qualifications for services unless they were "otherwise qualified" to be admitted to PSU.

Speech impairments

These include-

- language
- articulation
- fluency
- voice disorders which interfere with communication

Cardiovascular and circulatory conditions

Conditions include, but are not limited to-

- congenital heart disease
- rheumatic fever and chronic rheumatic heart disease
- arteriosclerotic and degenerative heart disease

varicose veins
other conditions of the circulatory system

Blood serum disorders

Typical disorders include-

hemophilia
sickle cell anemia
chronic anemia
disorders where the cause is unknown

Seizure disorders

Seizures result from electrical imbalances in the brain. Students with a seizure disorder (epilepsy) have conditions which may be controlled through medication. However, some students may not be responsive to treatment.

The conditions mentioned previously may necessitate administrative or academic adjustment besides normal accommodations. Other conditions that do not fit into the categories listed above may also qualify for services depending on documentation.

REASONABLE ACCOMMODATION AND GOOD FAITH EFFORT

PSU and other institutions of higher education are held to the standard of "reasonable accommodation or reasonable modification" as it applies to access, curriculum, policies and procedures. It also requires "good faith effort" on the part of the representatives of the institution. The following terms and definitions cover the most obvious parts of the law:

Major life activity- include the functions of caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Substantially limits- unable to perform a major life activity or significantly restricted as to the condition, manner or duration under which a major life activity can be performed when compared to a normal person.

The understanding and support an informed faculty can give is critical to the whole process of inclusion of students with disabilities as full participants in their educational experience.

IDENTIFYING STUDENTS WITH DISABILITIES

A student may have multiple disabilities caused by conditions like diabetes, cerebral palsy, multiple sclerosis, or a head injury. Depending on the nature of the disability, and the length of time or intensity of the condition, the student may have more than one type of impairment which impacts their academic performance.

The student who has an invisible or hidden disability may have substantial difficulties in class and need accommodation. Disabilities such as hearing impairments, heart conditions, epilepsy, asthma, attention deficit disorder, cancer, or learning disabilities may not be obvious but impair the student's ability to learn or perform in class. Because the student with an invisible disability does not look different or appear to have significant disabilities, other students and faculty may doubt their claims.