



## **Faculty/Staff Policies and Procedures**

**Office of Disability Services**

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## **Introduction**

This handbook is designed to assist faculty in reaching and working with students with disabilities. Federal legislation, Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 mandates that, as an institution receiving federal funds, Georgia Southwestern State University must provide reasonable accommodations that afford equal educational opportunity for all students.

Achieving reasonable accommodations for students with disabilities involves shared responsibility between the students and faculty. The Office of Disability Services provides services for students with documented disabilities such as Specific Learning Disabilities, Attention Deficit Disorder, Visual Impairments, Hearing Impairments, Chronic Illnesses, Psychiatric Disorders and Physical Disabilities. The Office of Disability Services acts affirmatively on behalf of qualified persons who have disability related compliance issues in accordance with Federal and State Regulations.

It is important to note that disabilities range in levels of functioning and that each student with the same disability may require different compensations and/or accommodations. These may also change or vary over time. Consequently, while the information provided in this resource can be used as a general guide, specific knowledge of a student's needs should be presented to the instructor by the student through an accommodation letter prepared by the Office of Disability Services and the student speaking with the instructor.

### **AP. Procedure for Reporting Student Illness or Injury**

If a student suddenly becomes ill or is injured in the presence of a faculty or staff member and they are conscious and ambulatory- please call Public Safety and/or assist them to the Health center. If unconscious and unable to walk (1) call 911, (2) call Public Safety to alert them that you have called 911 and (3) call the Health Center if you need further assistance.  
<http://gsw.edu/~aaf/handbook/university.htm#AO>

### **Emergency Care**

Dial 911 (9-911 from campus phone) immediately for a life-threatening emergency. Between the hours of 8:00 a.m. and 5:00 p.m. for an on-campus emergency which you have determined is not life-threatening, please contact the Health Center at 931-2235. After 5:00 p.m. or before 8:00 a.m. you should contact your Resident Assistant, your on-duty Residence Life staff member, Campus Safety at 931-2245 or the Emergency Room at Sumter Regional Hospital at 924-6011.

<b>Health Center</b> (Mon-Fri 8:00a.m.-5:00p.m.)	931-2235
<b>Campus Safety</b>	931-2245
<b>Emergency Room at Sumter Regional Hospital</b>	924-6011

<http://gsw.edu/~health/index.shtml>

# Office of Disability Services

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“A journey of a thousand miles must begin with a single step”

## **The Law**

### **Section 504 of the Rehabilitation Act of 1973 states that...**

"No otherwise qualified person with a disability in the United States ... shall, solely by reason of ... disability, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance."

### **A person with a disability includes...**

"any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment."

### **A "qualified person with a disability" is defined as one...**

"who meets the academic and technical standards requisite to admission or participation in the education program or activity."

### **Section 504 protects the rights of qualified individuals who have disabilities such as, but not limited to:**

- Blindness/visual impairment
- Traumatic brain injury
- Cerebral palsy
- Deafness/hearing impairment
- Epilepsy or seizure disorder
- Orthopedic/mobility impairment
- Specific learning disability
- Speech and language disorder
- Spinal cord injury
- Tourette's syndrome
- Attention Deficit Disorder

### **Chronic conditions such as:**

- AIDS
- Arthritis
- Cancer
- Diabetes
- Multiple sclerosis
- Muscular dystrophy
- Psychiatric disability

**Under the provisions of Section 504 ...**

Universities may not discriminate in the recruitment, admission, educational process, or treatment of students. Students who have self-identified, provided documentation of disability, and requested reasonable accommodations are entitled to receive approved modifications of programs, appropriate academic adjustments, or auxiliary aids that enable them to participate in and benefit from all educational programs and activities.

**Section 504 specifies that universities ...**

- May not limit the number of students with disabilities admitted
- May not make pre admission inquiries as to whether or not an applicant has a disability
- May not use admission tests or criteria that inadequately measure the academic qualifications of students with disabilities because special provisions were not made
- May not exclude a qualified student with a disability from any course of study
- May not establish rules and policies that may adversely affect students with disabilities

**Modifications and accommodations for students with disabilities include:**

- Removal of architectural barriers
- Provide services such as readers for students with blindness, visual impairment or learning disabilities, qualified interpreters and note takers for students with deafness or hearing impairments, learning disabilities and orthopedic impairments
- Provide modifications, substitutions, or waivers of courses in major fields of study or degree requirements on a case-by-case basis
- Accommodation need not be made if the institution can demonstrate that the changes requested would substantially alter essential elements of the course or program
- Allow extra time to complete exams, pop quizzes, quizzes, take home assignments and projects
- Permit exams to be individually proctored, read orally, dictated, or typed
- Use alternative forms for students to demonstrate course mastery
- Permit the use of computer software programs or other assistive technological devices to assist in test taking and study skills

Accommodation need not be made if the institution can demonstrate that the changes requested would substantially alter essential elements of the course or program.

**Section 504 of the Rehabilitation Act** contains more specific information about compliance issues in post-secondary education than the Americans with Disabilities Act (ADA). The ADA did extend the law to cover private institutions of higher education as well as those receiving federal funding. Universities and colleges can also expect to see more rigid enforcement of the law with the passage of the ADA.

## Section 508 Law

In 1998, Congress amended the Rehabilitation Act of 1973 to require Federal agencies to make their electronic and information technology (EIT) accessible to people with disabilities. Inaccessible technology interferes with an ability to obtain and use information quickly and easily. Section 508 was enacted to eliminate barriers in information technology, open new opportunities for people with disabilities, and encourage development of technologies that will help achieve these goals. The law applies to all Federal agencies when they develop, procure, maintain, or use electronic and information technology. Under Section 508 (29 U.S.C. '794 d), agencies must give disabled employees and members of the public access to information that is comparable to access available to others. It is recommended that you review the laws and regulations listed below to further your understanding about Section 508 and how you can support implementation.

<http://www.section508.gov/section508-laws>

The National Center on Disability and Access to Education  
<http://www.ncdae.org/index.php>

Faculty Cheat Sheets (assistance with being technology compliant)  
<http://www.ncdae.org/resources/cheatsheets/>

### Service Animals

The Department of Justice final regulations implementing the Americans with Disabilities ACT (ADA) for title 11 (State and local governments services) and title 111 (public accommodations and commercial facilities) recognizes dogs as service animals under titles 11 and 111 of the ADA. Service animals are individually trained to do work or perform tasks for a person with a disability. Such tasks can include guiding a person with impaired vision, alerting a person with impaired hearing, pulling a wheelchair, retrieving dropped items, etc.

Therapy or emotional support animals are not considered service animals under the Americans with Disabilities Act of 1990 as amended by the Amendments Act of 2008 (P.L. 110-325) \*and\* do not qualify as service animals as an accommodation.

- Service animals are welcome in all buildings on campus and may attend any class meeting or event.
- Reasonable behavior and cleanliness are expected from service animals.
- Service animals must be under the control of the handler at all times. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service

animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls. While the owner/handler is responsible for the care or supervision of the animal, campus maintenance will provide assistance in the disposal and cleanup of animal waste if needed.

- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken
- If there is a legitimate reason to ask that a service animal be removed, the university must offer the person with the disability the opportunity to remain in the class or participate in the event without the animal's presences.
- City ordinances require that dogs or any other animal be vaccinated against rabies and also have city permit.

For more information: [http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)

### **Frequent Asked Questions/Recent Legal Decisions**

#### **The university must provide the accommodation**

After providing documentation of their disability, students are not required to assume the responsibility for securing a necessary accommodation. The university is required to provide reasonable accommodations for a student's known disability so that the student has an equal opportunity to participate in the courses, activities, or programs. The Office of Civil Rights (OCR) ruled that a university may not charge students for necessary accommodations.

#### **Expense of accommodation is not undue hardship**

Providing an auxiliary aid or incurring an expense to ensure access would not constitute undue hardship to the university. In determining what constitutes an undue hardship, the Office of Civil Rights views the entire financial resources of the university rather than any single department or college.

#### **Altered form of exam**

The form of an exam must be altered if the testing procedure puts a student with a disability at a disadvantage based on the student's documented disability. There may be an exception when the purpose of the test is to measure a particular skill.

#### **Accommodation must be documented**

The university may refuse to grant a student's request for an accommodation which is not specifically recommended in the student's documentation but a "good faith" effort may be applied.



**Handouts in alternate format**

If a student with a visual impairment is enrolled in a class, the instructor must provide all handouts in the alternate format requested by the student. In addition, all handouts must be made available to students on the same day they are distributed to non-disabled students.

**Classroom must be accessible**

A classroom's location must be changed to provide accessibility for a student with mobility impairment. The university does not need to make every classroom accessible but must provide for the participation of students with disabilities when "viewed in its entirety."

**Material on reserve in library**

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

**Extended time**

Extended time is a reasonable accommodation for a student whose documentation specifically calls for that accommodation. The university is required to ensure that the student is provided additional time to complete tests (regular tests, pop quizzes, quizzes, this may also include any take home assignments and projects) that will be graded and/or course work in order to provide an equal opportunity for that student.

**Confidentiality of diagnostic information**

Faculty does not have the right to access diagnostic information regarding a student's disability. Faculty need only know the accommodations that are necessary to guarantee an equal opportunity for the student.

**Personal liability**

An individual faculty member who fails to provide an accommodation to a student with a documented disability may be held personally liable.

**Academic freedom**

Academic freedom does not permit instructors to decide if they will provide special aids and services for students with documented disabilities in the classroom.

**Testing accommodations**

Accommodations for testing such as readers, scribes, or the use of adaptive equipment must be provided for a student with a documented disability.

**Housing options**

A student with a disability is entitled to have more than one housing option presented if options exist for non-disabled students.

**Student may file grievance**

A student with a disability may not only file a claim with the U. S. Department of Education's Office for Civil Rights, but may also file a complaint with HUD.

**Personal services and aids**

The university is not required to provide personal services such as attendant care or personal aids such as wheelchairs or eyeglasses.

**Accessible programs**

The university must operate its programs in the most integrated setting appropriate.

**Housing room assignments**

A student with a disability who needs attendant care is not automatically assigned to a single room.

**Pre-admission**

Pre-admission inquires as to whether a person has a disability are not permissible.

**Off-campus housing**

If the institution provides assistance to non-disabled students for off-campus housing, then the institution must provide options to students with disabilities for accessible off-campus housing.

**Accommodations for standardized testing**

Scholarships based on standardized test scores must allow for accommodations for students with documented disabilities.

**Admissions criteria**

The university may not use as sole criteria for admission or rejection a test that has been shown to be discriminatory for persons with disabilities.

**Career counseling**

Career counselors are prohibited from counseling a student with a disability into more restrictive career paths than are recommended to non-disabled students with similar abilities and interests.

**Job announcement postings**

Postings for job announcements must be readily accessible to students with visual impairments.

## **Responsibilities of Students and Faculty**

**Responsibilities of the Students**

In order to receive accommodations, students with disabilities have the responsibility to:

- Self- identify their disability status to the Office of Disability Services in a timely manner
- Provide disability documentation that is as recent as within the last three years
- Request necessary accommodations through disability service provider

- Discuss their needs and accommodations with professor within the first week of class

### **Responsibilities of Faculty**

#### **If Notified in Writing**

Faculty members have the responsibility to cooperate with the Office of Disability Services in providing authorized accommodations as soon as they are notified by letter from the Office of Disabilities Services. Faculty should meet with all students after receiving an accommodation form for a student; the course instructor should meet with the student to discuss the required accommodation. When faculty receives the accommodation form they are to sign, make a copy and send back to the Office of Disability Services by the date given. For currently enrolled students requiring text books on tape, the instructor must provide the necessary information (title, author, ISBN, edition) as soon as possible if requested. The Office of Disability Services provider will be responsible for ordering the books on tape.

#### **If Not Notified in Writing**

If a student requests accommodation and the faculty member has not been notified of the student's need for accommodation, then the faculty member should refer the student to the Office of Disability Services. If the disability is visible and the accommodation appears appropriate, the faculty member should provide the accommodation while awaiting official notification. Instructor's syllabus should state that a disabled student needs to meet with instructor at the start of the semester.

#### **If Questioning Appropriateness of Accommodations**

If a faculty member has questions about the appropriateness of certain accommodations, the Office of Disability Services (931-2661) should be contacted for further clarification. The faculty member should continue to provide accommodations while the issue is being resolved.

### **Definitions**

#### **Diagnostic information**

The physician's/psychologist's report concerning the disability or condition.

#### **Reasonable accommodations**

The specific recommendations of strategies, technology, or aids needed to provide the student with equal access to an education.

**Faculty do not have the right to access the student's diagnostic information or fail to provide the authorized accommodation. Faculty do have the right to request verification of specific accommodations. Faculty do not have the right to ask students if they have a disability, what the student's disability is or ask the class if anyone has a disability.**

### **Shared Responsibilities**

Students with disabilities have the first responsibility to report their needs and provide the Office of Disability Services documentation concerning their disability. Faculty members should keep disabled students in mind when making special class arrangements such as field trips. On the syllabus, faculty should invite students to inform them of their special needs as soon as possible to ensure that those needs are met in a timely manner. If a student waits until the day of an exam to ask for extended time or a separate testing area, the student has failed to make the request in a timely manner. If the student fails to ask for extended time until late in the semester, the instructor is only required to provide accommodations from that time and does not need to offer make up exams. When a student discloses a disability, faculty members should ask what they can do to facilitate learning. Often it is as simple as allowing the student to sit in the front of the class. Faculty members may not discourage students from specific fields of study if the student meets the admission requirements, maintains the appropriate grades and is otherwise qualified. Faculty members are responsible to provide an appropriate learning environment, and the student is responsible to maintain the academic requirements.

### **Test Procedures and Proctoring**

When it is documented for a student to have testing accommodations, it is the responsibility of the student to initiate testing accommodations with their instructor. In the event the instructor is unable to proctor an exam with accommodations the Office of Disability Services may proctor the exams in the Disability Services testing rooms. Students should notify the Office of Disability Services at least three days in advance of test day and time. The Office of Disability Services will contact student's instructor via email concerning exam and instructions for proctoring exam. Students should test the same time and day as the class unless other days and times are negotiated between student and instructor. The Office of Disability Services will need to know the changes in a timely manner in order to ensure space for testing. Students who do not show for the scheduled exam and have not notified the Office of Disability Services will have their exams sent back to their instructor. Students will not be allowed to take anything into the testing room other than test, writing utensil unless instructor has given written permission to the Office of Disability Services to do so. Students will have to leave books, cell phones, purses, hats, scarves and other personal materials outside of the testing room. Students may ask to have their personal items stored in one of the staff offices. The Office of Disability Services is not responsible for items left outside of testing rooms. Students will not be permitted to leave the testing room unless breaks are stated in their documentation.

The Office of Disability Services will not tolerate cheating on exams. If there is a suspicion of or if a student is caught cheating, the following procedure is followed:

- The student is confronted with the allegation of cheating or the observation of actual cheating.
- The student is asked to turn in any materials used on the test that were not permitted for use during testing.

- The student is told that the allegations or cheating observation will be documented and the instructor will be notified. The decision on course of action at that time is left to the discretion of the faculty member within established institutional policies.

## Accommodation Definitions

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 The following is a list of accommodation services that are frequently found on Individualized Accommodation Plans as recommended by the coordinator for disabilities for students with disabilities. This list is not meant to be complete, as other individualized accommodations may occasionally also appear.

**Alternate Testing** – An alternative format for test taking. This may include extended time, the use of a computer with a spell checker; reader, scribe (someone to physically record answers) private, distraction-free environment, large print format exams, and exams on tape or permission for the student to record answers.

**Note takers** – A person in the class who is a volunteer or is paid to take notes for the student with a disability. Note takers are not to take the place of the student with a disability attending class and instructor/note takers do not need to know the name of the student

**Taped Textbooks** – Texts or written classroom material in audio format. Some taped texts already recorded can be received through our services from AMAC (Alternative Media Access Center). Planning in advance is necessary to ensure that the student has the recorded text at the beginning of the semester.

**Priority Registration** – A priority date to register for classes. Disabled students may register at Early Registration if stated in their documentation, this will give the student and/or student services staff necessary time to set up accommodations that require planning in advance. Examples of these kinds of accommodations are scheduling courses with adequate time between classes if medically needed, hiring of interpreters, ordering of books on tape.

**Taped Lectures** – This is particularly helpful to students with a type of visual processing disorder and/or to assist the student with compensating for a lack of note taking. Permission from instructors to record lecture material is not required if it is part of an approved accommodation plan. Taping of lectures as an accommodation is not intended to be in lieu of classroom attendance.

**Preferential Seating** – Allowing students with a disability to sit where they need to in order to minimize disability related issues. Examples of this would include: students with physical disabilities who need to sit in the back of the room or close to the door in order to stand up at times during the class or to take short breaks; a student with ADD/ADHD may need to sit in the front of the class to better attend to the lecture.

**Accessible Classrooms/Location/Furniture** – Modifications to the layout, location or furniture in the classroom. This may be necessary for a student with a physical or sensory impairment. A class may need to be held in another location if it is not accessible for a student with a disability.

**Extended Time for Examinations** – Allowing extra time for exams, quizzes, pop quizzes and projects. This may be necessary for students who have documented disabilities relating organization of ideas, spelling, reading comprehension, math, excessive test anxiety, or physical limitations. Students should make arrangements for extended time with each instructor within the first few weeks of the semester.

## **Disability Descriptions and Accommodation Strategies**

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**Learning Disabilities** – People with learning disabilities with average or above average intelligence that have difficulties processing information in a specific area. Learning disabilities impact on the students abilities to obtain, process, or express information.

Learning disabilities may come in the form of:

- **Dyslexia** - a processing dysfunction causing difficulties with written material
- **Dyscalculia**- a processing dysfunction causing difficulties with mathematical concepts and calculation
- **Dysgraphia** – a processing dysfunction causing difficulties with writing

### **Reasonable Accommodations May Include:**

- Taped Textbooks
- Note takers
- Priority registration
- Alternate Testing
- Taped Lectures
- Use of a computer with spell checker for examinations and assignments

### **Suggestions for Helping Students with Learning Disabilities:**

- Provide students with detailed course syllabus, make it available before registration.
- Clearly spell out expectations before the course begins.
- Start each lecture with an outline of the material to be covered that period. At the conclusion of the class, briefly summarize main points.
- Announce reading assignments well in advance for students who are using taped texts; it may take a few days to receive the tape-recorded book.
- Provide study questions for exams that demonstrate the format, as well as the content of the test.
- Present new technical vocabulary on the chalkboard, or use a student handout.
- Terms should be used in context to convey greater meaning.
- If necessary, allow students with learning disabilities to demonstrate mastery of course materials using alternative methods (e.g. extended time limits for testing, oral exams, taped exams, individually proctored exams in a separate room).

### **Suggestions for Interacting with People with Learning Disabilities:**

- Be aware that people with learning disabilities may have trouble decoding body language and tones of voice. Some people with learning disabilities may have difficulty understanding spoken language, so speak slightly slower and with more expression. The student with a learning disability may need longer to process what has been said.
- Be patient if the student speaks more slowly and with more pauses due to difficulties with word retrieval process.

## **Pervasive Developmental Disorders (including Autism Spectrum Disorders such as Asperger's Disorder)**

People with these disorders can be highly intelligent. However, they often exhibit some degree of functional deficit in, but not limited to, the following major life activities:

- **Communication** – poor eye contact, poor ability to read body language of others, difficulty participating in group activities, difficulty understanding inferences, jokes, idiomatic expressions.
- **Social interaction** – Difficulty making or keeping friends, may not have a good understanding or knowledge of appropriate social customs, overly preoccupied with specific interest area or activities, poor adjustment to changes.
- **Sensory functioning** – Sensitivities can appear to be unreasonable to others but are very real to a student with this disability. Typically they include, but not limited to, odors, visual stimuli, and sound.

**Reasonable Accommodations May Include:**

- Student may need assistance with engaging in course group activities
- Extra time and separate, quiet room for testing
- Advance notice of any changes in course syllabus
- Instruction using concrete wording whenever possible
- Student should be allowed to go to a designated “safe” place if during class the student becomes overly anxious

**Suggestions for Helping Students with Asperger’s Disorder:**

- Minimize environmental distractions
- Whenever possible try to use a multi-modality approach with maximal use of visual tool
- Build an example that will help the student to link classroom information to what they already know. Generalization of information is difficult for students with this disorder
- Students with this disorder often have a favorite topic in which they become experts. They may need to be redirected if they inappropriately return to the topic
- Group work and essays can be particularly difficult for these students. Consider alternate ways to assess learning

**Suggestions for Interacting with Students with Asperser’s Disorder:**

- Avoid taking student’s behaviors and statements personally. Students with this disorder typically have difficulty with interpreting figurative language, sarcasm and humor. Reciprocal conversation is often difficult. Students with this disorder may not respond in any way the other students would typically respond to the same situation or conversation.
- Do not insist on eye contact while engaged in conversation. Those can be a painful experience for a student with this disorder, given the sensory over load that some students experience looking at other people’s faces.
- Avoid using idiomatic expressions, inferences, sarcasm or humor when engaged in conversation. If used, you may need to explain the idiomatic expression, inference, sarcasm or humor. Students with this disorder are very concrete in their language and thinking, will often misinterpret the meaning of these words and expressions.

**Psychiatric Disabilities**

Psychiatric disability is a term used to refer to conditions such as bi-polar disorder, depression, personality disorders and schizophrenia. The term may also refer to affective disorders or mood disorders.

**Reasonable Accommodations May Include:**

- Provide alternative seating arrangements
- Provide extra time on assignments
- Allow tape recording of lectures
- Provide private, quiet test taking environments

### **Suggestions for helping Students with Psychiatric Disabilities**

- Provide syllabus in advance
- Avoid being judgmental regarding the impairment related issues
- Understand that the student may be drowsy in class due to side effects from medications as opposed to being apathetic, disinterested, or unresponsive
- Encourage the student to disclose any functional limitations that will affect the student's performance in the class and strategize with the student any remediation options

### **Suggestions for Interacting with People with Psychiatric Disabilities**

- Provide honest feedback when the student's behavior is inappropriate and talk about alternative behavior options
- While interacting with the students do not try to diagnose or treat the psychological disorder. It is best to just deal with the student's behavior or functional limitations within the course
- Refer the student to Student Support Services if the student is requesting therapeutic help
- Contact Campus Safety (928-1390) immediately regarding any behavior that may be abusive or threatening

### **Attention Deficit Disorders**

Attention Deficit Disorder is a neurological condition that affects learning and behavior. This affects the attention or distractibility of the individual. There are two types of this disorder. Students with ADHD exhibit decreased impulse control and are more likely to act out. Students with ADD are more likely to turn inward and exhibit shy or quiet behaviors. Characteristics of both include attention deficits, impulsivity, hyperactivity, mood swings, low frustration tolerance and difficulty sleeping at night. Time management, completing assignments on time, organizing and setting priorities are problem areas for people with attention deficit disorder.

#### **Reasonable Accommodations May Include:**

- Allow taping of lectures to facilitate note taking
- Allow students to take a break during long lecture periods
- Allow students to break exams into shorter segments with a break in between the segments
- Permit student to sit in the front row
- Offer a distraction free examination room

### **Suggestions for helping Students with ADD/ADHD**

- Provide a detailed course syllabus
- Start each lecture with an outline of the material to be covered. Briefly summarize key points at the end of class
- Use manipulative materials when possible (e.g. puzzles, models, computer programs)
- Provide study questions for exams that demonstrate the format as well as the content of a test. Explain what constitutes a good answer and why.

### **Suggestions for Interacting with People with ADD/ADHD Disorders**

- People with ADD/ADHD may be impulsive and may act without much thought or planning. This may manifest itself in frequent interruptions or in changing the subject frequently and without any warning. These actions are not meant to be rude or impolite.



- Disorganization is a serious problem for people with ADD/ADHD. This is not a sign that the person does not respect others or the task at hand.
- If possible, when conversing with a person with ADD/ADHD, select a quiet place without distractions
- Remember that people with attention deficit disorders are not being inattentive on purpose.
- Be patient and try to keep their attention by continually re-engaging them.

### **Hearing Impairments**

Hearing impairments can range from total deafness to being hard of hearing.

#### **Reasonable Accommodations May Include:**

- Use of an interpreter
- Use of a note taker
- Use of a personal amplification device
- Allow front row seating in order for the person with a hearing impairment to be able to clearly see your lips for speech reading

#### **Suggestions for Helping Students with Hearing Impairments**

- If the student has an interpreter, be sure to speak directly to the student with the hearing impairment and not to the interpreter
- Wave your hand or tap the person with a hearing impairment on their shoulder to get their attention
- Place yourself facing the light source in the area. Keep hands and objects away from your mouth when speaking
- Try to keep the environment as quiet as possible. Students with hearing aids often times have more difficulty hearing if there is a lot of background noise
- Ask the student if he or she understood the information if he or she appears to be confused

### **Visual Disabilities**

Visual Disabilities can range from partial to total blindness. Students with partial blindness will have some sight but may experience recurring eyestrain while reading, inability to read standard size print, difficulty reading certain colors of ink, have fluctuations in visual acuity, inability to see at night or in poorly lighted areas.

#### **Reasonable Accommodations May Include:**

- Allow use of a tape recorder
- Use large type or Braille copies of materials
- Use a reader/scribe or taped tests
- Front row seating and or seating away from the window in order to reduce interference of sunlight on the chalkboard

#### **Suggestions for Helping Students with Visual Disabilities**

- Verbalize the content of transparencies, chalkboard or other visual medium and describe important content
- Team the student with visual disability with a sighted student for in-class and lab assignments
- Provide reading materials or syllabus in advance (at least 1 week) to allow time for taped textbooks or brailled materials to be obtained

## Suggestions for Interacting with People with Visual Disabilities

- Identify yourself and the people you are with upon entering the presence of someone who is blind. When conversing in a group remember to say the name of the person you are talking to, this helps reduce the confusion for the person who is blind.
- Do not grab the arm of the person with a visual impairment when walking. Allow the person to take your arm or ask if the person would they like to take your arm. If so remember to guide rather than propel.
- Offer to describe information about the immediate surroundings to the student with a visual impairment. Examples of this might be: there is a table two feet to your left; your sandwich is at 12:00 on your plate, there are three steps going up.
- Do not pet or distract a working service dog of a person who is visually impaired; this is potentially dangerous for the owner.

## Attendance and Disability

Students most likely to request modified attendance policies are those with health related disabilities that flare up episodically. This might include students with Lupus or Fibromyalgia, sickle cell anemia, seizure disorders, cancer, migraines and conditions requiring dialysis. Students with psychological disabilities who are experiencing an exacerbation of symptoms may also request modification of attendance policies.

Federal law requires universities and colleges to **consider** reasonable modification of attendance policies if required to accommodate a student's disability. In making this determination, two questions must be answered:

- Does the student have a documented disability that directly affects his/her ability to attend class on a regular basis? Office of Disability Services will make this determination based on a review of documentation from the student's physician or psychologist and provide verification in a letter the student presents to the instructor.
- Is attendance an essential part of the class? Would modification of attendance policies result in a fundamental alteration of the curriculum?

Faculty is responsible determining the importance and weight of classroom attendance and participation. Students unable to attend classes for an extended period of time are responsible for informing the instructor(s) of the reason why they are not attending class.

Faculty determines if the attendance and participation are considered to be integral components to the learning process and if the student is not meeting those requirements, then student may not be otherwise qualified to attend classes at that point and time.

Faculty also determines policies regarding make-up work and missed exams and quizzes. Faculty is not required to lower or effect substantial modifications of standards for accommodation purpose.

Faculty should announce and make their attendance/make-up policies clear during the first day of class and reinforce this information on the class syllabus.

**The Office of Civil Rights (OCR) has provided the following guidelines to assess if attendance is an essential part of class:**

- Is there classroom interaction between the instructor and students and among students?
- Do student contributions constitute a significant component of the learning process?
- Does the fundamental nature of the course rely on student participation as an essential method of learning?
- To what degree does a student's failure to attend constitute a significant loss to the educational experience of other students in class?
- What does the course description and syllabus say?
- Which method is used to calculate the final grade?
- What are the classroom practices and policies regarding absences?

It is recommended that students with a disability-related need for flexibility in attendance meet with their instructors to discuss the extent to which modification in attendance policies may be reasonable for a particular class. The instructor and student should have a clear understanding of what accommodation can be made for disability-related absences.

In cases where attendance is an essential part of the class, a medical or mental health withdrawal may be considered a reasonable accommodation if absences become excessive.

**Modifications to Attendance Policies Should Be Considered**

by Jane Jarrow Ph.D

Rarely a month goes by without someone in higher education facing request to modify attendance requirements to accommodate a student with a disability. Students also occasionally ask to be excused from faculty member's rules and tardiness. Rather than considering any waiver of attendance requirements, this article focuses on the possibility of modifying existing policies as an accommodation. It is important to remember that to be reasonable a proposed accommodation must be an appropriate response to the disability-related need without compromising academic standards.

**Legitimate versus questionable requests:**

**Question:** What are some legitimate reasons for students with disabilities to request modifications to attendance policies?

**Answer:** Persons most likely to request modified attendance policies are students with health-related disabilities that flare up episodically. This might include students with diabetes, epilepsy, cancer, migraines and conditions requiring dialysis. Flexibility in attendance policies sometimes is considered for students with mobility impairments during inclement weather. It is hard to get to class when the campus transportation system shuts down because of snow, and it might be dangerous to come to class during an ice storm for someone who is not too steady on his or her feet.

**Question:** What are some questionable reasons for students with disabilities to request flexible attendance policies?

**Answer:** Occasionally, a student with attention deficit disorder requests a flexible attendance policy for an early morning class, claiming he or she does not function well in the morning or is

not organized and may forget to come to class. While this may be related to the student's disability, the institution does not have to excuse the student's failure to satisfy basic responsibilities simply because the student has not made the effort to manage his or her disability.

Other students may seek flexibility in attendance policies when they need to miss class because of scheduled appointments with specialists. While this may be a legitimate need it does not seem different from the needs of other students who are in school but also have a life and commitments outside, particularly when the appointments might have been scheduled at other times. But be aware that students with disabilities may have to attend regularly scheduled appointments with specialists that cannot be changed. Such absences may be negotiated with faculty as they would for any other student rather than being covered under accommodation policy.

### **Frequently Asked Questions on Attendance**

**Question:** Can a service provider tell faculty members they have to change attendance policies they have established for classes? If not, does it matter what the student's disability-related reason is for missing class when a faculty member has an established policy regarding attendance?

**Answer:** Of course it matters. The service provider tells faculty members to change a policy in the context of providing an accommodation if it is necessary to ensure equal access for a student with a disability.

Faculty-born attendance policies are no more inviolate when it comes to consideration of accommodation requests than are any other rules. Just as a disability service provider would not hesitate when appropriate to make sure a faculty member alters a policy on the amount of time allotted for taking a test, the disability service provider should ensure modifications in attendance policies are provided when such changes do not fundamentally alter the curriculum. This is not to suggest that strict enforcement of attendance policies is never reasonable, appropriate and necessary. In classes that clearly rely on participation, there may be many good reasons for setting attendance policies and refusing to alter them.

In clinical practicum classes, in which the student is supposed to be gaining a given number of hours of experience in a clinical setting over the course of the term, a student who misses too many classes, he or she may miss not only a significant portion of that hand-on experience, but also the skills and techniques taught that will be necessary in future lab sessions.

In a studio art class, in which the primary purpose is to provide ongoing feedback from faculty and fellow student's as work progresses, a student is not participating in the exchange if he or she is not there.

### **ADA requirements**

**Question:** Does the ADA (American Disabilities Association) require that the institution modify attendance policies for a student with a disability?

**Answer:** There is no single answer to this question unless it is considered in the broadest sense possible. If the question is, "are we legally required to consider modifying our attendance policies at the institution as a form of accommodation for disability?", then the answer is "yes".

The institution is legally required to consider whether any policy or procedure in place is discriminatory on the basis of disability and alter it if it is found to be discriminatory.

Willingness to consider the possibility is legally required. Whether such consideration leads to a

decision to modify attendance requirements in particular circumstances is an entirely different question that should be answered in light of numerous factors.

### **Factors to consider**

In an Office for Civil Rights letter of finding resolving a complaint involving Cabrillo College in Aptos, Calif., the U.S. Department of Education listed factors to be considered in determining whether attendance is an essential part of a class and thus not open to accommodation:

- Is there classroom interaction between the instructor and students and among students?
- Do student's contributions constitute a significant component of the learning process?
- Does the fundamental nature of the course rely on student participation as an essential method to learning?
- To what degree does a student's failure to attend constitute a significant loss to the educational experience of other students in the class?
- What do the course description and syllabus say?
- Which method is used to calculate the final grade?
- What are the classroom practices and policies regarding attendance?

### **Rationale for refusing requests**

**Question:** On what basis can or should I refuse a request for modifying attendance policies?

**Answer:** It may be appropriate for the disability service provider to offer an explanation along these lines: "We will consider modifying attendance policies on an as-needed basis as an accommodation, but you need to understand two things. Before we will grant that particular accommodation we prefer to examine other options that may be less disruptive to the educational process. If there are no alternatives in the circumstances presented and if the faculty member has a policy regarding penalties for absences, we will review the circumstances in light of the policy we have established. Unfortunately, in your case we have determined that it would not be appropriate because (cite specific reason in response to the questions you examine in your process). Let's talk about alternatives. Here are the policies currently in place through the application or modification of one of those policies that could be activated in the event that you do have to miss more than the allotted number of classes.

### **Caps on absences**

On a recent site visit a faculty member asked about the accommodation of modifying attendance policies. The faculty member taught an English class and had not been uncomfortable with the idea that a student might need to miss some additional classes because of a disability until one student missed 18 out of 30. The student has a disability-related need to have more absences than the two the professor commonly allowed. The faculty member understood from the communication provided by the disability service provider that the student was not limited at all in her attendance or lack thereof and the student took the statement of an accommodation as a license to show up only when she felt like it. Less than half of the student's absences were in fact disability related. If attendance policies are to be modified the university should specify how the student will verify that the additional absences were disability related and place a cap on how many absences will be allowed. For example the disability service provider might state, "if the student misses more than x number of classes the faculty member is urged to contact this office to discuss whether the student's continued enrollment in the class is viable. Sometimes granting a modification to attendance requirements will not be possible. In some instances a student with

the most legitimate disability related need in the world still may not be able to identify any accommodation that would not unreasonably alter an essential element of the university's curriculum.

- Jane Jarrow, who is president of Disability Access Information & Support (DAIS) in Columbus, Ohio, is an expert on disability law compliance at postsecondary institutions.

**It is important that instructors let the Office of Disability Services know when a student misses more classes than is allowed on syllabus.**

### **When Faculty Are TOO Accommodating!**

By Jane E. Jarrow, Ph.D.

Most faculty members in higher education today understand the legal and educational imperatives that mandate equal access to students with disabilities through academic accommodation. Sometimes though, problems arise from faculty who are readily prepared to provide appropriate accommodation - it is their accommodating nature that can get them, the institution and (sometimes) the student into trouble!

Most institutions have established a clearly articulated policy as to who holds the documentation of disability, what steps a student must take to declare the need for disability-related accommodations and how that information is communicated to faculty. But what if the student says, "I don't want to go through the disability services office; I want to advocate for myself and work directly with faculty and negotiate my own accommodations."

Regardless of why students choose to go this independent route (and there are both good and bad reasons for taking such a stance), the faculty member who agrees to disregard institutional policy and honor accommodation requests directly from the student may not be doing anyone a favor!

**Personal Jeopardy**: Faculty members who work directly with students, discuss the disability, (possibly) look over the documentation, and agree to accommodation may be establishing themselves as the "gatekeepers" without meaning to do so. If the faculty member agrees to provide accommodation "x" and not accommodation "y" and later the student maintains that he/she was not appropriately accommodated, it is the faculty member's decision that is subject to question and the faculty member who could conceivably be held responsible for violating this student's civil rights. The faculty member who agrees to provide accommodations without institutional authorization for a student with one disability (for example, LD) but is less familiar and comfortable with another disability (for example, ADD) and sends that student back through channels for official documentation could be opening himself/herself up for charges of discrimination, intimidation or harassment. Faculty members who conscientiously try to make life easier for the student by allowing the student to bring the documentation directly to them may gain access to confidential information to which they should not be privy. For all these

reasons, it would be best for faculty not to be drawn into the collection of disability documentation or the decision-making regarding accommodation.

**Institutional Jeopardy:** may be when the student provides documentation to a single faculty member (who accepts and acts on that documentation) and may be able to make a legitimate case for saying that he/she informed the institution of the disability and the need for accommodation. The faculty member should not be discussing the information that has been shared (because of issues of privacy and confidentiality), and yet the student may be expecting to receive similar consideration and accommodation from other faculty on the basis of having provided the documentation to someone in authority at the institution. If it is not made clear that the institution has not been “notified” until the documentation is provided and requests are made from such-and-such an office, the institution may not be in a position to defend itself from charges of discrimination by neglect for a student who does not receive accommodation by others within the institution. Or consider this scenario - Professor A accepts the documentation and provides accommodation without going through channels, as do Professors B and C, then Professor D says, “I will provide accommodations when I receive proper notification from the disability services office that this is appropriate.” Professor D looks like the villain for following the rules! More distressing, however, is the possibility that the institution may be facing some very real difficulties if the disability services office determines that some of the accommodations that Professors A, B, and C provided were not warranted by the documentation and does not prescribe those same accommodations for Professor D to provide.

**Student Jeopardy:** Students with disabilities will still have those disabilities after they leave the postsecondary environment. Whether they choose to go on to graduate or professional school or seek a place in the world of work, chances are that if they needed accommodations to successfully function in higher education, they may need accommodation in their future endeavors as well. More and more often, those settings beyond the post-secondary experience are ready and willing to provide accommodations on the basis of verification from the higher education institution that those same accommodations have been provided during the student’s post-secondary career. If the student has no record of having been served by the institution, if the student was never on file in the disability services office and received all of his/her accommodations through individual discussion with faculty, that student will have no official history of being regarded or served as a person with a disability and may have a much more difficult time establishing the claim to accommodations in the future.

Jane Jarrow Ph.D, DAIS

**GEORGIA  
SOUTHWESTERN**

**Office of Disability Services**

**STATE UNIVERSITY**

(229) 931-2661 Office

800 GSW State University Drive Americus, Georgia 31709

(229)931-2958 Fax

**Accommodation Notification**

Date \_\_\_\_\_

Semester \_\_\_\_\_

Professor's Name \_\_\_\_\_ Class \_\_\_\_\_

Student's Name \_\_\_\_\_ ID \_\_\_\_\_

The above named student has provided documentation to the Office of Disability Services that entitles him/her to the accommodations marked. The accommodation form may change due to various disabilities. Federal law requires that we make reasonable adjustments to accommodate the needs of students with disabilities where such adjustments are necessary to provide equality of educational access. **This information is confidential.** Please do not disclose any information about the student or the student's disability.

**Please return the signed form by-----.**

**The accommodations are marked with a (X).**

- Reader  Large print  Written instructions for assignments.
- Extended Time (time and one half)  Oral exam  written exams  taped exam  tests  quizzes  
 pop quizzes  assignments
- Separate Testing Room (distraction free environment for testing).
- Use of word processor (essay tests, papers, and other writing assignments).
- Alternate answer sheet (if scantron is used)  Use of recorder.
- Note-taker/typist/Scribe (a note-taker will attend your class).
- Use of FM system/Loop system (if you have a question about using this device please call me).
- Breaks  Materials enlarged  Alternate test
- Preferential Seating (next to door, table and chair, back of classroom, front of classroom)
- Absences (absences may result due to student's disability) Please discuss absences with student.

Office of Disability Services can administer all exams in the testing area, third floor, Sanford Hall.  
If student is to test in Office of Disability Services testing rooms, the test must be received 24 hours before test date.



If student is to test in the Office of Disability Services, the test must be received 24 hours before test date.  
**Please check box on how test is to be administered. Professor ( ) Office of Disability Services ( )**

**Please check the blocks below on how the test is to be delivered and returned.**

**Exam Delivery:**

**Exam Return:**

- Instructor/Dept. designee will deliver
- Email test to evelyn.oliver@gsw.edu
- Fax

- Instructor/Dept. designee will pick up
- Office of Disability Services/student worker
- Scan test and email

**Note to Professor:**

If professor administers tests it is imperative that you follow the required accommodations. If the accommodation states that a student is to have a quiet/separate room then the instructor needs to make sure that there are no disturbances. Instructor may need to place a sign outside the door stating “quiet please, student testing”.

It is important that I know the day and time of the test. The test must be received at least 24 hours before the test date so that there will be available rooms for that time and day. Also, what are the students allowed to have in the testing room if anything (notes, books, calculator, etc)? The Office of Disability Services does not allow students taking anything into the testing room unless instructor gives written instructions to do so. **If any items are confiscated other than the items allowed by the instructor, the test will be taken and instructor will be notified immediately.** Also, please let our office know the day and time of the test, when your class starts and ends the test so that the required extended time is given,

**I understand that the accommodations checked must be provided to students and if I have a concern or question concerning the accommodations to be provided I must contact the Office of Disability Services immediately.**

Thank you and please contact me if you have any questions or concerns.

Evelyn Oliver, M.P.A  
Director of Disability Services/ Testing Center  
Sanford Hall 3rd floor, room 302  
229-931-2661 Office  
229-931-2958 fax

**Please print your name on the form, keep a copy for your files and return original form by email.**

Professor's Signature \_\_\_\_\_

## Notes