State Council of Higher Education for Virginia

Accessibility

Hearing
Medical Disability
Mobility
Inclusion
Prosthetic
Intellectual Disability
Cognitive
Vision
Disabled
Mental Illness

Eligibility for Disability Services: Report on Public Institution Processes, Barriers and Recommendations

September 2024

SCHEV

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EXECUTIVE SUMMARY

At Virginia's public institutions of higher education, the process of determining eligibility for accommodations occurs in two main steps: 1) establish that a student has a disability and 2) determine the appropriate accommodations for the individual student. Given students' varied experiences at different Virginia public institutions of higher education (IHEs) regarding their eligibility for disability services and the required processes and documentation to establish such eligibility, the General Assembly enacted into law a study bill during the last legislative session.

House Bill(HB) 509/Senate Bill(SB) 21 directs the State Council of Higher Education for Virginia (SCHEV) to study the first step: *"the processes by which each public institution of higher education determines eligibility for accommodations for students with disabilities and to identify in such processes and make recommendations to reduce any barriers to establishing eligibility."* SCHEV convened a workgroup of accessibility professionals and students over the past four months to: define best practices; survey accessibility offices as to whether and how best practices are used at their respective Virginia public institutions of higher education; and identify barriers that exist for students and staff. The survey data, as well as feedback from various higher education and accessibility stakeholders, informed this report and the recommendations herein.

Overarching recommendation: The workgroup does not recommend establishing uniform accommodations eligibility determination processes for public institutions of higher education. Uniform processes would be too blunt of an instrument given that, by and large, institutions report using best practices with flexibility to meet student needs and unique circumstances.

However, in all cases an Individualized Education Program (IEP) updated in the last three years should be accepted as evidence of a disability. An IEP may not be sufficient to establish eligibility for specific requested accommodations. A student in college may not get the same accommodations they had in high school.

Subsequent recommendations: The workgroup offers the recommendations below relative to a series of distinct inflection points in the educational journey of students with disabilities: K-12; transition to college; and college.

- Develop, strengthen and scale transition programs/programming for students with disabilities in high school and college.

- Create education opportunities, training and/or resources for staff and students that shift the paradigm from mere compliance to comprehensive support and inclusion.

- Obtain additional student input on current IHE processes to establish eligibility for disability services.

PREAMBLE

Background

A 2024 Virginia General Assembly study bill - [House Bill(HB) 509/Senate Bill(SB) 21](#)- enacted into law directs the State Council of Higher Education for Virginia (SCHEV) to "*study the processes by which each public institution of higher education determines eligibility for accommodations for students with disabilities and to identify in such processes and make recommendations to reduce any barriers to establishing eligibility.*" The origin of HB509/SB21 stems from students having varied experiences at different Virginia public institutions of higher education (IHEs) regarding their eligibility for disability services and the required processes and documentation to establish such eligibility. These varied experiences have the potential to impact the college experience, sense of belonging and desire to remain at the IHE.

This study examines a specific (initial) aspect of the accommodation processes at IHEs – determining eligibility for accommodations for students with disabilities, not to be conflated with accommodations provided to individual students. The scope of this study focuses on the first step of the accommodation process which is to establish eligibility for disability services; in other words, to establish that a student has a disability. The following components of the Americans with Disabilities Act (ADA) provide the foundation for determining eligibility for such services.

- The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability.

- An individual with disabilities is defined by the ADA as "as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered." [1]

- On July 15, 2016, Attorney General Loretta Lynch signed a **final rule revising the ADA title II and III regulations to implement the requirements of the ADA Amendments**

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[1] [https://www.ada.gov/resources/disability-rights-guide/#:~:text=An%20individual%20with%20a%20disability%20is%20defined%20by%20the%20ADA,as%20having%20such%20an%20impairment](https://www.ada.gov/resources/disability-rights-guide/).

Act of 2008. Congress enacted the ADA Amendments Act to clarify the meaning and interpretation of the ADA definition of "disability" to ensure that the definition of disability would be broadly construed and applied without extensive analysis. [2]

The subsequent steps, once disability is established, involve determining, approving and providing appropriate accommodations to the individual student. These steps fall outside the scope of the SCHEV study.

The recent work of SCHEV's Disabilities Access to Higher Education Advisory Committee on the topic of "Best Practice Guidelines for Accommodation Practices" positioned SCHEV to efficiently undertake the study and this resultant report of findings and recommendations. Moreover, the advisory committee offered a pool of engaged K-12 special education; disability advocacy; and higher education accessibility professionals, as well as current students to consult throughout the process.

Process

Workgroup Formation

HB509/SB21 outlines the process for SCHEV to conduct the study, which includes consultation with specified stakeholders: representatives of public institutions of higher education, disability advocacy organizations, students enrolled at public institutions of higher education, higher education disability accommodation professionals and a subject matter expert. SCHEV staff issued an "all call" solicitation for HB 509/SB21 Workgroup (WG) members in April to SCHEV's various advisory committees. Staff issued the request for members to: the Disabilities Access to Higher Education Advisory Committee; Instructional Programs Advisory Committee (IPAC); and the Student Advisory Committee (SAC). Virginia Association on Higher Education and Disability (VA AHEAD) and Virginia Higher Education Accessibility Partners (VHEAP) relayed the request for workgroup members through their membership channels.

SCHEV staff invited all of the interested professionals (18) and students (6) to participate in the Workgroup (WG). The WG convened every other week for a total of six meetings; each meeting spanned two hours and was preceded by pre-meeting reading materials. Additional stakeholder input was obtained from Disability Access to Higher Education Advisory

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https://archive.ada.gov/2010_regs.htm#:~:text=Congress%20enacted%20the%20ADA%20Amendments,and%20applied%20without%20extensive%20analysis.

Committee members, IPAC members, SCHEV Council members, bill patrons, advocacy organizations and General Professional Advisory Committee (GPAC) members. The latter consists of the public college presidents. The Acknowledgements and Appendix A portions of the report provide further details on the membership, agenda/process for input, survey development/findings and recommendations.

Evaluation of Current Institutional Processes

The study bill language directs SCHEV to "evaluate the current processes used by such institutions for determining a student's eligibility for accommodations, including any required documentation; (ii) identify any barriers students may face in establishing eligibility for accommodations through such processes; (iii) identify any resources that may be necessary for students to overcome such barriers in establishing eligibility for accommodations." To evaluate current processes used by public IHEs, the WG first needed to establish what constitutes best practice. The WG used the Disabilities Access to Higher Education Advisory Committee's "Best Practice Guidelines for Accommodation Practices" as the basis upon which to establish best practices and evaluate how or whether specific IHEs used best practices. The following summarizes the iterative process with details found in Appendix A.

1. The WG used the best practice documentation guidelines section of "Best Practice Guidelines for Accommodation Practices" to establish standards for evaluation.

2. The WG made iterative edits to the documentation guidelines portion of the aforementioned best practice guidelines document.

3. The edited documentation guidelines were used to craft survey questions. After subsequent drafts, the final survey form was sent to all Accessibility Directors at every two- and four-year public IHE in Virginia.

4. Thirty-seven public (2-year and 4-year) IHEs completed the survey – a 95% response rate.

5. The WG received aggregated survey results and draft findings summarizing the results. Staff incorporated WG/stakeholder feedback on the results/findings.

6. The survey findings, including identified barriers and resources needed, served as the basis for the WG's recommendations. Staff circulated the findings and draft recommendations to: the Disabilities Access to Higher Education Advisory Committee; SCHEV Council members; study bill patrons and others.

7. The finalized key findings and recommendations are outlined in the subsequent sections of this report.

EMERGENT THEMES

Findings

This section outlines emergent themes from the survey of public IHE accessibility directors as well as WG member feedback on these key findings. The emergent themes include an overarching finding in addition to key findings; additional details on each finding can be found in Appendix A.

Overarching Finding

Overarching finding from survey and entire study/WG process: It is important to distinguish that determining eligibility for disability services is a separate process from determining specific accommodations for each student, which highlights the need for greater support to students and families in understanding the transition from high school to college.

Key Findings

1. Disability/Accessibility Services staff overwhelmingly responded to this effort (all but two IHEs completed the survey – a 95% response rate); provided input on the study bill via the WG's survey; shared their respective institutional practices and sought to elevate the issues faced by students with disabilities.

2. By and large, public IHEs report following best practices (i.e., AHEAD documentation guidelines), establishing formal, consistent processes that are publicly accessible and account for meeting students' unique needs/circumstances. (Flexibility is key.)

3. Most disability/accessibility services offices have the autonomy/authority to make final determinations regarding eligibility for disability services and provide sufficient training to their staff regarding documentation.

4. While not a focus of the study bill, the area most consistently identified for improvement (both within the survey responses; at AHEAD VA/VHEAP meetings; and at SCHEV advisory committee meetings) is the need for all staff, in particular all those in instructor roles, to receive required training about their role(s) in accommodating students with disabilities.

Barriers

The study (survey results + WG/stakeholder input) revealed six major barriers students and accessibility directors at IHEs face when it comes to establishing eligibility for disability services. WG recommendations serve as specific actions to address these barriers.

- Differences between K-12 and higher education: Perhaps the biggest barrier is understanding the differences between special education in high school and disability accommodations in college, including different governing laws, parental involvement and expectations. These processes need to be streamlined and strengthened with accountability and support at both ends (high school and IHEs).

- Leadership awareness and inadequate support: Need for support/awareness from, and education of, leadership at the institutions. More students are entering higher education with one or more disabilities. According to the National Center for Education Statistics (NCES), 21% of all enrolled undergraduates during the 2019-20 academic year in the United States reported having a disability, up from 11% in 2011.[3] NCES reports that for 2019-2020, 8% of students registered as having a disability within their institution.[4] The complexity of the disabilities and increase in requested accommodations compounds the work of current accessibility directors and their staff.

  The increased need for services, complexity of diagnoses and lack of potentially eligible students pursuing services warrants the awareness of IHE leadership. In addition to awareness, leaders should receive specific training that articulates their important role in addressing these issues while simultaneously fostering a campus culture of inclusion.

- Inconsistent training/training materials: Currently, each IHE must develop or acquire training/training materials. This creates a barrier of inefficiency and a lack of consistent quality training/training materials across IHEs. Survey respondents reported the need for consistent, quality training and training materials for all student-facing staff: instructors, administrations and campus staff such as residence life/cafeteria/facilities management. Respondents reported that training (ADA requirements, accommodations and disability services at IHEs) typically takes place annually for new hires but not all IHE employees.

  Virginia's higher ed disability advocacy organizations as well as the SCHEV Disabilities Access to Higher Education Advisory Committee continue to raise the issue of insufficient, infrequent training that is critical to expanding awareness of the issues and familiarity with the associated ADA laws and campus resources. Specific training for all

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[3] https://nces.ed.gov/fastfacts/display.asp?id=60

[4] https://pnpi.org/wp-content/uploads/2023/11/StudentswithDisabilities-Nov-2023.pdf

instructors on accommodations should cover ADA compliance and the lived experiences of individuals with disabilities (faculty, staff, students). Presently, IHEs develop or source their own training materials. Shared training/materials across the public system can offer efficiency and consistency of content.

- Barriers for specific student groups/institutions/regions: Under-resourced institutions, rural students, students who discover their disability while in college and adult learners (e.g., no funding for psychological evaluations). In addition to IHE and system-wide barriers, specific IHEs, regions and student populations experience specific barriers. Under-resourced institutions lack the staff capacity and potential financial resources to provide adequate, timely accommodations. For example, having the capacity to provide a scribe (as an accommodation) to a student across their needed courses – staff/costs are associated with such services.

  Students with mental health disorders, rural students and adult learners face barriers to accessing providers in order to obtain diagnoses and proper documentation. Most of Virginia's localities are considered mental health workforce shortage areas with limited access and lengthy wait times. Rural students face geographic barriers/isolation and less access to professionals who provide testing/documentation for disability diagnoses. Adult learners must seek out such providers/testing on their own due to being outside of the K-12 system of testing and supports. Rural students and adult learners oftentimes are also unaware of their options. In all instances these groups must also pay for such services which can be upwards of several thousand dollars.

- Funding versus increased need and complexity: Static funding and increased volume, need and complexity of disability-related needs. Funding for Disability Services offices and accommodations has not kept pace with the increase in volume, need and complexity of disability-related needs. This gap translates to potential compliance issues. Recent Title II[5] rulings will place additional burden on disability services offices to ensure compliance in terms of web content accessibility with far reaching impact on course materials and learning management systems. Now is the time to reassess funding levels and resource needs.

- **Lack of inclusion:** Look at the big picture and thread aspects of support/inclusion throughout the student experience. Campus inclusion efforts have focused largely on marginalized populations aside from students with disabilities. Striving for least burdensome practices to determine eligibility for disability services will have a big impact on a student's college experience. A holistic, inclusive approach is critical to

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[5] https://www.ada.gov/resources/2024-03-08-web-rule/

ensuring the aforementioned barriers are addressed to foster a shift in perceptions and assumptions. An inclusive approach is necessary for thinking beyond compliance, to the lived experiences of students with disabilities on campus.

A student WG member shared a compelling experience of her friend where accessible on-campus housing was only provided in the first-year dorm. This altered the student's experience – while peers moved to residence halls for upperclassmen, the student stayed in the freshman dorm all four years. Stakeholders offered no shortage of similar examples – from the challenges of using a wheelchair on a historic campus to campus scooters and food-delivery robots posing accessibility challenges for students.

RECOMMENDATIONS

This section details recommendations from the WG and stakeholders to address barriers identified from the study (survey + stakeholder input). The emergent themes include an overarching recommendation and a slate of additional recommendations along with actions to implement.

Overarching Recommendation

The WG does <u>not</u> recommend establishing uniform accommodations eligibility determination processes for public institutions of higher education. Uniform processes would be too blunt of an instrument given that by and large institutions report using best practices with flexibility to meet student needs and unique circumstances.

However, <u>in all cases</u> an Individualized Education Program (IEP) updated in the last three years should be accepted as evidence of a disability. An IEP may not be sufficient to establish eligibility for specific requested accommodations. A student in college may not get the same accommodations they had in high school.

Recommendations

The workgroup offers the recommendations below relative to a series of distinct inflection points in the educational journey of students with disabilities: K-12; transition to college; and college. Following the list of recommendations are examples of actions to implement.

- Develop, strengthen and scale transition programs/programming for students with disabilities in high school and college.

- Create education opportunities, training and/or resources for staff and students that shift the paradigm from mere compliance to comprehensive support and inclusion.

- Obtain additional student input on current IHE processes to establish eligibility for disability services.

Recommendation: Develop, strengthen and scale transition programs/programming

Perhaps the biggest barrier identified in this study is understanding the differences between special education in high school and disability accommodations in college, including different governing laws, parental involvement and expectations. These processes need to be streamlined and strengthened with accountability and support at both ends (high school and IHEs).

Action 1: Seed a pilot program to fund new or scale existing transition programs

Accountability and support at IHEs can take many forms including developing, strengthening and/or enhancing transition programs. Currently, IHEs offer varied transition programs that are limited in size/scope.

Seeding a pilot program to establish new or scale existing transition programs across Virginia's IHEs serves several purposes.

- Identify current transition programs in the state that demonstrate successful outcomes: successful transition, persistence and completion of participating students with disabilities.
  - E.g., College of William & Mary Summer Connections Program, James Madison University (JMU) Launch Point, SAEO Scholars at Virginia Commonwealth University (VCU) and others.
- Define "best practice" features of transition programs for use and scalability across Virginia's IHEs.
- Foster awareness of various transition programs and best practices among Virginia IHEs, K-12 guidance counselors, students with disabilities and their families.
- Scale programming within and across IHEs to serve more students effectively.

Implementation requires funding via external grant resources or General Assembly appropriations, as well as appropriate agency/staff designation of pilot grant program implementation, management and evaluation.

Action 2: Leverage external funding to expand special transition programming

Additional funding can enable expanded, special transition programming that bridges the gap between K-12 and IHEs in terms of the transition process, programs and collective ownership in addressing the transition barrier.

- Expand GEAR UP K-12 special programing
  - GEAR UP Virginia has planned three special college visits for students with disabilities in school year 2024-2025. These college visits include a tour, information on how to apply for accommodations in college, and a special focus (listed below).
    - Tidewater Community College: Parent information session on supporting students in college with a disability and student programming on workforce certificates and receiving accommodations appropriate for those certificate programs.

- Longwood University: GEAR UP students and chaperones will hear from a Longwood student panel on what it's like to be a student with a disability on campus and they'll learn about types of assistive technology.

- Virginia Commonwealth University: VCU ACE-It in College will share information with GEAR UP students and chaperones. Additionally, GEAR UP students will learn about accessible housing, how to find counseling services, and how to get involved with student social groups.

  o GEAR UP has also developed many special tools for students and staff to use, such as a Transition Fair Toolkit, Assistive Technology guide and College Visit checklists. All of these can be found on the Level Up VA website (levelupva.org).

  o Additionally, GEAR UP is conducting targeted outreach to their partnership divisions to connect them to resources to support students with disabilities like the Start on Success program (through VCU), their division training and technical assistance centers (TTACs) for coaching and appropriate professional development.

- Continue support for the Statewide Transition Leaders Academy. The Statewide Transition Leaders Academy launched its first cohort of participants in summer 2024. The Academy is a partnership between the Virginia Department of Education (VDOE) and Center on Transition Innovations at Virginia Commonwealth University. The purpose of the Academy is to "provide comprehensive professional development and technical assistance…to improve postsecondary outcomes for students with disabilities across Virginia for successful transition to higher education…" The Academy is structured with an initial three-day workshop followed by monthly seminars for a year using evidence-based practices for transition and services.

- Partner with VDOE Special Education Training and Technical Assistance Centers and the Department of Aging and Rehabilitative Services (DARS) to facilitate cooperative agreements with IHEs to expand special transition programming. The intent of this action is to strengthen the connections between VDOE, DARS and the IHEs around transition programming and associated resources. This action is intentionally general as it can result in varied activities and initiatives based on IHE needs.

Action 3: Expand funding, technical assistance and staffing to create inclusive postsecondary education programming

The transition of students with disabilities from K-12 to higher education is the first step in the journey. As referenced in the barriers section of this report, an inclusive approach is necessary for thinking beyond transition and compliance, to the lived experiences of students

with disabilities on campus. Inclusion should result in a sense of belonging and community not just for students with disabilities, individually and as a group, but also as part of the entire college community.

Additional programs can holistically support intellectually disabled and/or developmentally disabled individuals and foster a sense of belonging and inclusion in higher education. Such initiatives facilitate pathways to higher education for students with disabilities who do not meet the traditional college entrance criteria. Model programs to consider include: Mason LIFE, Longwood LIFE and VCU ACE-IT. The Post-Secondary Inclusive Education Alliance, identifies similar programs across the nation.

Recommendation: Create education opportunities/training and resources that shift the paradigm from mere compliance to comprehensive support and inclusion

The WG and surveyed IHEs identified the lack of effective education opportunities, training and resources as a barrier to supporting students with disabilities, including when establishing eligibility for disability services. Such education and training must take place at all levels (K-12 and IHEs) for all involved participants to effectively support students with disabilities. The following sections outline education opportunities and training by education level and participant.

Action 1: Teacher Preparation - Include transition planning and related topics in teaching degree programs and support continued professional development in this area.

Pre-service curriculum should develop an understanding of transition planning and related topics, specifically for those intending to teach at the secondary level or in special education roles. Other professional development resources include Community of Practice hosted by regional Training and Technical Assistance Centers (TTACs) on the topic of transition. The Division on Career Development and Transition, as well as the Council for Exceptional Children provide conferences (state/national/townhalls) resources and best practices on transition planning.

Action 2: K-12 Transition Specialists - Fully train and fund a dedicated transition specialist at each school division in the Commonwealth.

Virginia's public school divisions have transition specialists on staff to support students. However, due to funding constraints and staffing challenges, often times these are teachers or other K-12 professionals who are "dual hatting" and fulfilling multiple roles and are not dedicated transition specialists solely focusing on this issue or student group.

Because the transition planning process is most effective the earlier it begins, having a dedicated K-12 specialist is critical to preparing students and their families for the transition from high school to higher education. Dedicated transition specialists should be certified to the Division on Career Development and Transition standards to provide transition planning aligned with national standards: 1) Transition specialist standards; 2) Division on Career Development and Transition accredited programs; and 3) Division on Career Development and Transition certification.

Dedicated transition specialists should also be encouraged to pursue continuing education in disability students such as VCU's Disability Studies Certificate. A critical role of the transition specialist is to make sure parents and students are aware of their rights and responsibilities in K-12 and in higher education, understanding that different laws, policies and procedures apply as specified in VDOE's Critical Decision Points.

Action 3: Higher Education - Provide effective, relevant training to various IHE leadership, instructors and students with disabilities.

HB509/SB21 IHE survey respondents by and large indicated the need for more effective and targeted training on the topic of students with disabilities. The following outlines the training by recipient type. A shared training platform of modules available to all public IHEs ensures consistency and cost effectiveness with the ability to tailor additional training relevant to a specific IHE.

Leadership: Increase awareness from and education of leadership around the risks of non-compliance. Specifically, the legal and potential financial ramifications of such non-compliance. Move from compliance training to full proactive inclusion training. An inclusive approach is necessary to thinking beyond compliance, to the lived experiences of students with disabilities on campus.

All instructors and staff: Complete effective training that highlights and normalizes processes for instructors and staff around accountability, professionalism and empathy – recognizing the power dynamic that exists between instructors/staff and students with the aim to improve the experience of students with disabilities. Training also should cover the grievance and conflict resolution processes with consideration for the relationship between staff/faculty, their respective department and the Disability/Accessibility Services Office with clear and actual consequences and students' rights to bring in Disability Services.

Students with disabilities: In addition to transition planning resources received during high school and leading into college, IHEs should provide the following

training/resources/toolkits to students with disabilities to help them navigate the processes, their roles and rights.

- Self-advocacy coaching for students with disabilities and educating students regarding their rights and responsibilities under the ADA. Here it is important to acknowledge that self-advocacy skills may be impacted by an individual student's disability(ies) but at a minimum should include: contacting the Disability Services Office; participating in the student intake/interview process with the office; and if granted, when to seek help when accommodations are not effective or are not provided by faculty/staff.

- How to apply for the Disability Services intake process at the selected college/university.

- How to request accommodations. This knowledge is an important part so that students know for what they are advocating.

- Grievance and conflict resolution processes.

- Use SCHEV's advisory committee to develop a student "bill of rights" to be accepted at all Virginia public IHEs as a means to protect/empower students while supporting each IHE's internal processes and policies. Disseminate broadly in K-12 and at the IHEs.

- Leverage student groups on campus to raise awareness and help disseminate the above information and offer peer feedback. Using student groups helps to distribute these resources and normalize them.

Recommendation: Obtain additional student input on current IHE processes to establish eligibility for disability services.

While the WG included six students (four current and two recent graduates), it is important to acknowledge the need for ongoing feedback from students. The survey and responses met the intent of the SB21/HB 509 study but does not reflect mass "consumer" input. While the IHEs report using best practices, additional input from students is recommended.

Action 1: Develop a mechanism to obtain additional student input and inform process improvement.

Consider using SCHEV's Disabilities Access to Higher Education Advisory Committee to develop a student survey template for individual IHEs to use and collect (their own) feedback on how their current practices and supports are experienced by students at their IHEs. The student survey should be developed by a group similar to that of the WG with additional student representation. Surveys should be distributed by each IHE for their own use to inform any modifications to processes and policies in order to better serve students.

NEXT STEPS

This report identifies public IHE processes pertaining to eligibility for disability services; existing barriers (for IHEs and students with disabilities); and recommendations to address barriers identified by the WG and the survey of public IHEs. The recommendations include specific actions that can be taken to implement the recommendations. However, in most cases, additional resources are necessary to move them forward.

As the next General Assembly session approaches, legislators might consider how the recommendations in the report can be translated into legislative action. This includes the overarching recommendation: "…in all cases an IEP (updated in the last three years) should be accepted as evidence of a disability. An IEP may not be sufficient to establish eligibility for specific requested accommodations. A student in college may not get the same accommodations they had in high school." All public IHEs should strive for least burdensome best practices such as those included in Appendix B.

ACKNOWLEDGEMENTS

APPENDIX A: PROCESS

HB509/SB21 Workgroup

SCHEV staff issued a SB21/HB 509 workgroup request for members through various SCHEV advisory committees including: the Disabilities Access to Higher Ed Advisory Committee; Instructional Programs Advisory Committee (IPAC); and the Student Advisory Committee (SAC). Virginia Association on Higher Education and Disability (VA AHEAD) and Virginia Higher Education Accessibility Partners (VHEAP) relayed the request for workgroup members through their membership channels.

SCHEV staff invited all of the interested professionals and students to participate in the workgroup (WG) with the breakdown as follows:

a. Eighteen workgroup members in total.

b. One subject matter expert (EdPros expert with decades of experience in K-12, community colleges and public/private higher education institutions in the Accessibility Services space).

c. Three community colleges: Brightpoint, Germanna and Tidewater.

d. Six students (four current students from one community college and three, baccalaureate institutions; two 2024 graduates and former SAC members)

e. Five baccalaureate institutions: James Madison; Mary Washington; Radford; William & Mary and University of Virginia.

f. Two-year and four-year public higher education institutional representation included: Disability Services/Accessibility Services Directors or staff and Americans with Disabilities Act (ADA) coordinators.

g. Two advocacy organization: Association on Higher Education and Disability in Virginia (AHEAD VA), Virginia Higher Education Accessibility Partners (VHEAP) and the Parent Educational Advocacy Center (PEATC).

h. VDOE Special Education/"I Am Determined Project" and Department of Aging and Rehabilitative Services (DARS) representation.

i. Supporting SCHEV staff: Director of Academic Affairs and GEAR UP Regional Coordinator/former special education teacher.

The workgroup convened every other week for a total of six workgroup meetings. Each meeting spanned two hours. A subset of the WG also served as beta testers for the survey.

      j.   Meeting dates: 5/16/24, 6/6/24, 6/24/24, 7/8/24, 7/31/24, and 8/9/24.

      k.   All meetings were recorded and transcribed.

SCHEV staff sought additional input from Disability Access to Higher Education Advisory members, IPAC members, SCHEV Council members and General Professional Advisory Committee (GPAC) members. The latter consists of the public college presidents.

Staff used sections of the "Best Practice Guidelines for Accommodation Practices" document produced by SCHEV's Disabilities Access to Higher Education Advisory Committee as the foundation to define best practices for establishing eligibility for disability services. The full document and the revised WG "Best Practice Documentation Guidelines" can be found in Appendix C.

The WG used the "Best Practice Documentation Guidelines" to derive survey questions for the IHE to understand if and how best practices are used by IHEs and in a level of detail (from AHEAD documentation guidelines; types of pre-existing documentation most frequently considered; factors considered when determining if additional documentation is needed). Additional survey content was developed to glean DSO staff capacity, autonomy, professional development, training along with broader topics of the study bill, campus-wide training and other topics of concern. The full list of survey questions is provided in the section below.

Survey responses informed the outline of this report, identified processes used, barriers and ultimately recommendations to address the barriers.

Survey Form

Survey of Institutional Processes Used to Establish Eligibility for Disability Services

Recent legislation from the Virginia General Assembly (SB21/HB 509) charges the State Council of Higher Education for Virginia (SCHEV) to study the policies and/or processes used by Virginia's public higher education institutions to establish eligibility for accommodations. The full text can be found at: https://lis.virginia.gov/cgi-bin/legp604.exe?241+sum+SB21.

"Pathways to Opportunity," Virginia's Plan for Higher Education, identifies three goals, the first of which is to "close access and completion gaps...and remove barriers to access and attainment for...students with disabilities." To that end, and in alignment with the broader work of SCHEV's Disabilities Access to Higher Education Advisory Committee and charge of SB21/HB509, SCHEV seeks to identify processes and barriers to establishing eligibility for disability services to ensure equality of access and opportunity for students with disabilities.

SCHEV, in consultation with a workgroup comprised of public institutions, disability services professionals, college students and disability advocacy organization representatives, developed the following survey form to identify the processes each public higher education institution uses to establish eligibility for disability services.

Aggregated survey responses will be used to identify common processes of and current barriers to establishing eligibility for disability services which will inform the workgroup's recommendations in SCHEV's report due to the General Assembly by October 1, 2024. Equally important, this form offers a mechanism for disability services professionals to articulate current challenges as well as concerns regarding uniform disability services eligibility determination.

For responses to questions that request a web link, please include the hyperlink in the comments section. If the requested information exists as a document, not a web link, please email such to emilysalmon@schev.edu by the submission deadline (July 29).

All responses (one per institution) are due by July 29, 2024.

* Required

The following questions are about the processes your institution uses to establish eligibility for disability services.

1. Does your institution have a policy, procedure or guidelines regarding how to document/establish the need for accommodations? *

   ◯ Yes

   ◯ No

2. If yes, is your institution's policy/procedure/guidelines publicly available to students/families on the IHE/Disability Services Office or other webpage(s)? *

   ◯ Yes

   ◯ No

3. If yes, provide the link to your institution's policy/procedure/guidelines in the space below OR if available only as a document indicate such below and email the document to emilysalmon@schev.edu. *

   [   ]

4. To what extent does your institution rely on the following documentation guidelines from AHEAD when determining eligibility for disability services? https://www.ahead.org/professional-resources/accommodations/documentation *

	Very heavily	Somewhat heavily	Neutral	Somewhat lightly	Very lightly	Not at all
Student Self-report	○	○	○	○	○	○
Observation and Interaction	○	○	○	○	○	○
Information from external/third parties	○	○	○	○	○	○

5. Use the space below if you want to provide additional comments related to the preceding question.

[ ]

6. For each type of pre-existing documentation listed below, please indicate how frequently it is considered by your institution when establishing eligibility for disability services. *

	Always	Most of the time	Sometimes	Rarely	Never
IEP or 504 Plans	○	○	○	○	○
Accommodation letter from prior college/university	○	○	○	○	○
Vocational rehabilitation evaluations or reports	○	○	○	○	○
Documentation from other credentialed professionals	○	○	○	○	○

7. Use the space below if you want to provide additional comments related to the preceding question.

[ ]

8. How frequently are each of the below considered by your institution when determining if additional documentation is needed to establish the need for disability services? *

	Always	Most of the time	Sometimes	Rarely	Never
Dates of the evaluation and the nature of diagnosis	○	○	○	○	○
Relevance of the evaluation given the nature of the diagnosis	○	○	○	○	○
Burden on the student to obtain updated documentation	○	○	○	○	○
Appropriateness of the documentation on a case-by-case basis	○	○	○	○	○

9. Does your institution provide temporary support to students waiting to receive new or additional disability documentation? *

○ Yes

○ No

10. If you answered yes to the preceding question, provide a brief description of how temporary support to students waiting to receive new or additional disability documentation works at your institution.
*

11. How frequently is final determination of eligibility for disability services made by the disability services office (or equivalent) at your institution? *

○ Always

○ Most of the time

○ Sometimes

○ Rarely

○ Never

12. If your institution's disability services office does not always make the final determination of eligibility for disability services, what entity makes the decision?

The next few questions are about your institution's required training related to establishing the need for disability services.

13. How would you describe the training your institution provides to Disability Services staff on how to understand and interpret information from the following forms of documentation?

	Exemplary	Sufficient	Somewhat sufficient	Insufficient
IEP or 504 plans	○	○	○	○
Accommodation letter from prior college/university	○	○	○	○
Vocational rehabilitation evaluations or reports	○	○	○	○
Documentation from other credentialed professionals	○	○	○	○

14. Does your institution pay for Disability Services staff membership at relevant national and state professional development organizations (e.g., AHEAD, AHEAD-VA, VHEAP, etc.,)? *

○ Yes

○ No

15. What kind of training, professional development, and/or continuing education does your institution provide Disability Services staff (all levels of staff)? *

16. What kind of financial support does your institution provide for the training referenced in the preceding question. *

17. Does your institution require that all employees in an instructor role (e.g., faculty, adjunct faculty, teaching assistants) complete training regarding their role in accommodating students with disabilities? *

○ Yes

○ No

18. Use this space to provide more information regarding your response to the preceding question.

19. Use this space below to share any comments, concerns or questions pertaining to the purpose of SB21/HB509.

20. Use the space below to share anything you would like SCHEV to know about your institution's challenges and/or successes in establishing eligibility for disability services.

The next few questions are about who in your office/at your institution is submitting this survey.

21. Name of your institution *

22. Name of individual responsible for the survey responses/form submission *

23. Title of individual responsible for the survey responses/form submission. *

24. Office/Dept. of the individual responsible for the survey responses/form submission *

25. Email address of the person identified above/individual responsible for the survey responses. *

Survey Responses

The following summarize the aggregated survey responses in text and graphic formats.

Summarized results

Disability/Accessibility Services staff overwhelmingly responded to this effort; provided input on the study bill via the WG's survey, shared their respective institutional practices; and sought to elevate the issues faced by students with disabilities.

1. Disabilities/Accessibility Services staff from the four-year and two-year public institutions in Virginia were responsive to SCHEV's survey request. The 95% response rate suggests that respondents want to elevate this topic and offer recommendations to better meet the needs of students.

Summary: As of July 30, SCHEV received 37 responses broken down as follows:

- Total pool of potential respondents = 23 community colleges + 16 four-year publics + Richard Bland = 39

- Only two public institutions of higher education (IHEs) did not respond.

- Every single community college submitted a survey.

By and large, public IHEs report following best practices (i.e., AHEAD documentation guidelines), establishing formal, consistent processes that are publicly accessible and account for meeting students' unique needs/circumstances. (Flexibility is key.)

2. All responding IHEs report having policies/procedures/processes in place regarding how to establish the need for accommodations. And of those responding IHEs, all but four provide documentation on the processes for establishing the need for accommodations/disability services on their websites.

3. Respondents report relying heavily or somewhat heavily on AHEAD's documentation guidelines when determining eligibility for disability services. Most notably, "using student self-report" ranked the highest in terms of percentages including heavily/somewhat heavily (92%).

4. Using AHEAD's documentation guidelines, respondents indicated taking a holistic approach given that each student's request is unique. Therefore, reliance on documentation can vary based on the individual situation. IHEs note that striving for best practice is the gold standard; imposing uniform processes can be to the detriment of students and individual circumstances.

5. The most frequently considered pre-existing documentation when establishing eligibility for disability services was reported to be a) documentation from other credentialed professionals followed by b) IEPs and 504 plans. IEPs/504 Plans, as well as vocational rehabilitation evaluations, are reviewed but pose unique challenges in terms of relevance such as:

   a. Date of IEP/504 plans that may not reflect evolving conditions/circumstances.

   b. Relevance of Vocational Rehabilitation Evaluations (VREs) – primarily used for career goals and placements.

   c. When reviewing pre-existing documentation, 92% of respondents report considering its appropriateness on a case-by-case basis (at least most of the time) and 78% consider its relevance given the nature of the diagnosis (at least most of the time).

6. All but eight surveyed IHEs report offering temporary support to students waiting to receive new or updated documentation to establish the need for disability services/accommodations.

   a. Most of those that provide temporary supports do so, on average, for a semester.

Most disability/accessibility services offices have the autonomy/authority to make final determinations and provide sufficient training to their staff regarding documentation.

7. It was reported that 92% of offices always make the final determination in terms of eligibility for disability services with the exception of IHEs that engage others based on specific degree/certification programs or with student affairs leadership.

8. Fifty-four percent of respondents indicated their disability services staff receive sufficient training to understand/interpret various information from various forms of documentation.

9. 95% of respondents pay for relevant professional development, memberships (i.e. AHEAD, AHEAD VA, VHEAP, etc.,) and have annual budgets for such. However, it is not always sufficient to meet all staff needs.

While not a focus of the study bill, the area most consistently identified for improvement (both within the survey responses; at AHEAD VA/VHEAP meetings; and SCHEV advisory committee meetings) is the need for all staff, in particular all those in instructor roles, to receive required training about their role(s) in accommodating students with disabilities.
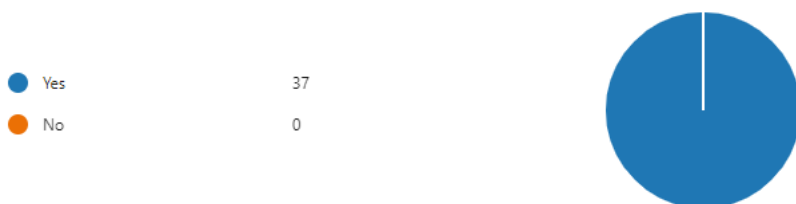
10. Sixty-eight percent of respondents indicated that their IHE did not require training for those in instructor roles about their role(s) and responsibilities in accommodating students with disabilities.

11. Brief, annual training may not be enough – need to "change minds/shift the paradigm."

12. Consider import of ADA compliance and adverse effects when in non-compliance.

Specific feedback on SB21/HB 509 centered on two key topics:

- Accessibility professionals find it useful to have guidelines to establish processes for removing barriers and determining eligibility. However, the workgroup and five survey respondents explicitly expressed the opinion that guidelines should not constitute a required process. Only one survey respondent explicitly indicated support for uniform processes. A "one size fits all" approach is not appropriate and would not best serve all students. Regardless, processes should reflect least burdensome practices, for both the student and the Disability Services professionals.

- The transition from high school to college for students with disabilities needs to be addressed. K-12 special education laws, policies, procedures and supports differ vastly from those in higher education. Adequate preparation and expectation setting of students and families will help them know what to expect and how to navigate seeking support in higher education. Students and families need to understand the differences between special education in high school and disability accommodations in college including: different governing laws, parental involvement and expectations, as well as policies, processes, rights and grievance procedures. Resources should be dedicated to better prepare students and families for these differences and to navigate the accommodations processes in colleges This is perhaps the biggest barrier students entering higher education face.

Graphic summary

1. **Does your institution have a policy, procedure or guidelines regarding how to document/establish the need for accommodations? ***
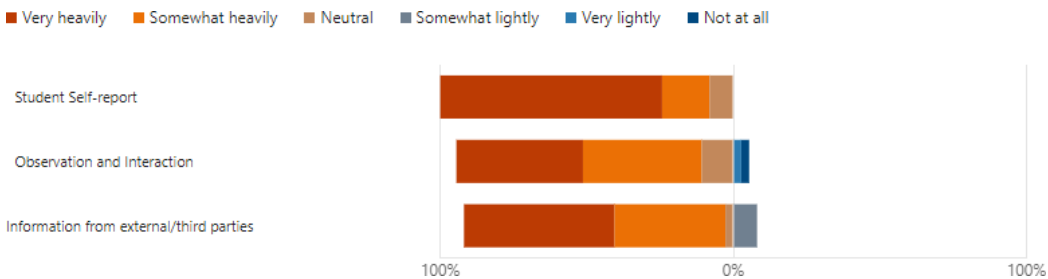

● Yes	37
● No	0

2. **If yes, is your institution's policy/procedure/guidelines publicly available to students/families on the IHE/Disability Services Office or other webpage(s)?**

Yes	33
No	4

3. **If yes, provide the link to your institution's policy/procedure/guidelines in the space below OR if available only as a document indicate such below and email the document to emilysalmon@schev.edu. ***

   Weblinks and emailed documents provided.

4. **To what extent does your institution rely on the following documentation guidelines from AHEAD when determining eligibility for disability services?** https://www.ahead.org/professional-resources/accommodations/documentation *

   ■ Very heavily ■ Somewhat heavily ■ Neutral ■ Somewhat lightly ■ Very lightly ■ Not at all

   Student Self-report
   Observation and Interaction
   Information from external/third parties

   100%   0%   100%

5. **Use the space below if you want to provide additional comments related to the preceding question.**

   Comments about following AHEAD guidelines/best practices; case-by-case evaluation and the potential need for new documentation if the existing is more than three years old.

6. **For each type of pre-existing documentation listed below, please indicate how frequently it is considered by your institution when establishing eligibility for disability services. ***
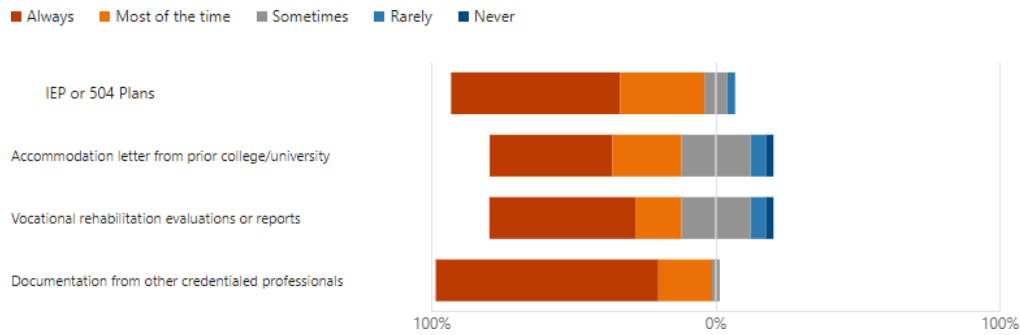
Use the space below if you want to provide additional comments related to the preceding question.

"All documentation is always reviewed or considered but may not always support a specific accommodation request and/or more information/documentation may be needed depending on the situation."

"We would rarely, if ever, reject a student's document - but some are more useful than others."

"IEP's from childhood do not always reflect current level of functioning (adult normed scales), so I like to get more information- if it's a 504, I go straight to securing medical documentation. I definitely appreciate Voc. Rehab evaluations (DARS) and documentation from credentialed professionals."

8. **How frequently are each of the below considered by your institution when determining if additional documentation is needed to establish the need for disability services? ***

9. **Does your institution provide temporary support to students waiting to receive new or additional disability documentation? ***

●	Yes	29
●	No	8
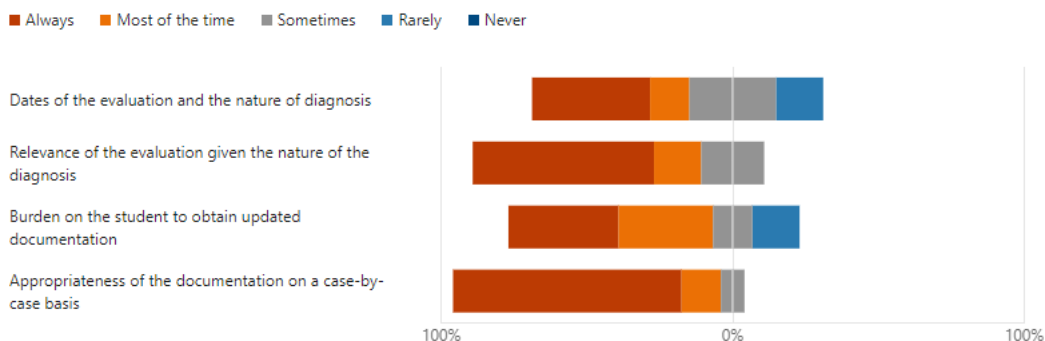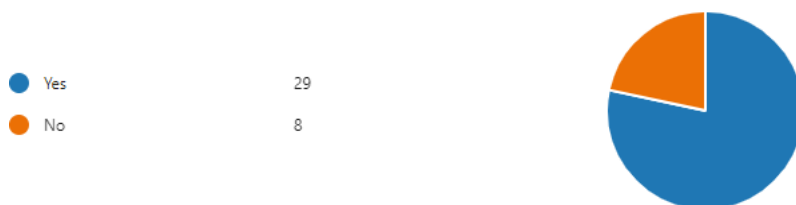
10. **If you answered yes to the preceding question, provide a brief description of how temporary support to students waiting to receive new or additional disability documentation works at your institution.**

   "Typically if given enough self-report and (if appropriate) observational evidence, we would provide provisional accommodations typically up to one semester (with some leeway on the timeline depending on the situation)."

11. **How frequently is final determination of eligibility for disability services made by the disability services office (or equivalent) at your institution? ***

●	Always	34
●	Most of the time	2
●	Sometimes	0
●	Rarely	0
●	Never	1

12. **If your institution's disability services office does not always make the final determination of eligibility for disability services, what entity makes the decision?**

"The Office ...may not always be the office that makes the final determination of eligibility for disability services. Certain disciplines and/or certification programs may face challenges in granting disability services due to various reasons." - Most of the time

"With special cases, sometimes the decision will be a joint effort between the office, faculty member, dean, and other relevant members of administration. This is typically when a student requests an accommodation and we want to go through the interactive process to determine a reasonable alternative." - Most of the time

"All documentation comes from third parties." - Never

13. How would you describe the training your institution provides to Disability Services staff on how to understand and interpret information from the following forms of documentation?

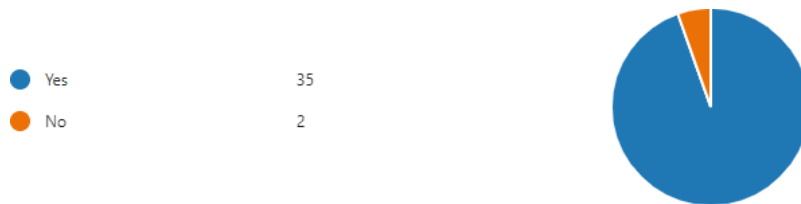**14.** Does your institution pay for Disability Services staff membership at relevant national and state professional development organizations (e.g., AHEAD, AHEAD-VA, VHEAP, etc.,)? *

● Yes	35
● No	2
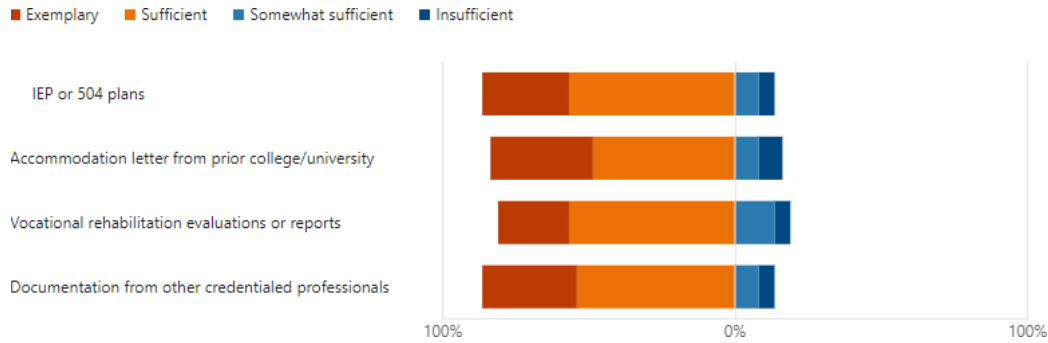
15. What kind of training, professional development, and/or continuing education does your institution provide Disability Services staff (all levels of staff)? *

Most frequently cited AHEAD, AHEAD VA and VHEAP.

16. What kind of financial support does your institution provide for the training referenced in the preceding question. *

Most respondents indicated a professional development budget per staff including travel and support for staff to attend.

17. Does your institution require that all employees in an instructor role (e.g., faculty, adjunct faculty, teaching assistants) complete training regarding their role in accommodating students with disabilities? *

● Yes	12
● No	25
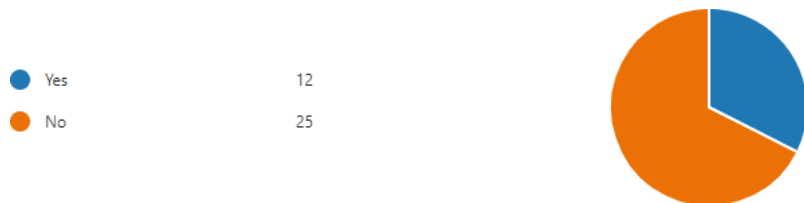
18. Use this space to provide more information regarding your response to the preceding question.

Training is generally not mandatory, not sufficient.

19. Use this space below to share any comments, concerns or questions pertaining to the purpose of SB21/HB509.

"My only concern would be that the legislature understand that for the most part, institutions that have kept up with best practices - eligibility for students is rather high. The nuance is that accommodation requests are becoming more and more complex (requests for ESAs, Single Rooms, Flexible attendance and remote attendance) and the documentation required (third party and other forms of documentation) does become more imperative. I caution the legislature not to conflate eligibility and actual accommodation approval. 90% of students who come through our office would be considered eligible, but some accommodations are still not going to be supported even though they are in fact students with disabilities. In some cases - if they are only requesting one of those nuanced accommodations and the request is denied - it may appear as a denial of eligibility but that is NOT the case."

"I think it would be useful to have guidelines to establish processes for removing barriers and determining eligibility, however my concern is that this not result in a required process. I don't think a "one size fits all" approach for all colleges and universities would work or should be considered appropriate."

20. Use the space below to share anything you would like SCHEV to know about your institution's challenges and/or successes in establishing eligibility for disability services.

"...do not always believe we have our executive staff's support, or more like consideration and understanding of students with disabilities. I do not think administration does not care, I just think they do not think about it, and it can be inconvenient to buy accessible technology or build buildings that are more than ADA compliant. My department does an excellent job of removing as many barriers as possible but until staff and faculty are held accountable for refusing or ignoring accommodations, we will always be fighting an uphill battle."

"...Case Management Handbook is a great resource. Highly recommend other offices develop one - this may be a place where SCHEV could cooperate in the development of a somewhat standardized one."

"Shared training sites/resources across institutions."

"More mandatory training."

"Funding for more staff."

"Due to the rural location of the college, it is difficult for students to get official disability assessments in our service region. Most students travel outside the service region for an evaluation."

"One of our largest challenges is up-to-date documentation from the Public High Schools. Many schools systems choose to re-affirm previous documentation year after year, without any further testing."

"...Lack of documentation for adult learners."

"Our challenge is the ability to use AI as an accommodation for students, funding for professional development, campus culture regarding accommodating students with disabilities and accessibility."

"Higher Education challenge would be educating students and parents on the difference between K-12 (High School) and Higher Education in assisting students in taking "Responsibility" for leading their team and the student learning to advocate for themselves."

APPENDIX B: RELEVANT RESOURCES

The following resources include information relevant to the issues identified in this report.

Disabilities Access to Higher Education Advisory Committee Action Plan

SCHEV's Disabilities Access to Higher Education Advisory Committee produced an action plan in 2022 to identify priority goals to undertake in the short term. The first item of focus resulted in the development of "Best Practice Guidelines for Accommodation Practices" (December 2023). The committee is currently refining a companion review tool for voluntary internal use by IHEs to determine whether or how an IHE aligns with best practices and to garner leadership support for any changes to better align.

Best Practice Guidelines for Accommodation Practices

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Best Practice Guidelines for Accommodation Practices for Students with Disabilities at Virginia Public Higher Education Institutions

Background

The premise for this document originated from SCHEV's Disabilities Access to Higher Education Advisory Committee (the committee) input and identified priorities.

Specifically, the committee's **Action Plan to Address Higher Education Barriers faced by Students with Disabilities** identifies both access and success goals to develop guidelines for accommodation practices, including but not limited to:

1. standardized testing;
2. enhanced consistency across and within institutions;
3. regulatory relief for students' utilization of accommodations thereby reducing barriers to access and success; and
4. systematized information about accommodations.

The committee prioritized the development of these guidelines as part of the larger effort to implement the action plan. The overarching intent is to meet the needs of students with disabilities in higher education.

The guidelines offered here are intended to clarify, promote and enable best practices in the field of disability access and accommodations and not a substitute for any compliance framework(s) to which institutions of higher education may be subject.

Need

Attendance Rates

Students with disabilities attend post-secondary institutions at a considerably lower rate than their non-disabled peers, partly because of the numerous additional hurdles they must clear before enrolling. The first potential impediment for student access and enrollment is standardized testing itself. Although testing companies are required by law to offer accommodations, actually receiving an accommodation from a testing company for a disability can be a difficult process for students. And if a student fails to negotiate that process successfully, it can mean the difference between accessing and

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not accessing higher education at all.

Evaluations

Another potential barrier for students with disabilities can be the cost of evaluations. After high school, a student may be required to obtain new disability documentation, which can run upwards of several thousand dollars, and require a significant investment of time and effort. Moreover, documentation requirements vary across, and sometimes within, institutions. There can also be wide discrepancies in the ability of families to bear the costs of documentation; the evaluations administered by medical or educational professionals; and insurance coverage limitations not to mention families' relative capacities to navigate institutional bureaucracies.

Documentation

In addition to the lack of standardized admissions documentation requirements, there is a disconnect between the K-12 and higher education systems for assisting students with transitions. Perhaps the most difficult barrier for students and families is the lack of information about accommodation requirements, transition services and specialized programs, which can severely limit the educational opportunities for this population. Improved access and success for students with disabilities could result from strengthened partnerships that improve transition (high school to college) services and the provision of information about available resources and programs.

Purpose of the Guidelines

These guidelines are intended to support equality of opportunity and access for students with disabilities both in comparison to all students and across institutions. Such purpose aligns with SCHEV's codified responsibilities.

(https://law.lis.virginia.gov/vacode/title23.1/chapter2/section23.1-203/) including, but not necessarily limited to:

1. "Advocate for and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth" (23.1-200).

2. "Develop a statewide strategic plan that…emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate" (23.1-203, Duty #1).

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3. "Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollment, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities, and such other areas as the Council deems appropriate" (23.1-203, Duty #9).

4. "Study the operations of each public institution of higher education at such times as the Council deems appropriate and conduct such other studies in the field of higher education" (23.1-203, Duty #13).

5. "Serve as the coordinating council for public institutions of higher education" (23.1-203, Duty #24).

6. "Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public institution of higher education in carrying out its duties" (23.1-203, Duty #27).

SCHEV's current statewide strategic plan for higher education, *The Pathways to Opportunity Plan*, seeks to achieve an inclusive vision, "Best State for Education," and equality of opportunity through removing barriers to access and attainment for all students, and explicitly references students with disabilities. The guidelines promulgated here are also supportive of Governor Youngkin's Executive Order 10 (2022), which assigns to Virginia's Chief Diversity, Opportunity & Inclusion Officer the responsibility "to expand entrepreneurship and economic opportunities for disadvantaged Virginians, **including Virginians living with disabilities**."

Principles

SCHEV via the Disabilities Access to Higher Education Committee established these accommodation guidelines based on the following principles:

1. **Shared Definition of Accommodation Practices**: Commonly define accommodation practices as an adjustment to a course, program, policy, service or activity that enables a qualified student with a disability to have an equal opportunity to access and use benefits, privileges and services that are available to a similarly situated student without disabilities and that doesn't compromise the integrity of the course or required content of the course. (Source: Oregon State University).

2. **Equality of Opportunity**: Ensure students with disabilities have equal opportunity as students without disabilities to access programs, benefits and services across institutions.

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3. **Equality of Access**: Provide "equality of access." Enable students with disabilities to take advantage of the same opportunities available in the higher education system to students without disabilities. Identify and remove disability-related barriers through funding, staffing, program adjustments and other efforts such as ensuring physical access. Seek student input to identify barriers to access and success in higher education.

4. **Least-Burdensome Practices**: Minimize burdensome practices that leads some students to give up seeking access to or completing higher education.

5. **Baseline Expectations:** Recognize that practices and operations are institutional responsibilities, but institutions shall <u>at a minimum</u>:

   a. Conduct a review of current policies, practices and opportunities for consistency with these Guidelines.

   b. Develop a clear, accessible public facing statement of the rights and resources available to students with disabilities. Seek Board of Visitors adoption of a policy on student accommodation practices in accord with these guidelines to steward better practices and "equality of access and opportunity" for students with disabilities.

   c. Require annual foundational compliance training for all college employees and new hires on Section 504, the Americans with Disabilities Act (as amended), and college guidelines and practices related to accommodations for students with disabilities. Leverage any existing resources to the extent possible (i.e., DARS and UVA training materials).

   d. Incorporate information on accommodations into practices and processes specific to each Virginia institution. (i.e., incorporate into DEI training).

6. **Academic Integrity:** Ensure that accommodations provided to students with disabilities do not lower academic standards or compromise the integrity of an academic program.

7. **Inclusive Environment:** Create an environment that is welcoming to all students, environmentally, programmatically and socially in which students with disabilities feel included in all aspects of the higher education experience. Institutions should identify and address academic, environmental, and attitudinal barriers that students with disabilities face, such as:

   a. physical accessibility (e.g., a lack of accessible furniture in the classroom; location of classes; steps no elevators);

   b. digital accessibility (e.g., a lack of captioning on videos); restrictive policies (e.g., a course attendance policy that poses a challenge for a student with a chronic health condition); or

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    c. attitudinal barriers, including myths and stereotypes, and a lack of awareness and understanding about different disabilities and disability culture. (See AHEAD White Paper: professional-resources/white-papers-guiding- documents/intellectual-disabilities-white-paper)

Institutional Best Practice Guidelines for Accommodation Practices

Institutions should use the "Best Practice Guidelines for Accommodation Practices" to review institutional policies and bring any changes as a result of these guidelines to their Board of Visitors for approval/endorsement.

Admissions Guidelines

Standardized Testing/Admissions Requirements

1. With test-optional, what do institutions require besides high school transcripts, letters of recommendation and essays? K-12 uses portfolios in place of standards of learning (SOLs) for some students with disabilities. Consider other admissions documents/materials beyond transcripts and letters of recommendation.

    a. Placement tests

    b. Standardized tests or alternatives

    c. Placement or self-enrollment in developmental or college-level classes with access to additional remediation and support services.

2. What courses do Virginia IHEs require for admissions? What are the appropriate course requirement accommodations for students with disabilities so that they can meet those admissions requirements? Where and how are these requirement communicated to students, parents and high schools?

    a. For example, for a specific learning disability, when there is an unnecessary burden, can an alternative course fulfill this requirement or can the institution allow an exception if they take the SAT/ACT and their scores match the average profile of a freshman at the institution?

    b. What are the options and do they apply to all schools?

    c. An example is the foreign language requirement or the equivalent.

Admissions Website and Campus Tours

1. Admissions tours and admissions websites should include information about the entrance process for students with disabilities (e.g., provide them with information regarding when and how they should apply for accommodations and

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include this on the admissions webpage). This should include information as outlined in the previous section on page 5 (standardized testing and admissions requirements).

2. The admissions office webpages should provide information on existing accessibility on the campus, in programs, in accommodations as well as how to ask for accommodations so that students can decide whether they want to tour or apply. Information, at a minimum should include:

    a. Accessible parking.
    b. Accessible routes
    c. How to request accommodations for campus visits and programs (e.g. orientation)
    d. Statement explaining the institution's commitment to accessibility and inclusivity.

3. The admissions office webpages should refer as well to the disability services webpage(s).

4. The disabilities office webpage should include links, at a minimum, to:
    a. Academic advising
    b. Athletics
    c. Financial aid
    d. Student life
    e. Resident life
    f. Health services
    g. Counseling services

Include reference to level of service provided by IHE as specified below.

Best Practice Guidelines for Accommodation Practices for Students with Disabilities at Virginia Public Higher Education Institutions

Levels of Services Offered by Colleges

Level of Services	Description
Level 1	Schools that provide only what is required by the law offer basic (sometimes referred to as **compliance-level** or **compliance-only**) services, meaning that their services meet only the minimum that the law requires.
	Level 1 services typically include only those required by law in order to provide "access" (Banerjee & Brinckerhoff, 2009; Elksnin & Elksnin, 2009; McGuire, 2009).
	This means that they provide basic accommodations such as extended time for exams or permission to record lectures, but don't typically offer what might be seen as "services" (e.g., special tutoring or special advising)
Level 2	Level 2 includes Level 1 plus the following:
	Colleges providing Level 2 services may offer special classes or workshops in study skills and time management.
	They may have a full-time staff member training students to use assistive technology (AT) or offer one-on-one time with a learning specialist or academic coach to help students learn study strategies, gain an understanding of their learning profiles, develop self-advocacy skills, and use compensatory techniques – typically for free.
Level 3	Level 3 includes the prior levels and expanded fee-for-service programs that may include content-area tutoring, academic coaching, or specialized academic or career advising. These specialized programs can cost several thousand dollars a semester in addition to baseline college costs.

Documentation Guidelines

1. Adopt least burdensome documentation protocol necessary to establish appropriateness of accommodation. Base this protocol on universally accepted documentation guidelines from AHEAD as outlined below.

2. Offer some form of temporary support or accommodation to students while waiting to receive documentation. This could include a "trial run" of the accommodation requested in action, allowing the case manager to assess burden and feasibility as well as see the student's struggles in action.

3. Consider the date(s) of the exam and diagnosis as well as the burden on the student to obtain updated documentation. The documentation should be relevant to the accommodation being requested.

4. Provide examples in required training (page 4 under baseline expectations)

5. Universally accepted, least burdensome documentation guided by https://www.ahead.org/professional-resources/accommodations/documentation:

6. Primary documentation: Student self-report

7. Secondary documentation: Observation and interaction

8. Tertiary documentation: Information from external and third parties

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9. Ability to utilize any (components of) pre-existing documentation (i.e., Student Individualized Education Program/IEP or 504 plan as documentation of a disability that requires accommodation).

10. In addition to AHEAD-specified guidance, include under allowed sources of professional judgement: Vocational Rehabilitation Counselors and Evaluators and their documentation as acceptable tertiary proof for higher education accommodations. Consider also including/accepting disability and accommodation information/recommendations from certain credentialed professionals including Certified Rehabilitation Counselors (CRCs) and Certified Vocational Evaluators (CVEs).

11. Note the appropriateness of documentation may differ on a case- by-case basis (i.e. visible disability as clear case for using solely, primary or secondary levels of documentation).

12. Allow transferability of documentation from one school to the other in the case of transfers. For example, a sample accommodation notification memo document to consider as a basic template.

Accommodation Guidelines

1. Implement practices to reduce the burden on students to establish and utilize accommodations, such as:

    a. Comprehensive trainings or other educational sessions for faculty so they are aware of students' rights to accommodations and can direct them to the right points of contact/offices on campus to request accommodations. Identify the entity that will be responsible for developing and providing the training and how consistency (recognizing some variability) across institutions will be achieved.

    b. Universal training for faculty on their responsibility to provide reasonable accommodations for students with legitimate requests unless it creates an unreasonable burden on the faculty member. Training should be provided on an annual basis.

        i. What the accommodations could/should entail with the recognition that no one listing can provide all of the accommodations that a particular student may need as it is individual to that student. Institutions need to be flexible in this regard.

        ii. Training should explain and provide clear examples of what constitutes undue burden and the process of what should be done in cases where it is found to be an undue burden.

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        iii. How to achieve those accommodations in adherence with the principles set forth in this document (pages 3-4).

    c. Establish some form of standard accommodation documentation memo between students and faculty for use across an institution. Remove intra-institutional disparities, i.e., where some schools have more generous policies than others do, go to the <u>highest</u> common denominator. (This is an equity issue.)

2. Consider adoption of standardized (or at least core components of), accommodation notification memo across all public institutions.

3. Provide a dedicated, comprehensive web resource on accommodations as part of each institution's web presence to include, at minimum:

    a. Definition of what constitutes "accommodation practices."

    b. Links to the institution's accommodations documentation forms, policies and procedures and personnel.

    c. Information on the availability and location of equipment and technology useful to students with disabilities.

    d. Accessible wayfinding information.

    e. Dispute resolution/complaint procedures.

    f. Student rights (under the law) and in the IHE, including appeal rights if accommodations are denied.

    g. Self-advocacy resources to help students feel comfortable in asking for needed accommodations.

    h. Links to available resources/supports across the institution and any additional, critical external resources. For example, PEATC provides a resource that identifies specific programs at colleges for students with disabilities. https://peatc.org/wp-content/uploads/2022/02/Specialized-College-Programs-in-Virginia-for-Students-with-Disabilities.pdf

    i. Section of information for parents: How to request access to information (student permission required for parent access unless the parent has legal paperwork giving them access rights) and any parent-specific resources for helping their child advocate for accommodations.

    j. Accommodation resources, information translated in various languages to ensure equality of access for English language learners.

    k. Section of information for faculty, including information about the student accommodation process and the faculty rights/responsibilities in this

Best Practice Guidelines for Accommodation Practices for Students with Disabilities at Virginia Public Higher Education Institutions

process.

4. Expound on each accommodation practice as per the above definition and establish the fundamental guidelines for each area, where appropriate with the recognition that no list can be all-inclusive.

Guidelines for Inclusion at Virginia's Higher Education Institutions

1. Establish a students with disabilities advisory committee and consult with it (at minimum) annually on the effectiveness of student supports and potential improvements.

2. Include representation from students with a variety of disabilities and chronic conditions ranging from: visible disabilities, mild to severe disabilities, varying levels of ability to invisible disabilities and presence of condition (cyclical vs. constant).

3. Consider peer-mentoring programs as a research-based effective practice for improving graduation rates for students with disabilities (SWDs) as well as reducing the stigma on campus for SWDs. This could be an action item for the SWDs advisory committee if they are located at the IHE.

4. Incorporate student input on what they feel the barriers are via a focus group, survey etc.

5. Develop a disability identity/culture so that students feel a sense of belonging as it relates to their disability identity and so it does not serve as a barrier to access or success.

6. In addition to the compliance work of Disabilities Services offices at the institution, institutions should support the funding and staffing required to ensure that disability is included in all diversity, equity and inclusion efforts. This could include establishing a central access fund to address accessibility issues vs. funding taken from a departmental budget.

7. Encourage IHEs to foster disability as an aspect of diversity with programming to enhance the sense of belonging for students with disabilities. Doing so will develop community and ally-ship, which will positively impact the student experience.

8. Foster accessibility and inclusion within student organizations on campus. This includes training on accessibility for leadership and administrators and establishing accessibility guidelines for community/campus events.

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SCHEV Actions in Support of Guidelines

SCHEV offers to take the following actions in support of the accommodation guidelines as defined in this document:

1. SCHEV, via the Disabilities Access to Higher Education Advisory Committee, will develop an assessment tool for institutions to conduct their own internal review of current policies, practices and opportunities for consistency with these Best Practice Guidelines. The self-assessment can help identify institutional strengths, best practices, areas for improvement and steps needed to better align with the "Best Practice Guidelines for Accommodation Practices" document (this document).

2. Include on SCHEV's dedicated webpage, links to each institution's dedicated webpages for accommodations (as specified above).

    a. Include also: PEATC provides a resource that identifies specific programs at colleges for students with disabilities. SCHEV can share it. https://peatc.org/wp- content/uploads/2022/02/Specialized-College-Programs-in-Virginia-for-Students- with-Disabilities.pdf and https://peatc.org/wp-content/uploads/2022/02/4-Year-College-Disabilty-Support-Services.pdf

    b. Dissemination of SCHEV's 2-year and 4-year access work and video series to advisory committee members and other appropriate points of contact.

3. Seek SCHEV's Student Advisory Council (SAC) representation on SCHEV's Disabilities Access to Higher Education Advisory Committee.

Best Practice Guidelines for Accommodation Practices for Students with Disabilities at Virginia Public Higher Education Institutions

Appendix

Sample Template Accommodation Memo (for example only - does not encompass all accommodations).

HAMBLET
UNIVERSITY

DISABILITY SERVICES OFFICE

123 Administration Building | Anycollege, USA | 999.555.0000

LETTER OF ACCOMMODATION

Student Name: _____ Semester: _____

Today's date: _____ Valid from: _____ through: _____

Federal legislation including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 state that academically qualified students with disabilities must be reasonably accommodated in instruction and academic assessment. A disability is legally defined as a physical or mental impairment substantially limiting one or more major life activities.

This letter verifies that the above-named student has undergone a needs assessment with Disabilities Services and it was determined that he/she has a disability requiring the academic accommodations or services listed below.

The accommodations checked below are those to which this student is entitled:

☐ Extended testing time

☐ Reduced-noise testing environment

☐ Word processing for essay tests

☐ Note taker

☐ Use of device for recording lectures

☐ Interpreter, ASL, for lectures and oral exams

☐ Electronic books or books on tape

DS accommodations are intended to provide equal access as required by law. Revisions to accommodations may occur pending additional information, changes in disability status, or by periodic review. Faculty is encouraged to work collaboratively with the student and to seek support from DS as needed. Please contact DS with questions or concerns regarding the provision of accommodations and services.

Sincerely,

DS Coordinator
Hamblet University

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WG Best Practice Documentation Guidelines

The WG used the "Best Practice Guidelines for Accommodation Practices" as the starting point when determining best practices for purposes of the study and survey of IHEs. The WG made material and non-material edits below. These edits will be presented to the Disabilities Access to Higher Education Advisory Committee in October for inclusion in an updated "Best Practice…" document.

"Best Practice Guidelines" Principles to undergird this effort – WG Adopted 6/6/24

<u>Principles</u>

1. **Shared Definition of Accommodation Practices:** Commonly define accommodation practices as an adjustment to a course, program, policy, service or activity that enables a qualified student with a disability to have an equal opportunity to access and use benefits, privileges and services that are available to a similarly situated student without disabilities and that doesn't compromise the integrity of the course or required content of the course. (Source: Oregon State University).

2. **Equality of Opportunity:** Provide "equality of opportunity." Enable students with disabilities to take advantage of the same opportunities as students without disabilities, to include programs, benefits, services and experiences across and within institutions. Equality of opportunity extends beyond accessibility and involves identifying and removing barriers through creating a culture of inclusion and acceptance of disability, as well as support from higher education leadership.

3. **Equality of Access:** Provide "equality of access." Ensure students with disabilities have equal opportunities as students without disabilities to access programs, services, and experiences across and within institutions. Identify and remove disability-related barriers, both physical and otherwise, through funding, staffing, program adjustments and other efforts to ensure access and ADA compliance.

4. **Least-Burdensome Practices:** Minimize burdensome practices that lead some students to give up seeking access to or completing higher education.

5. **Baseline Expectations:** Recognize that practices and operations are institutional responsibilities, but institutions shall at a minimum:

   a. Seek student input to identify barriers to access and success in higher education via an established, ongoing mechanism (e.g. student advisory committee).

b. Conduct a review of current policies, practices and opportunities for consistency with these guidelines.

c. Develop a clear, accessible public-facing statement of the rights of and resources available to students with disabilities. Seek Board of Visitors adoption of a policy on student accommodation practices in accordance with these guidelines to steward better practices and "equality of access and opportunity" for students with disabilities.

d. Require foundational compliance training for all college employees, including adjunct teaching faculty, as well as student employees, on Section 504, the Americans with Disabilities Act (as amended), and college guidelines and practices related to accommodations for students with disabilities.

e. Incorporate information on accommodations into practices and processes specific to each Virginia institution (i.e., incorporate into DEI training).

6. Academic Integrity: Ensure that accommodations provided to students with disabilities do not lower academic standards or compromise the integrity of an academic program.

"Best Practice Guidelines" to assess processes for and barriers to establishing eligibility for accommodations – Adopted 6/6/24

Documentation Guidelines

The following Documentation Guidelines shall be used to establish eligibility for disability services not to determine accommodations for individual students.

1. Adopt least burdensome documentation protocol necessary to establish the need for accommodation. Base this protocol on universally accepted documentation guidelines from AHEAD as outlined below.

    a. Universally accepted, least burdensome documentation should be guided by https://www.ahead.org/professional-resources/accommodations/documentation:

        i.   Primary Documentation: Student self-report;

        ii. Secondary Documentation: Observation and interaction; and/or

        iii. Tertiary Documentation: Information from external and third parties.

1. Ability to utilize any (components of) pre-existing documentation (i.e., Student Individualized Education Program/IEP or 504 plan or accommodation letter from prior institution) as documentation of a disability that requires accommodation).

2. In addition to AHEAD-specified guidance, include under allowed sources of professional judgement: Vocational Rehabilitation Counselors and Evaluators and their documentation as acceptable proof for higher education accommodations. Consider also including/accepting disability and accommodation information/recommendations from certain credentialed professionals including Certified Rehabilitation Counselors (CRCs) and Certified Vocational Evaluators (CVEs).

3. Note the appropriateness of documentation may differ on a case-by-case basis (i.e., visible disability as clear case for using solely, primary or secondary levels of documentation).

4. Consider the date(s) of the evaluation and nature of diagnosis, as well as the burden on the student to obtain updated documentation. The documentation should be relevant to the accommodation being requested.

b. If additional documentation is requested, offer some form of temporary support or accommodation to students while waiting to receive documentation by agreed upon date. **Final determination of eligibility for accommodations should be made by the disability services office (or equivalent) based on all of the available information.**

c. Allow transferability of documentation from one school to the other in the case of transfers. For example, a sample accommodation notification memo document to consider as a basic template.

2. Provide examples in required training for DSO staff:

a. Adopt least burdensome documentation protocol necessary to establish the need for accommodation. Base this protocol on universally accepted documentation guidelines from AHEAD as outlined below.

   i. Universally accepted, least burdensome documentation should be guided by https://www.ahead.org/professional-resources/accommodations/documentation:

1. Primary Documentation: Student self-report;

2. Secondary Documentation: Observation and interaction; and/or

3. Tertiary Documentation: Information from external and third parties.

    a. Ability to utilize any (components of) pre-existing documentation (i.e., Student Individualized Education Program/IEP or 504 plan or accommodation letter from prior institution) as documentation of a disability that requires accommodation).

    b. In addition to AHEAD-specified guidance, include under allowed sources of professional judgement: Vocational Rehabilitation Counselors and Evaluators and their documentation as acceptable proof for higher education accommodations. Consider also including/accepting disability and accommodation information/recommendations from certain credentialed professionals including Certified Rehabilitation Counselors (CRCs) and Certified Vocational Evaluators (CVEs).

    c. Note the appropriateness of documentation may differ on a case-by-case basis (i.e., visible disability as clear case for using solely, primary or secondary levels of documentation).

    d. Consider the date(s) of the evaluation and nature of diagnosis, as well as the burden on the student to obtain updated documentation. The documentation should be relevant to the accommodation being requested.

    ii. If additional documentation is requested, offer some form of temporary support or accommodation to students while waiting to receive documentation by agreed upon date. **Final determination of eligibility for accommodations should be made by the disability services office (or equivalent) based on all of the available information.**

Non-exhaustive List of Transition Programs at Public Institutions

University of Mary Washington: Soft Landings and Step AHEAD.

*Soft Landings, Pilot 2024– a week long pre-arrival program which allows incoming new students with Autism Spectrum Disorders (not returning students) to acclimate to campus and provide training, resources, familiarity and other services before campus is fully populated and bustling.

Step AHEAD – a half day program offered directly through Disability Resources for incoming students to go over key steps for utilizing accommodation (how to obtain letters, talk to instructors, schedule exams, etc.), as well as provide opportunity for students to engage with a panel of returning students with disabilities to talk about their experiences on campus and answer common questions. A faculty panel also is offered to give incoming students an opportunity talk to and destigmatize instructors, as well as get key guidance on how to best engage in the accommodation process and get common questions answered.

VCU Transition Program: SAEO Scholars - Student Accessibility and Educational Opportunity - Virginia Commonwealth University (vcu.edu)

William and Mary Summer Transition Program: SAS Summer Connections Program 2024 | Student Accessibility Services | Student Success | William & Mary (wm.edu)

Department of the Blind and Visually Impaired Partnership with James Madison University: Strong partnership with JMU, brought students to campus early and partnered with JMU's disability office.

Longwood Transition Program: ARO Empowers! Accessibility Resources - Longwood University

Brightpoint Community College: College Steps (Chesterfield County covers costs for students). College Steps is a Brightpoint-hosted, fee-based program that provides specialized resources and supports for Brightpoint students with social, communication and/or learning disabilities.