

Disability Services Office Information for Faculty and Staff

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Disability in the Classroom

The intent of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 is to ensure a level playing field. This is accomplished in the academic context by providing accommodations in ways that do not fundamentally alter the course, program or degree. The accommodation process is a two-step process requiring interaction between (1) a student and the Disability Service Office, and (2) a student and the faculty member.

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Student and the Disability Service Office

Student and DSO Responsibilities

In order to receive a reasonable accommodation, a student must have a physical or mental impairment that substantially limits a major life activity (including the major life activity of learning), be perceived as disabled, or have a record of a disability. Because not all physical or mental impairments are considered disabilities under the ADA, including those that present themselves in noticeable fashion (e.g. wearing eyeglasses), it is important for faculty members to direct students to the DSO for verification of disabilities when a student seeks an accommodation.

Accommodation Not Retroactive

Syllabi should inform students that they must go through the DSO before receiving an accommodation for a course. The faculty member only has to provide an accommodation once the disability is verified (assuming reasonable accommodation is possible). Grades received prior to verification of a disability and implementation of an accommodation need not be changed.

No Obligation to Identify Disability

A faculty member should not ask a student if a disability or condition is causing academic difficulty. Instead, have a list of resources ready as you would for all students experiencing academic difficulty and include the DSO in that list.

DSO Recommendations

The DSO has the expertise and staff to obtain and review the documentation necessary to determine whether an individual is disabled as defined by the ADA. The DSO also has the expertise to recommend accommodations that are appropriate for the particular disability. You should discuss any questions you have about recommendations made by the DSO with that office.

Temporary Impairments

Faculty members are not required to provide accommodations if a student is experiencing a temporary physical or mental impairment. The DSO will take into consideration the duration of the impairment when determining whether the student is disabled as defined by the ADA. However, an instructor may offer adjustments for students with temporary impairments (e.g. broken arm).

Approved Academic Accommodations Letter

The DSO will give a student a letter identifying approved accommodations. This letter will outline the accommodations the DSO has approved. Some of the common accommodations are explained below; however other accommodations may be necessary depending on a student's disability.

- If the student's letter allows for a notetaker, the instructor should ask the class for a volunteer and a backup volunteer. Notetaking paper is available in the DSO office.
- If the student's letter allows for tape recordings, use of adaptive equipment, sign language interpreters, and/or CART providers, these accommodations will be made by the DSO office and used in the class.
- If the student's letter allows for extended time, reduced distraction environment, reader, scribe, or a sign language interpreter, the instructor should take the test to the testing center and accommodations will be made there.

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Student and the Instructor

Student Responsibility

A student seeking an accommodation should present the Approved Academic Accommodations from the DSO stating approved accommodations to the instructor. If the student requests accommodations, but does not have the appropriate form, please direct him or her to the DSO.

What Accommodation is Reasonable?

A faculty member is legally required to provide a reasonable accommodation when doing so does not lower or substantially modify the course's fundamental standards.

- The instructor is legally required to reasonably accommodate the student or provide an effective accommodation
- The accommodation must be related to the disability

Determining Fundamental Nature of a Course

To determine whether an accommodation fundamentally alters the nature of a course, faculty members who teach or who have taught the course should:

- Identify the essential academic standards of the course (i.e. course requirements that go to the very nature of the subject matter or that are of the utmost importance in achieving the course objective)
- Articulate specific requirements that individual faculty members believe are fundamental to teaching the course (Takes academic freedom into consideration)
- Discuss the unique qualities of the course in relation to its overall objectives and any program in which the course is required
- Engage in "reasoned deliberation" as to whether modification of the course would change the fundamental academic standards
- Determine whether there are any options to the fundamental requirements of the course
- Ask:
 1. Why is the standard that the faculty member believes will be lowered important to the course?
 2. Is the standard the better way (only way) to achieve the desired academic objective?
 3. Will the requested accommodation lower academic standards of the course (or the program if applicable)?
 4. Can a different method/requirement that will not be altered by the accommodation achieve the desired academic/pedagogical result?
 5. If not, why not?

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Academic Freedom and the ADA

Academic freedom does not allow an instructor to refuse to accommodate a student with a disability.

ADA – Practical Guidance

Doing the following will facilitate compliance with state and federal disability laws:

- Clearly state the department's ADA policy on your syllabus
- Direct students to the DSO office to complete the disability documentation process
- Discuss with the student the course modifications that do not change the essential academic standards of the course
- Be able to identify the essential academic standards of the course (i.e. course requirements that go to the very nature of the subject matter, are of the utmost importance in achieving the course objective) when discussing reasonable accommodations with students
- Discuss possible accommodations with the department chair and the DSO (possibly other experienced faculty members) before denying an accommodation
- Note any accommodations granted on your copy of the student's DSO Approved Academic Accommodations Form
- Only accommodate students who bring an official letter from the DSO. If you choose to make adjustments for students without a letter from the DSO, do not consider these to be official ADA accommodations, but simply adjustments that you as the instructor are choosing to make in your class.

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Disability Etiquette

From the video, "The Ten Commandments of Communicating with People who have Disabilities".

It is not unusual for faculty and staff to have very little in the way of experience working with people who have disabilities. This lack of experience can create a communication barrier and result in misunderstandings at best, and at worse no communication at all. So we suggest the following when communicating with students who have disabilities:

1. Speak directly rather than through a companion or sign language interpreter who may be present.
2. Offer to shake hands when introduced. People with limited hand use or an artificial limb can usually shake hands and offer the left hand is an acceptable greeting.
3. Always identify yourself and others who may be with you when meeting someone with a visual disability. When conversing in a group, remember to identify the person to whom you are speaking. When dining with someone who has a visual disability, ask if you can describe what is on his or her plate.
4. If you offer assistance, wait until the offer is accepted. Then listen or ask for instructions.
5. Treat adults as adults. Address people with disabilities by their first names only when extending that same familiarity to all others. Never patronize people in wheelchairs by patting them on the head or shoulder.
6. Do not lean against or hang on someone's wheelchair. Bear in mind that people with disabilities treat their chairs as extensions of their bodies. And so do people

with guide dogs and help dogs. Never distract a work animal from their job without the owner's permission.

7. Listen attentively when talking with people who have difficulty speaking and wait for them to finish. If necessary, ask short questions that require short answers, or a nod of the head. Never pretend to understand; instead repeat what you have understood and allow the person to respond.
8. Place yourself at eye level when speaking with someone in a wheelchair or on crutches.
9. Tap a person who has a hearing disability on the shoulder or wave your hand to get his or her attention. Look directly at the person and speak clearly, slowly, and expressively to establish if the person can read your lips. If so, try to face the light source and keep hands, cigarettes and food away from your mouth when speaking. If a person is wearing a hearing aid, don't assume that they have the ability to discriminate your speaking voice. Never shout to a person. Just speak in a normal tone of voice.
10. Relax. Don't be embarrassed if you happen to use common expressions such as "See you later" or "Did you hear about this?" that seems to relate to a person's disability.

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Failing a Student with a Disability

"Is it legal to give a student with a disability a failing grade?"

Yes, it is legal. The focus is on compliance with the civil rights law which prohibits discrimination. These laws mandate access to education, not guaranteed academic success. When a faculty member has done all that is required, failing the under-qualified student is proper and lawful. Here is a compliance checklist.

- Stand by academic standards and freedoms. Full and equitable access to academic programs serves as the foundation to standards and freedoms.
- Communicate clear and concise expectations for performance to your students. Care should be taken to distinguish between essential and non-essential components of the course.
- Allow reasonable accommodations. Accommodations are changes in the way things are done and affect only non-essential aspects of a course. They are reasonable so long as course standards are not fundamentally altered.
- Notify students of your willingness to accommodate. This can be done verbally during lectures and in writing within a course syllabus. DSO recommends both. One might say, "Students with disabilities are welcome to discuss accommodations with me."
- Consult with the student and DSO advisors.
- Permit students to use auxiliary aids and technologies which ensure access. Depending on the disability, students may use note takers, sign language interpreters, readers, scribes, and assistants. Others may use tape recorder/players, computers, assistive listening devices, and other technologies.

- When requested, provide alternatives to printed information such as computer electronic text, large print and tape cassettes. If internet resources and other technologies are used, then they must be as accessible to students with disabilities as they are for other students.
- Make academic adjustments in instruction. Some students need lecturers to face the audience while speaking. Others may need written or graphic information spoken aloud or described. Adjustments such as these should be made after the student has presented the Approved Academic Accommodations form to the instructor.
- Grant testing accommodations. Again, depending on the particular needs of a student, it may be necessary to extend testing times, change testing formats, test in a quiet environment and so on.
- Regard disability-related discussions and information with the strictest confidentiality. Never discuss disability matters in the classroom or where you can be overheard. If a student mentions disability concerns in class, require him or her to meet with you during your office hours or in some other private location.

And there you have it. If compliance checks out, grade the student as you determine appropriate. Thanks to Jim Marks for his contribution, (<http://www.umt.edu/dss/default.htm>) at Project DO-IT.

Because we, like you are invested in providing the best academic environment for every student we strongly encourage you to work with us as partners. Please call us if you have any questions whatsoever regarding disabilities or accommodations.

Phone number: 972-238-6180

Faculty Responsibility

Faculty/staff members have the responsibility with the assistance of the Disability Services Office to provide authorized accommodations in a reasonable and timely manner. Faculty/staff should meet with students who present the form "Request for Accommodations" to establish the means of providing accommodation. The student is not required to give the faculty/staff member a copy of the accommodation; however, if this facilitates implementing the accommodation students can obtain a copy of the signed form from their Disability Services advisor.

Faculty/staff members should keep students with hearing or mobility disabilities in mind when making special class arrangements such as field trips. Faculty/staff should state

on the syllabus that students 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 without first working through the Disability Services Office, faculty/staff should direct the student to the Disability Services Office. We will then ask the student to provide the necessary documentation that details the disability. After review of the documentation, we will issue the "Request for Accommodations" form indicating the accommodations afforded the student. **We do not recommend faculty to provide academic accommodations unless the student has a signed "Request for Accommodations" form.**

Faculty/staff members may not discourage students from specific fields of study if the student meets the admission requirements and maintains the appropriate grades and is otherwise qualified. Faculty/staff members are responsible to provide an education and the student is responsible to maintain the academic requirements.

The Disability Services office is responsible for the collection and evaluation of the student's documentation for recommending and providing **reasonable accommodations**.

Accommodations for Students with Disabilities

Accommodations are determined on an individual basis after a thorough review of the student's documentation and may include, but are not limited to the following:

- Removal of architectural barriers
- Readers for students with blindness or reading disabilities
- Scribes for students with motor impairments or writing disabilities
- Interpreters, captionists, and note takers for students who are Deaf or hard of hearing
- Extended testing time
- Individually proctored exams that can be read orally, dictated, or typed
- Use of computer (word processing) for certain exams
- Permission to tape record class lectures
- Enlargement of print materials
- Proctoring and space for testing students individually in a quiet room without distractions
- Use of electronic optical aids which enlarge the printing or Kurzweil Reading machine which changes the form of the print
- Use of a dictionary, thesaurus, or electronic speller
- Use of a calculator for student with a learning disability in mathematics

What the Request for Accommodations Form Means.

Notetaker – If the student is requesting a notetaker to record classroom notes, the faculty member should ask the class for a volunteer. Do not reveal the name of the student needing a notetaker. Once a volunteer is identified that person will need to complete the “Volunteer Application” that is provided by the Disability Services Office. Either the student requesting the volunteer will have this form or the volunteer can complete the form in the Disability Services office. Carbon paper is available from the Disability Services Office on which the notetaker can record notes or, if the notetaker prefers, copies of the notes can be made in the Disability Services Office.

Special Testing Arrangements – If the student’s accommodation permits extended time for a test or exam that will be administered in the classroom during regular class time, the student has the responsibility to schedule the exam the Disability Services Office. The faculty member has the responsibility to place the exam in the Testing Center. A Disability Services advisor will proctor the student’s exam. If the faculty member agrees to provide extended testing accommodations in the classroom, then the faculty member is responsible for allotting the student time and a half to complete the assignment. We recommend that requests for extended testing time be provided by the Disability Services Office whenever possible. We are her to administer and proctor the exam in our office and, as warranted, provide reader and scribe services or an isolated environment.

Procedures for Testing Accommodations – Follow the regular procedures for placing a test in the Testing Center, but indicate for whom (student’s name) the test is designated. The Disability Services advisor will obtain the test from the Testing Center, proctor the test, and return it to the Testing Center once the student has completed it. You and the student will have agreed upon the test date and time.

** Please **DO NOT** bring the exam to the Disability Services office or allow student to carry the exam with them to the Disability Services Office. **

Tape Recording of Lectures – When a student uses a tape recorder in the classroom, the faculty member can ask the student to sign an agreement not to release the recording or otherwise obstruct any copyrights. Please refer the student to the Disability Services Office.

Use of Computer for Written Assignment/Tests – Students with certain physical and learning disabilities perform better when allowed to key their work.

Calculator – Students with a learning disability in math may perform better when allowed to use a calculator.

Other – This can include any other reasonable accommodation from use of a dictionary or electronic spell checker during exams, pre-approved formula cards for math, or recording answers on something other than a Scantron.

What to Do When

The student does not have an official SIGNED Request for Accommodations and asks for accommodations ... refer the student to the Disability Services office. Do not agree to provide accommodations until you speak with us. And, do not ask the student to submit the documentation to you.

A student has a temporary disability ... occasionally, students with temporary disabilities, such as students with broken limbs or those wearing casts, may need a notetaker, scribe, or use of a computer to complete an assignment. When this occurs and it is obvious that the student needs immediate help, you can offer the student assistance as the situation warrants; however, the student still needs to submit documentation and should therefore be referred to the Disability Services Office.

If you have any questions – concerning the student or the accommodations, please do not hesitate to contact the Disability Services Office. We are here to work with you in providing the appropriate academic accommodations.