

## DOCUMENT RESUME

ED 405 667

EC 305 365

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 TITLE Student Survey of Knowledge of Disability Laws and Recent Legal Decisions.  
 INSTITUTION Mississippi State Univ., Mississippi State. Dept. of Counselor Education and Educational Psychology.  
 SPONS AGENCY Office of Special Education and Rehabilitative Services (ED), Washington, DC.  
 PUB DATE 96  
 CONTRACT H078C50060  
 NOTE 18p.; For related documents, see ED 395 422, ED 395 425, and ED 395 441.  
 PUB TYPE Tests/Evaluation Instruments (160) -- Collected Works - Serials (022)

EDRS PRICE MF01/PC01 Plus Postage.  
 DESCRIPTORS \*Access to Education; Civil Rights Legislation; College Students; Compliance (Legal); \*Disabilities; Federal Legislation; Higher Education; \*Knowledge Level; \*Legal Responsibility; School Responsibility; \*Student Rights; Surveys; Teacher Responsibility  
 IDENTIFIERS \*Academic Accommodations (Disabilities); Americans with Disabilities Act 1990; Rehabilitation Act 1973 (Section 504)

## ABSTRACT

Intended for surveying the knowledge of college students and college faculty/staff about the rights and responsibilities of students with disabilities, this survey form and corresponding answer sheets provide 28 questions, their correct responses, and references to laws or literature. Emphasis is on providing information about the provisions of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, which require institutions of higher education to make accommodations and modifications of policy to ensure that students with disabilities have an equal educational opportunity. Also, court decisions concerning these rights are emphasized. Survey questions address issues such as reasonable accommodations, student responsibilities concerning reasonable accommodations, changes in a classroom's location to improve accessibility, provision of an attendant, special provisions for testing, alternative formats for instructional materials, access to the student's diagnostic information, preadmission inquiries concerning a disability, availability of housing options, and situations in which a university/college may refuse admission to students with a disability. A sample survey including student demographic questions is attached. (Contains 13 references.) (DB)

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## Student Survey of Knowledge of Disability Laws and Recent Legal Decisions

- More than 800,000 students with disabilities are currently enrolled in higher education nationwide.
- Section 504 of the Rehabilitation Act and the Americans With Disabilities Act (ADA) require institutions of higher learning to make accommodations and modifications of policy to insure students with disabilities the right to an equal educational opportunity.
- Recent legal decisions have further defined the impact of disability laws on postsecondary education.

This newsletter is designed to provide referenced answers to questions about faculty/staff rights and the rights of students with disabilities in postsecondary education. The correct responses to the survey items are checked.

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*Postsecondary Accommodations for  
Academic and Career Success*

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Yes

No

**1. The purpose of a reasonable accommodation is to provide equal access to an educational program.**

In 1973 Congress passed the Rehabilitation Act which prohibited discrimination on the basis of disability in postsecondary academic programs. Section 504 of the Act stated that students with documented disabilities may request reasonable accommodations that will provide equal access in educational programs.

**2. A student who needs a reasonable accommodation has the responsibility to inform the appropriate university/college representative of their disability.**

The student has the responsibility to self-identify to the designated compliance officer or disability services office, provide documentation of a disability and ask for accommodation before the university/college is required to provide that accommodation. In the case of Salvador v. Bell the Office of Civil Rights (OCR) ruled in favor of Roosevelt University because the student had not informed the appropriate university/college representative of their disability (Jarrow, 1991).

**3. A student who needs a reasonable accommodation must provide a physician's/psychologist's documentation of the disability.**

A student is required to provide the designated compliance officer or disability services office with the necessary documentation from an appropriate expert that the disability exists before any classroom accommodation need be provided. In Salvador v. Bell, the OCR ruled that the university/college was under no obligation to provide accommodation for a student with a disability who fails to provide documentation of the disability (Jarrow, 1991).

Yes

No

**4. It is the student's responsibility to ask for an accommodation.**

The student has the responsibility to ask for accommodation before the university/college is required to provide that accommodation. In the case of *Salvador v. Bell* the Office of Civil Rights (OCR) ruled in favor of Roosevelt University because the student had not self-identified and requested the necessary accommodation (Jarrow, 1991).

**5. A student with a learning disability should have a diagnostic evaluation that is less than three years old to be eligible for reasonable academic accommodation.**

The OCR has upheld the three-year guideline for documentation (Kincaid, 1996).

**6. A student who is absent from class due to disability-related reasons is required to makeup missed assignments and tests.**

Students may be required to make up missed assignments and tests. The law (Rehabilitation Act, 1973) provides for equal access but does not exempt students from completing course requirements.

**7. Tape recording lectures is a reasonable accommodation but the student may be required to sign an agreement form not to release the recordings.**

The university/college may not impose rules that prohibit the use of tape recorders in the classroom for students with disabilities (Rehabilitation Act, 1973).

Yes

No

**8. A classroom's location should be changed to provide accessibility for a student with a mobility impairment.**

The university/college does not need to make every classroom accessible but must allow the participation of students with disabilities when "viewed in its entirety." Therefore, the university/college may choose to move a class to an accessible location without making every campus building accessible (West et al., 1993).

**9. The provision of an attendant for a student with a physical disability is the responsibility of the university/college.**

The university/college is not required to provide personal services such as attendant care, or personal aids such as wheelchairs or eyeglasses (Heyward, 1993).

**10. A student with a speech impairment must be given an alternate assignment to presenting an oral report.**

The university/college must make modifications to academic requirements to ensure that they do not have the effect of discriminating against a student solely on the basis of disability (Rehabilitation Act, 1973).

Yes

No

**11. Extended time is a reasonable accommodation for a student whose documentation specifically calls for this accommodation.**

Extended time is a reasonable accommodation for a student with a disability whose documentation specifically calls for that accommodation. The university/college is required to ensure that the student is provided additional time to complete tests and/or course work in order to provide an equal opportunity for that student (Jarrow, 1992).

**12. If a student's documentation specifically recommends a quiet testing area with no distractions, the instructor should allow the student to take an exam in a room different from the classroom with a proctor.**

Accommodations for testing may call for a separate proctored setting if the student's documentation specifically recommends this (Rehabilitation Act, 1973).

**13. Accommodations for testing such as readers, scribes, or the use of adaptive equipment must be provided for a student whose documentation specifically calls for one of these accommodations.**

The Rehabilitation Act (1973) specifically mentions the above accommodations for a student with a documented disability that calls for such accommodation.

Yes

No

**14. If a student with blindness/visual impairment is enrolled in a class, the instructor must provide all handouts in the alternate format requested by the student.**

In the case of Los Rios Community College, CA, the OCR stated that postsecondary institutions should be prepared to make printed materials available in alternate format to students with blindness/visual impairments. In addition, examinations and handouts must be made available to students on the same day they are distributed to nondisabled students (Kincaid, 1994).

**15. The instructor must make course material on reserve in the library available in alternate formats for students with blindness/visual impairments enrolled in the course.**

In the Los Rios Community College, CA case, the OCR provided further interpretation of the requirements contained in Title II of the ADA (1990). OCR held that printed materials are communications and that postsecondary institutions must make such materials available to students with blindness/visual impairments in alternate format (Kincaid, 1994).

**16. Postings for job announcements must be readily accessible to students with blindness/visual impairments.**

In the case of Los Rios Community College, CA, the OCR stated that postsecondary institutions should be prepared to make printed materials available in alternate format. Los Rios Community College agreed to have postings for job announcements readily accessible upon request from students with blindness/visual impairments. (Kincaid, 1994).

**17. Only personnel in the disability services office have the right to access the student's diagnostic information unless the student provides written consent.**



Faculty/staff do not have the right to access the students' diagnostic information (Jarrow, 1991). The Department of Education follows the rules of confidentiality that are described in Section 503 of the Rehabilitation Act (1973). According to the rules of confidentiality, faculty members need only know the accommodations that are necessary to guarantee an equal opportunity for the student.

**18. Preadmission inquiries as to whether a person has a disability are permissible.**



Preadmission inquiries as to whether a person has a disability are prohibited (Jarrow, 1991). After a student is admitted, it is appropriate to ask for any information that may be pertinent to enrollment. A letter may be sent inviting a student to identify to the designated compliance officer or disability services office if the student needs some accommodation.

**19. University/college staff may provide career counseling to students with disabilities without regard for the students' interests, abilities, and career choices.**



Counseling services, including personal, academic, vocational guidance, and placement counseling, should be provided without discrimination on the basis of disability. The university/college is responsible to provide counseling services that are not restrictive but based on the student's abilities, interests, and career choices (Jarrow, 1991).



Yes

No

**20. A student with a disability is entitled to have more than one housing option presented if options exist for nondisabled students.**

University/college housing should be available in sufficient quantity and variety so that the options for living accommodations available to students with disabilities, as a whole, is comparable to that available to nondisabled students (Jarrow, 1991).

**21. A student with a physical disability who needs attendant care is automatically assigned to a single room.**

In the Coleman v Zatechka case, the OCR found the University of Nebraska in violation of Section 504 and the ADA by refusing to allow a student who needed attendant care to participate in the roommate assignment program. The student was an "otherwise qualified" person with a disability because she met the essential academic and nonacademic criteria: admission to the university and submission of housing application (Kincaid, 1993, November).

**22. The university/college must provide an accommodation even if it would result in a fundamental alteration of the program.**

Academic requirements that the university/college can show are essential to the student's course of study do not have to be modified/accommodated. In other words, the university/college would not have to change a requirement if it could demonstrate that such change would fundamentally alter the nature of the course. The Ohio Civil Rights Commission upheld Case Western Reserve University's refusal to accommodate a student because such accommodation would "unduly burden the school and require it to modify the essential nature of its program" (Kincaid, 1995, May).

Yes

No

**23. The university/college must grant a student's request for an accommodation even if it is not specifically recommended in the student's documentation.**

In the case of Cumberland Community College, NJ, the OCR upheld a college's refusal to grant a student's request for an accommodation which was not specifically recommended in the student's documentation (Kincaid, 1995, September).

**24. The university/college must permit a course waiver even if the course is an essential requirement in the student's major.**

Several legal decisions have reinforced the fact that a university/college does not have to waive a course requirement or any other academic requirements if the college can show that such requirements are essential to the academic program. In the case of Indiana University Northwest, IN, OCR agreed with the university's decision not to waive a foreign language for a student with a learning disability because it was an essential requirements of the degree (Kincaid & Simon, 1994).

**25. The university/college may refuse admission to students due to their psychiatric problems when they pose a health or safety risk.**

A university/college may refuse admission to a student due to his/her psychiatric problems. Such a refusal must be justified with the provision of objective evidence that the student poses a health or safety risk to the college (Kincaid, 1993, November).

Yes

No

**26. The university/college may establish reasonable rules of behavior to maintain a safe and orderly educational environment.**

The Western Michigan University case reinforced the fact that the university/college may establish reasonable rules of behavior to maintain a safe and orderly educational environment (Kincaid & Simon, 1994).

**27. Section 504 of the 1973 Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity offered by an institution of higher education that receives federal financial assistance.**

The Rehabilitation Act (1973), Section 504, Subpart E - Postsecondary Education, states that qualified persons with disabilities may not be denied, on the basis of their disability, access to any program or activity offered by an institution of higher education that receives federal financial assistance.

**28. The Americans With Disabilities Act (ADA) extended nondiscrimination on the basis of disability to include private institutions of higher education.**

The Americans With Disabilities Act (ADA) (1990), Title III extended the Section 504 mandate to include private institutions. With the accessibility of postsecondary education programs, more than 800,000 students with disabilities were reported to be enrolled in higher education institutions in the 1992-1993 academic year ("Facts In Brief", 1995).

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Funding for this newsletter was made available by a grant from the  
U. S. Department of Education, Office of Special Education and Rehabilitative Services.  
(PR Award No. H078C50060)

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To:

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by contacting the designated compliance officer or disability services office.**

# Student Survey of Knowledge of Disability Laws and Recent Legal Decisions

Your responses to the following statements will assist the staff to plan and provide training in the rights of students with disabilities and the rights of faculty/staff in providing equal access to an educational program. This survey is anonymous and your name will not be included or coded in any way.

1. Your classification in college. (Please check only one.)

Freshman \_\_\_\_\_ Junior \_\_\_\_\_ Graduate Student \_\_\_\_\_  
Sophomore \_\_\_\_\_ Senior \_\_\_\_\_

2. Which one of the following categories best describes your primary disability?  
(Please check only one.)

Attention-Deficit Disorder \_\_\_\_\_ Orthopedic/Mobility Impairment \_\_\_\_\_  
Blindness/Visual Impairment \_\_\_\_\_ Psychological Disorder \_\_\_\_\_  
Deafness/Hearing Impairment \_\_\_\_\_ Speech or Language Disorder \_\_\_\_\_  
Learning Disability \_\_\_\_\_ Traumatic Brain Injury \_\_\_\_\_  
Other Disability (Please specify.) \_\_\_\_\_

3. Your age in years.

20 or under \_\_\_\_\_ 31-35 \_\_\_\_\_  
21-25 \_\_\_\_\_ 36 or older \_\_\_\_\_  
26-30 \_\_\_\_\_

4. Your gender.

Female \_\_\_\_\_ Male \_\_\_\_\_

5. Are you currently receiving a reasonable accommodation?

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't Know \_\_\_\_\_

## Student Survey of Knowledge of Disability Laws and Recent Legal Decisions

Please respond to the following statements by checking either Yes, No, or Don't Know.

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
1. The purpose of a reasonable accommodation is to provide equal access to an educational program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. A student who needs a reasonable accommodation has the responsibility to inform the appropriate university/college representative of their disability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. A student who needs a reasonable accommodation must provide a physician's/psychologist's documentation of the disability.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. It is the student's responsibility to ask for an accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. A student with a learning disability should have a diagnostic evaluation that is less than three years old to be eligible for reasonable academic accommodations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. A student who is absent from class due to disability-related reasons is required to makeup missed assignments and tests.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Tape recording lectures is a reasonable accommodation but the student may be required to sign an agreement form not to release the recordings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. A classroom's location should be changed to provide accessibility for a student with a mobility impairment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. The provision of an attendant for a student with a physical disability is the responsibility of the university/college.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. A student with a speech impairment should be given an alternate assignment to presenting an oral report.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Extended time is a reasonable accommodation for a student whose documentation specifically calls for this accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
12. If a student's documentation specifically recommends a quiet testing area with no distractions, the instructor should allow the student to take an exam in a room different from the classroom with a proctor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Accommodations for testing such as readers, scribes, or the use of adaptive equipment must be provided for a student whose documentation specifically calls for one of these accommodations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. If a student with blindness/visual impairment is enrolled in a class, the institution must provide all handouts in the alternate format requested by the student.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. The institution must make course material on reserve in the library available in alternate format for students with blindness/visual impairments enrolled in the course.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Postings for job announcements must be readily accessible to students with blindness/visual impairments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Only personnel in the disability services office have the right to access the student's diagnostic information unless the student provides written consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Preadmission inquiries as to whether a person has a disability are permissible.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. University/college staff may provide career counseling to students with disabilities without regard for the students' interest, abilities, and career choices.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. A student with a disability is entitled to have more than one housing option presented if options exist for nondisabled students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. A student with a physical disability who needs attendant care is automatically assigned to a single room.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. The university/college must provide an accommodation even if it would result in a fundamental alteration of the program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



- |   | <u>Yes</u>               | <u>No</u>                | <u>Don't<br/>Know</u>    |
|---|--------------------------|--------------------------|--------------------------|
| 23. The university/college must grant a student's request for an accommodation even if it is not specifically recommended in the student's documentation.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. The university/college must permit a course waiver even if the course is an essential requirement in the student's major.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 25. A university/college may refuse admission to a student due to his/her psychiatric problems when they pose a health or safety risk.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. The university/college may establish reasonable rules of behavior to maintain a safe and orderly educational environment.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. Section 504 of the 1973 Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity offered by an institution of higher education that receives federal financial assistance. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. The Americans With Disabilities Act (ADA) extended nondiscrimination on the basis of disability to include private institutions of higher education.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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Funding for this survey was made available by a grant from the U. S. Department of Education,  
Office of Special Education and Rehabilitative Services.  
(PR Award No. H078C50060)

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