Teaching students with disabilities: Resources and responsibilities

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Agenda for part 1

- Review of ADA regulations
- Compliance and enforcement
- Definitions and types of disabilities
- Disability etiquette
- ADA at higher education institutions
- Faculty responsibilities
What is ADA?

- ADA stands for the Americans with Disabilities Act.
- The first law was embodied in Section 504 of the Rehabilitation Act of 1973, often referred to as the “Civil Rights Act” for people with disabilities.
- In 1990, this law was reinforced with the Americans with Disabilities Act.
- In January 2009, the ADA Amendments Act of 2008 became effective.
Compliance and enforcement

- US Department of Education, Office of Civil Rights (OCR)
- US Department of Justice, ADA
- Advocacy groups such as American Foundation for the Blind
- Lawsuits – settlements, judgments, fines
- Individual offices at education system offices and institutions
Recent court decisions

- Temporary physical incapacity is not a disability.
- Being left-handed or obese is not a disability.
- Major changes to programs are not required.
- Expulsion of students with disabilities must be preceded by a determination that the behavior is not related to their disability.
- Testing methods do not have to be changed if the method can be shown to be most appropriate for the program.
- Failure to supply suitable seating may represent a barrier to the program.
- University overseas programs should be accessible to students.
Who qualifies as disabled? What is a major life activity?

Any individual who:

has a history or record of an impairment that substantially limits a major life activity. This includes mental or physical impairment which substantially limits one or more major life activities including: walking, seeing, hearing, speaking, breathing, learning, working.

A major life activity is determined without regard to the ameliorative effects of mitigating measures which include medication, devices, prosthetics, hearing aids, assistive technology, learned behavioral modifications, and other accommodations (excluding eyeglasses and contact lenses).
Types of disabilities

- **Visual**
  - From low vision to blindness

- **Hearing**
  - From partial hearing loss to deafness

- **Motor**
  - From partial to full loss of mobility or dexterity

- **Cognitive**
  - From learning to developmental disabilities

- **Other – medical, brain injuries, speech, psychiatric**
  - Other types of disabilities, such as seizure disorders
Service animals

Narrowly defined as dogs, with some miniature horses allowed.

Individuals with a service animal may be asked if the animal is required due to a disability and what task the animal is trained to do. You may not require proof of service animal licensing.

Service animals that are out of control may be removed if the handler does not take effective action to bring under control or if the animal is not housebroken.

When a service animal enters your area you should consult with the owner before attempting to pet or address the animal.

Most service animals that are “working” or “on duty” should be in harness or have a working vest or tag showing visually.

Be considerate of the owner and animal...ask before acting!
Top myths and misconceptions

Academic freedom has higher priority than ADA.

Compliance is only necessary when a student with a disability enrolls in the course or program.

Students with disabilities have a higher absenteeism rate.

Individuals with disabilities are inspirational, courageous, and brave for being able to overcome their disabilities.

Compliance and accommodations are expensive.

Students request accommodations to keep from doing course work or to gain an advantage.

Students with disabilities do not persist to graduation.

Access to programs only include physical barriers.

Students can claim a disability after failing a class or test.
Statistics about individuals with disabilities

- In 2002, 51.2 million people (18.1 percent of the population) had some level of disability and 32.5 million (11.5 percent of the population) had a severe disability.

- About 10.4 percent of people age 25 to 64 with no disability did not finish high school. The rate was higher for people with a disability—14.6 percent for people with a non-severe disability and 26.6 percent for people with a severe disability.

- A higher proportion of people with no disability were college graduates (43.1 percent) than people with a non-severe (32.5 percent) or severe disability (21.9 percent).
Proper etiquette and language

- Disabled and disabilities are terms of choice.
- Having a disability is not a fate worse than death and do not write or act as if you think it is.
- Do not refer to the disability as something to overcome or state that they succeeded in spite of their disability.
- If someone needs assistance, ask first how you can help.
- Avoid staring or asking personal questions.
- Only refer to one’s disability if it is necessary and appropriate. If a person declines certain discussion, then change the subject.
- Do not be overly sentimental or use baby talk.
Is your perspective showing?

<table>
<thead>
<tr>
<th>Don’t Use</th>
<th>Do Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victim of, afflicted with, suffers from</td>
<td>Has or had a disability</td>
</tr>
<tr>
<td>Confined to a wheelchair</td>
<td>In or uses a wheelchair</td>
</tr>
<tr>
<td>Abnormal, defective, prisoner of</td>
<td>No term necessary</td>
</tr>
<tr>
<td>Special bus or bathroom</td>
<td>Separate bus or bathroom</td>
</tr>
<tr>
<td>Physically challenged</td>
<td>Person with a disability</td>
</tr>
<tr>
<td>Handicap</td>
<td>Disability</td>
</tr>
<tr>
<td>Deaf-mute</td>
<td>Deaf or hearing impaired</td>
</tr>
<tr>
<td>In spite of or overcame handicap</td>
<td>No term necessary</td>
</tr>
<tr>
<td>Handicap parking, disabled seating</td>
<td>Accessible parking or seating</td>
</tr>
</tbody>
</table>
ADA organization at MTSU

ADA 504 Compliance Office
- Dr. Watson Harris

Disabled Student Services (DSS)
- John Harris

Human Resources (HR)
- Kathy Musselman

Institutional Equity and Compliance (IEC)
- Barbara Patton

Only HR and DSS determine ADA accommodations – the department never determines.................

http://www.mtsu.edu/ada
Compliance efforts at MTSU

Besides efforts by DSS:

- Students with disabilities are required to register during priority registration and the University will honor their schedule. Faculty may not move their courses after priority registration without approval from the college and provost office.
- Emergency evacuation plans developed to include evacuation for individuals with disabilities. Buildings have flashing fire alarms.
- Program access, including removal of barriers such as sidewalks and elevators.
Building accommodations

- Curb and sidewalk cuts
- Accessibility to upper floors via elevators
- Accessibility to seats in every level.
- Clear hallways and egresses
- Door openers – separate entrances
- Widths in openings
- Five foot turnarounds at openings
- Parking
- Adjustable tables
- Separate restrooms

Fig. A2
Space Needed for Smooth U-Turn in a Wheelchair
Emergency evacuation

Plan ahead – know the areas where you work and study. Check all areas out completely. Is there ground floor access? If there is not, and you normally use an elevator to enter and leave a building, you will need evacuation assistance. DO NOT USE ELEVATORS DURING AN EMERGENCY UNLESS DIRECTED TO DO SO BY EMERGENCY STAFF.

In an emergency, call campus police (898-2424) and emergency services (911). Report your name and location (room number or other area and building name). If you are going to an emergency exit, give the location of that exit (floor and location, e.g. NW tower, 3rd fl). Report your situation – what type of assistance you may require (e.g. wheelchair user, breathing difficulties, blindness). Ask co-workers/friends as they leave the building to inform the emergency team on site of your location, your name, and situation (e.g. wheelchair user, blindness).

Concerned individuals may want to evacuate the individual with the disability and not leave in a stairwell, however, the concerned individual must obtain the consent of the individual with the disability.
Faculty responsibility

Use provided syllabus statement.

Upon receipt of the letter, each faculty member is responsible for reviewing the information in the letter. Should faculty members have concerns about the information contained in the letter, they should immediately contact the Director of Disabled Student Services. All questions are to be directed to the Director and not to the student. Until the director is contacted, DSS assumes there are no questions with a student’s accommodation package.

Use best practices for instructing students with disabilities, choosing appropriate media for all disabilities and coordinating with DSS when the choices are not accessible.

Taking appropriate action during emergencies.

Recognize differences between behavior caused by disabilities compared to inappropriate student conduct.
Syllabus statement

Reasonable Accommodations for Students with Disabilities: If you have a disability that may require assistance or accommodations, or if you have any questions related to any accommodation for testing, note taking, reading, etc., please speak with me as soon as possible. You may also contact the Office of Disabled Student Services (898-2783) with any questions about such services.
Faculty obligation

Most students **should** disclose by presenting an “Accommodation Request Letter” from DSS.

- The letter serves as an **agreement** between you and your student on what accommodations are needed for them to **successfully participate** in your class.
- Note...this letter certifies that this student is registered with DSS and has a documented disability; however, the needed accommodations **should never compromise** the **academic integrity** of your class.

If a student discloses their disability and ask for an accommodation without a “Accommodation Request Letter”

- Ask them... “Are you registered with DSS?”
- If “No”...the student should be directed to our office at KUC 120, so that they can began the process that will enable them to receive the appropriate accommodations.
Test your knowledge

• The law that allows all students with disabilities to have equal access to postsecondary education is:
  a) IDEA  b) ADA  c) IEP

• Who can be liable for failure to provide accommodations?
  a) The institution only  b) Individual faculty and institution  c) No liability

• On most campuses, the largest percentage of students with disabilities are:
  a) physical  b) mental  c) hidden

• Documentation of a disability is the responsibility of the:
  a) student  b) institution  c) not required if they have an IEP

• Historically, underrepresented groups on campuses have included students with disabilities.  a) true  b) false
Conclusion