
Guide to Reasonable Accommodations in Postsecondary Education For Students with Disabilities

A. Introduction

The transition from high school to postsecondary education can be challenging for students with disabilities, especially if you received services through an Individualized Education Program (IEP) or a 504 plan to achieve success in school. In elementary and high school, you may have received these services because the Individuals with Disabilities Education Act (IDEA) required your school district to provide you a free appropriate public education. However, the IDEA rules no longer apply in postsecondary education. Now you are the one responsible for requesting accommodations.

There are several federal and state civil rights laws that protect you from discrimination based on your disability in postsecondary education:

- Section 504 of the Rehabilitation Act of 1973 ("Section 504") protects postsecondary students with disabilities from discrimination if the school receives federal financial assistance. Most (but not all) postsecondary schools receive federal funding in the form of federal grants to pay student tuition.
- Title II of the Americans with Disabilities Act ("ADA") protects postsecondary students with disabilities from discrimination by public colleges and universities.
- Title III of the ADA protects students with disabilities from discrimination at private colleges and universities.
- Under Ohio law, Chapter 4112 of the Ohio Revised Code protects students with disabilities from discrimination by most Ohio colleges and universities.

The information in this guide is provided solely as informal guidance and is not legal advice. If you have specific questions about your situation or need clarification on any of these topics, consult an attorney or call Disability Rights Ohio (DRO) at 800-282-9181 and select option 2 for our intake department. You can also use our online intake form at:

<https://www.disabilityrightsohio.org/intake-form>

B. Frequently Asked Questions

1) What is postsecondary education?

Postsecondary education includes education and training at two- and four-year colleges and universities, as well as other career training, trade and technical education programs.

2) Are all postsecondary schools covered by the nondiscrimination laws above (such as the ADA, Section 504 and Chapter 4112)?

Most postsecondary schools are covered by these laws. Some private schools (such as some religious schools) may not be covered if they do not receive federal financial assistance. To determine if your school is covered, you should find out if your education program is publicly or privately funded, and if it receives federal financial assistance.

3) Is any student with a disability protected by the nondiscrimination laws above?

To be protected by these laws, a student must have a “qualifying” disability. Under Section 504 and the ADA, this means you have a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record or history of such an impairment, even if they do not currently have a disability. It also includes people who do not have a disability but are regarded as having a disability.

4) Do postsecondary schools have to provide students with disabilities reasonable modifications or accommodations for their disabilities?

Yes, if the student has a "qualifying" disability under the ADA and the student needs a reasonable accommodation to equally access the same education as his or her non-disabled peers.

5) Is the school required to evaluate me for accommodations?

No. It is your responsibility to disclose you have a disability if you want accommodations. Most colleges and universities have an office dedicated to serving students with disabilities, commonly referred to as the Office of Disability Services. You usually will meet with a disability services coordinator to discuss your disability and the documentation needed to receive accommodations.

6) What kind of documentation is needed to support a request for an accommodation?

A good place to start is providing a copy of your most recent high school evaluations such as an Individualized Education Plan (IEP) or a 504 Plan. If the IEP or 504 plan is more than 5 years old, then you will probably be asked to provide additional documentation. A disability services coordinator should discuss with you what documents the office requires to determine how your disability currently impacts your ability to learn.

If you did not receive accommodations in high school, then you may be asked to provide the college documentation, such as an evaluation, that documents how the functional limitations of your disability affect your overall academic abilities. You may be eligible to receive assistance with funding this type of evaluation through Ohio’s Vocational Rehabilitation agency, Opportunities for Ohioans with Disabilities (OOD). Additional information on OOD is online at <https://ood.ohio.gov/wps/portal/qov/ood/>.

If you are unable to locate a funding source, then you are responsible for paying for the evaluation.

7) Is a school required to provide the specific accommodation you request?

No. You may request a specific accommodation but the school has some flexibility in determining what accommodations are appropriate to effectively meet your needs. For instance, if it can provide an accommodation that is equally effective but less expensive than the specific one you requested, then they may be allowed to provide the alternative.

8) May my college or university ever refuse to provide me with an accommodation that I need?

Yes. Postsecondary schools are not required to provide accommodations that would fundamentally alter an essential requirement of a course or program. For example, in high school, students may have been allowed to submit a shorter essay assignment than their peers or they may have been allowed to use notes on an exam. However, in postsecondary education, such a request may be considered a fundamental alteration of an essential requirement of the approved course outline and the objectives of an individual course or course of study. Whether a requested accommodation would fundamentally alter an essential requirement of a course or program is generally determined on a case-by-case basis.

Postsecondary schools can also reject accommodations if they create an undue administrative or financial burden for the institution or if the accommodation is of a “personal nature” (for example, assistance with eating or help with toileting).

9) What are some examples of accommodations I may request for my courses?

Reasonable accommodations vary depending upon the unique situation of each individual. Some examples of reasonable accommodation include the provision of auxiliary aids and services (described below), changing the location of a class or exam, allowing extra time to complete examinations, or adjusting class policies of attendance.

Examples of Auxiliary Aids and Services

- taped texts
- notetakers or Livescribe pens
- interpreters
- readers
- videotext displays
- television enlargers
- talking calculators
- electronic readers
- Braille calculators, printers, or typewrite
- telephone handset amplifiers
- closed caption decoders
- open and closed captioning
- voice synthesizers
- specialized gym equipment
- calculators or keyboards with large buttons
- reaching device for library use
- raised-line drawing kits
- assistive listening devices
- assistive listening systems
- telecommunications devices for deaf persons.

10) Who pays for the accommodations once they are approved?

The school is responsible for paying the cost of accommodations that are necessary for students with disabilities to participate in the school’s educational programs and activities. However, it is not responsible to pay for accommodations of a “personal nature,” such as personal attendants, individually prescribed devices, or readers for personal use or study.

11) Can a student receive accommodations for a temporary condition?

Yes, but it depends on how long the impairment exists and the extent of the limitation it causes. If the condition is severe enough that it results in a substantial limitation to a major life activity for an extended amount of time then accommodations may be appropriate. For example, if a student experience a temporary medical condition resulting from injuries, surgery, or short-term medical conditions, then they may need access to services and resources, such as notetaking assistance in the event of a broken hand or arm.

12) Must an institution provide tutoring for students with disabilities?

No. Individual tutoring is considered a personal service and the law does not require schools to provide personal services. However, if a college provides tutoring or services such as math or writing labs for non-disabled students, students with disabilities must have the same access to these services as non-disabled students.

13) What if I am required to take a course and the classroom is not located in an accessible building?

Students with disabilities cannot be excluded from participation in a program because the classroom/facilities are inaccessible or unusable by persons with disabilities. If a class is not accessible to you, then you should alert the college or university's ADA Coordinator as soon as possible to work out an alternative. For example, an alternative would be to move the course to an accessible classroom; or the student may wait to take the course when it is offered in an accessible facility.

14) Do the ADA and Section 504 require schools to provide accommodations in areas such as the student union, cafeterias, and housing?

Yes. Colleges and universities are required to make buildings and dormitories accessible in order to ensure equal access to their programs.

15) How do my professors become aware of my accommodations?

After discussing your needed accommodations, your college or university's ADA coordinator will tell you what accommodations have been approved, usually by giving you an "Accommodation Award Letter". They usually tell you that it is then your responsibility to give your professors a copy of the Accommodation Award Letter and to arrange for how the accommodations will be met.

16) What if a professor refuses to implement my accommodations in their classroom?

Professors cannot deny accommodations already approved by the school. If a professor refuses to implement your approved accommodations, a good first step is to try to meet with the professor during their office hours to see why they are refusing the accommodation. It may be that they're unaware of your legal right. If you do not feel comfortable meeting with your professor, then you should speak with your college or university's ADA coordinator, and request assistance in getting the professor to provide the accommodations.

17) What if the accommodations provided are not working?

You should let the college or university's ADA coordinator know right away. If you wait too long, it may be too late to correct the problem.

18) Can a school deny a student with a disability admission to a specific program?

Yes. Schools are not required to admit students, including students with disabilities, to programs who do not meet the criteria for acceptance into the program. But if a student with a disability meets the criteria, denying admission based on disability violates Section 504 and the ADA.

19) What options are available if I disagree with the determination of the college or university regarding my requested accommodation?

If your college or university refuses to provide you with accommodations that you need or discriminates against you because of your disability, you have several options, as described in the following FAQ: <https://www.disabilityrightsohio.org/assets/documents/disability-discrimination-at-colleges-and-universities.pdf>

C. Other Resources

<https://ood.ohio.gov/>

Ohio's Office of Vocational Rehabilitation known as Opportunities for Ohioans with Disabilities (OOD) assists people with disabilities find and maintain employment, including training and education needed

<https://www.pacer.org/students/transition-to-life/>

An information and training center that has articles for the student and their families which give tips for transition, how to make informed decisions, and learn to be an advocate for them.

<http://www.washington.edu/doit>

Disabilities, Opportunities, Internetworking, and Technology Center "promotes the success of individuals with disabilities in postsecondary education and careers, using technology as an empowering tool".

<https://adata.org/faq/what-are-public-or-private-college-universitys-responsibilities-students-disabilities>

The ADA National Network provides information, guidance and training on how to implement the Americans with Disabilities Act (ADA) in order to support the mission of the ADA to "assure equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities."

<https://www2.ed.gov/about/offices/list/ocr/docs/auxaids.html>

The U.S. Department of Education's Office of Civil Rights (OCR) page on college/vocational school legal obligations to provide accommodations.

<https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination>

Information from the U.S. Department of Education's Office for Civil Rights on Disability Discrimination.

<https://www2.ed.gov/about/offices/list/ocr/transition.html>

Information from the U.S. Department of Education's Office for Civil Rights that explains the rights and responsibilities of students with disabilities who are preparing to attend postsecondary schools, and the obligations of a postsecondary school to provide academic adjustments, including auxiliary aids and services, to ensure the school does not discriminate on the basis of disability.

