ACCOMMODATIONS IN HIGHER EDUCATION

Obtaining accommodations in higher education, be it a four-year college, two-year program, or a trade school, is very different from getting accommodations in high school. While high school has federally mandated procedures for obtaining accommodations, such as Individualized Education Programs (IEPs) and 504 Plans, the process for obtaining post-secondary accommodations is less routinized and can vary from school to school.

What is the law?

Accommodations in higher education are governed by Subpart E of Section 504 of the Rehabilitation Act of 1973 and Titles II and III of the Americans with Disabilities Act (ADA). Subpart E of Section 504 refers to “appropriate academic adjustments” that might be required to prevent discrimination. The ADA, insofar as it applies to educational organizations, also helps to prevent discrimination through the use of accommodations.

Section 504 and the ADA apply to individuals who have a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having, a physical or mental impairment that substantially limits one or more major life activities, are also covered. Major life activities include caring for one’s self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. In order for Section 504 and ADA protections to apply, the individual must meet normal and essential eligibility requirements; no special affirmative action is provided.

Section 504 applies only to schools which receive federal financial assistance. Most post-secondary programs receive federal funding. However, for those which don’t, the ADA provides for accommodations. Title II of the ADA applies to state-funded universities, community colleges, and trade schools; Title III applies to private colleges and trade schools. Title II of the ADA incorporates Section 504; thus Title II
schools also must provide appropriate academic adjustments, even if they do not receive federal funds. Schools which are not federally funded and which are not state supported (those which fall under Title III only), must make their courses “accessible.” In general, this standard is lower than that required by Section 504 (and Title II).

The laws related to post-secondary education are substantially different from those which apply to students still in high school. High school students, through Section 504 and the Individuals with Disabilities Education Act (IDEA) are guaranteed a Free and Appropriate Public Education (FAPE). There is no guarantee of FAPE for post-secondary students.

What accommodations are available?

In post-secondary schools, accommodations are referred to as “academic adjustments.” The goal of these adjustments is to ensure an equal educational opportunity. The appropriate academic adjustment(s) will be determined based on a student’s disability and individual needs. However, a post-secondary school is not required to provide adjustments which would result in undue financial or administrative burdens. (Financial or administrative burden is not a consideration for high school accommodations.)

Examples of post-secondary academic adjustments include priority registration, reduced course loads, substituting one course for another, providing note takers or audio or video recordings of classes, providing auxiliary aids and services, and extended testing time. If a student requests a specific academic adjustment, the school may offer it or may offer an effective alternative. Personal aids and services, including help in bathing, dressing, or other personal care, are not required to be provided by postsecondary institutions, nor are services to help a student study outside of class. Many of the accommodations which a student received in high school may no longer be available at the post-secondary level.

Schools do not need to make adjustments that would lower or substantially alter essential course or graduation requirements. For example, though the post-secondary school may need to provide extra time to turn in assignments or take a test, the school is not required to change the substantive content of an assignment or test.

Schools which are subject only to Title III regulations may be required to provide
many of the same academic adjustments as schools regulated by Section 504 and/or Title II. In particular, Title III refers to modifying exam format (for example, by providing more time or an alternate testing location) and providing auxiliary aids, such as videotaped classes, prepared notes, or readers. The same constraints related to undue burden apply; however, because a Title III school does not receive federal or state assistance, burden may be even easier for the school to prove.

*How does a student obtain an academic adjustment?*

The student must take responsibility for asking for academic adjustments and providing any required documentation of disability, including proof that the disability substantially limits one or more major life activities, including learning. As soon as possible upon acceptance to the school, the student should contact the institution’s Disability Services Department, Office of Student Services, or other similar department, to set up a meeting to discuss academic adjustments. The student will also need to communicate with his or her professor to work out a plan for receiving adjustments in each individual class.

The student should be able to communicate information about his or her diagnosis and how it impacts learning. The student will need to discuss any accommodations he or she received in high school and why these were needed. However, be prepared that just because an accommodation was provided in high school does not mean it will be provided by the post-secondary program. Parents may or may not be allowed to accompany the student, so it is important that the student’s self-advocacy skills are strong. The student may find it helpful (or necessary) to bring his or her most recent IEP or 504 Plan and/or his or her Summary of Performance.

The student will also be required to document his or her disability. Most post-secondary schools require a current evaluation or diagnostic report from a medical doctor, psychologist, or other qualified diagnostician. Schools will have different rules on what is considered current, but in general, a good guideline is that the report should be no more than two years old. The post-secondary school is not required to conduct or pay for a new evaluation if one is needed, though the school may conduct its own evaluation if it chooses to do so. The diagnostic report, in addition to including information about the diagnosis of Autism Spectrum Disorder (ASD), should include information about how ASD affects the individual’s academic performance and life skills. In general, an IEP or 504 Plan are not sufficient documentation for proving disability.
What if an academic adjustment isn’t working or isn’t being provided?

The student’s self-advocacy skills will be critical to ensure that the student gets what he or she needs to have an equal opportunity for success. The student is responsible for communicating approved academic adjustments to his or her professor and for alerting the professor and the Disability Services Department if there are any problems as soon as they occur. Waiting until the class is over or almost complete will not provide adequate time for changes to be made.

If a professor is hesitant to provide an approved adjustment, contact the Disability Services Department to set up a meeting to explain why the adjustment is needed. Sometimes professors do not understand the requirements of Section 504 or the ADA. A meeting between the professor, student, and the Disability Services Department can help keep everyone informed.

Can a post-secondary school charge for an academic adjustment?

Academic adjustments must be provided at no charge to the student or his or her family. However, the school may meet its obligation to provide academic adjustments by assisting the student in obtaining an auxiliary aid or obtaining reimbursement for the cost of an aid from an outside agency or organization, such as a state rehabilitation agency or a private charitable organization. In such a case, the post-secondary school still remains responsible for providing the aid.

A post-secondary school can charge for services that are not academic adjustments, such as tutors, or for special programs designed to support individuals with disabilities, such as mentoring or remedial programs.

What if I feel like I have been discriminated against by my post-secondary school?

Begin by contacting your school’s Disability Services Department (or whatever the name of the department which oversees services for students with disabilities). Let them know of your concerns. You may be able to talk through the problem and come up with a solution that is satisfactory to both you and the school.

If an informal conversation does not resolve the issue, find out how to file a grievance with the school. All post-secondary schools must have formalized policies to allow disagreements to be resolved.

You also may consider filing a complaint with the Office of Civil Rights or in a court.
of law.

Related Articles:

- Education After High School: What are the options?
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990 (ADA)

Additional Resources:

- Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities
- Obtaining Accommodations in Higher Education
- The ADA, Section 504, and Postsecondary Education
- Americans with Disabilities Act and Section 504
- How to File a Discrimination Complaint with the Office of Civil Rights
- Auxiliary Aids and Services for Postsecondary Students with Disabilities
- Title III Highlights
- Legal Requirements for Students who have Disabilities
- Postsecondary Educational Opportunities Guide

The Center for Autism Research and The Children's Hospital of Philadelphia do not endorse or recommend any specific person or organization or form of treatment. The information included within the CAR Autism Roadmap & trade; and CAR Resource Directory & trade; should not be considered medical advice and should serve only as a guide to resources publicly and privately available. Choosing a treatment, course of action, and/or a resource is a personal decision, which should take into account each individual’s and family’s particular circumstances.