Disability Services Overview
Disclaimer

The information and materials provided in this presentation are intended for informational purposes only. This information should not in any way be construed as legal advice. If you have any questions or need further clarification please seek independent counsel to resolve the individualized legal issues mandated in your area that you are responsible to address.
1. What is Section 504 of the Rehabilitation Act and who that applies to.

2. How students apply for Disability Services.

3. How to implement accommodations & modifications.

4. Animals on Campus Policy.
What is a Disability?

1. An individual with a disability is defined as a person with a physical or mental impairment that substantially impacts one or more life activity. These life activities may include but not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, & working. OR Operation of a bodily function such as functioning of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functioning.

2. Have record of such an impairment.

3. Be regarded as having such an impairment meaning that the impairment is not transitory & minor and must have an actual or expected duration of 6 months or more.

-Americans with Disabilities Act of 1990, As amended
The Americans with Disabilities Act of 1990 (as amended) is the civil rights guarantee for persons with disabilities in the United States. It provides protection from discrimination for individuals on the basis of disability. The ADA extends civil rights protection form people with disabilities to employment in the public and private sectors, transportation, public accommodations, services provided by state and local government, and telecommunication relay services.

-Legal Information Institute
Section 504 of the Rehabilitation Act of 1973

“No otherwise qualified individual with a disability in the United States, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.”

-Legal Information Institute
Primary/Secondary vs. Post-Secondary Education

Primary/Secondary institutions under the Department of Education must abide by IDEA which is the legal mandate to provide all eligible children special education services, individualized support services, & “free and appropriate public education” (FAPE) in the least restrictive environment.

Colleges & Universities do not have the same legal requirement as the DOE under IDEA and are not required to:

- Lower or substantially modify essential requirements
- Provide modifications that would result in undue financial or administrative burden
- Provide personal attendants, individual prescribed devices or other services/devices of a personal nature

-USDE Office of Civil Rights
Postsecondary Institutions

Postsecondary institutions may not discriminate in the recruitment, admission, or treatment of students.

Post secondary institutions are required to provide reasonable accommodations made on an individualized basis with the intention of providing an individual with a disability with compensation due to their significant mental and/or physical impairment to allow them maximum participation and benefit from all of its programs and activities.

Accommodations may include:
• Environmental Strategies
• Organizational Strategies
• Behavioral Strategies
• Presentation Strategies
• Evaluation Methods

Optimal Hearing - Section 504 Sample Accommodations & Modifications
Section 504 does not require postsecondary institutions to make fundamental alterations or lower academic requirements deemed essential to the program of instruction.

Postsecondary institutions can make modifications for students with disabilities such as:

- Removing architectural barriers
- Providing services such as readers for the blind or learning disabled individuals, qualified interpreters and note takers for deaf and hard of hearing students, or note takers for students with learning disabilities or mobility impairments. (Colleges and universities may, but need not, provide aids, devices, or services of a personal nature, such as personal assistants, wheelchairs, or specifically certified tutors)
- Providing modifications, substitutions, or waivers of courses, major fields of study, or degree requirements on a case-by-case basis. (Such accommodations need not be made if the institution can demonstrate that the changes requested would substantially alter essential elements of the course or program)
- Allowing extra time to complete exams
- Permitting exams to be individually proctored, read orally, dictated, or typed
- Increasing the frequency of tests or examinations
- Changing test formats (e.g. from multiple choice to essay)
- Using alternative forms for students to demonstrate course mastery (e.g. a narrative tape instead of a written journal)
- Permitting the use of computer software programs or other assistive technological devices to assist in test-taking and study skills

-U.S. Department of Education
How do students apply for services?

1. At the Post Secondary level it becomes the student’s responsibility to self-identify themselves as having a disability or to have their needs assessed with the Disability Services Office. Students may begin the process by visiting our website at http://hawaii.hawaii.edu/disability-services and completing the online application. They may also stop into our office in Building 379A-Room 2, call us at 934-2825 or e-mail us at hawccds@hawaii.edu.

2. Student must also submit a third party professional assessment or evaluation by a certified professional documenting their disability, duration, how it substantially limits one or more major life activity and how it impacts their academic performance.

3. Student must then participate in a collaborative discussion with the Disability Services Counselor about their needs and what/how accommodations/modifications may benefit access to their education.
Once a student has been determined that they are eligible for accommodations:

- They are required to sign an acknowledgement of their rights & responsibilities. The document is available on our website at https://hawaii.hawaii.edu/sites/default/files/assets/disability-services/docs/rights-and-responsibilities-of-students.pdf

- An Accommodation Letter identifying the student as having a disability and their accommodations/modifications will be sent to the instructors.

- Students are responsible for requesting testing or any additional accommodations from the Disability Services Office.
What should I do with The Letter of Accommodation?

- All letters should be delivered via email from the Disability Services Office.

- Review the letter for specific accommodations outlined on the Reasonable Accommodation Letter provided to you by or on behalf of the student.

- Ensure that the student’s name, semester, course title, & instructor name is accurate.

- Keep the Reasonable Accommodation letter for your reference.

- Please allow the student to utilize the accommodation as specified.

- If you have any concerns with the accommodations specified, please discuss them with the student or with the Disabilities Program Staff.
What if I suspect a student has a disability but have not received an Accommodation letter?

• Contact the Disability Services Office.

• Discuss your concerns privately in an attempt to build a relationship with a student.
What not to do...

- DO NOT identify students with disabilities or their accommodations they have to others or in front of your class.
- DO NOT deny any student access or participation based on disability.
- DO NOT provide any of your accommodations/modifications to specific students at their request (without a formal accommodation letter) unless you are providing the modification to your entire class.
- DO NOT adjust the academic rigor or standards because of a student’s disability unless previously discussed with the Disabilities Counselor.
- DO NOT inquire about a student’s disability. It is their decision to discuss this information with you or not.
- DO NOT charge the student a fee for the reasonable accommodations provided to ensure their equal access under Section 504 or ADA.
Service Animals vs. Emotional Support Animals (ESA) or Therapy Dogs

Hawaii Community College follows the UH System Policy EP 1.207

• We do not allow any pets on campus.

• We welcome all Service Animals onto our campus.

• We allow Emotional Support/Therapy Animals to our campus with a formal accommodation.

Well.... What’s the difference?
Service Animals:

1. Dogs or Miniature Horses (where reasonable)
2. Is individually trained to provide a specific task directly related to its handler’s disability.
3. Is allowed to accompany the owner as long as there isn’t a direct threat to the health & safety of others.

How Do I know if a dog/miniature horse is a service animal? Ask!!

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?
Emotional Support Animals (ESA) or Therapy Dogs:

1. Not restricted to dogs or miniature horses.
2. Students or employees must have a formal accommodation granted prior to bringing the ESA onto campus.
3. ESA approved (i.e. housing) may not bring the ESA into non-approved areas (i.e. dining).
Common Questions

Q: What do I do if I disagree with the academic accommodations requested?

Q: What can I do to make the classroom environment open to students with disabilities?

Q: Do I also have to provide these services to international students with disabilities who needs auxiliary aids or services?

Q: Who pays for accommodations?

Q: What if I am unsure how to handle a situation with a student with a disability?
Common Questions (con‘t.)

Q: What are my responsibilities concerning field trips and outside programs?

Q: What are the possible personal consequences if I do not provide accommodations requested?

Q: Do I have to provide academic accommodations if the student is taking the class for an audit?

Q: If there is an animal present in my classroom and have not received a notice of an accommodation, what do I do?
Thank you for Participating!!!
References:


