



DISABILITY SUPPORT IN HIGHER EDUCATION

**A GUIDE FOR STUDENTS, PARENTS AND
GUARDIANS, AND EDUCATION PROFESSIONALS**

This resource was created with support from
The Mississippi Council on Developmental Disabilities



MISSISSIPPI COUNCIL
ON
DEVELOPMENTAL DISABILITIES

Disability Support in Higher Education

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ABOUT DISABILITY RIGHTS

Disability Rights Mississippi (DRMS) is a private, non-profit corporation with a federal mandate to protect and advocate for the rights of individuals with disabilities across the state of Mississippi.

The mission of DRMS is to promote, protect, and advocate for the rights of all Mississippians with disabilities and to assist them with full inclusion in home, community, **education** and employment.

DRMS works each and every day to ensure students with disabilities are included in the educational system (as is their **right!**) and have the supports and services they need to succeed in the classroom.

As students, parents, and educators, ADA Coordinators, and higher education professionals, it is important to be informed about student rights. We are here to help you enhance your skills to support and advocate for students with disabilities pursuing higher education.

The information provided in this booklet does not, and is not intended to, constitute legal advice; all content is for general informational purposes only. If more information is needed, please consult a professional. Possession of this booklet does not create an attorney-client relationship between the recipient and Disability Rights Mississippi.



INTRODUCTION

This booklet was created in an effort to assist young people, parents and education professionals advocating for a more accessible postsecondary school experience. In the booklet you will find resources for students, parents and guardians, and schools.

For over forty years, federal law has required postsecondary schools to provide appropriate academic adjustments as necessary, based on disability and individual needs, to ensure that postsecondary schools do not discriminate on the basis of disability. The laws under which these services are provided to students today are Title II and Title III of the Americans with Disabilities Act (ADA) and section 504 of the Rehabilitation Act (504).

The law requires that postsecondary programs receiving federal funding provide students with disabilities reasonable accommodations to support their individual needs. It is important to know that IDEA and ADA requirements are different and a student who has received Special Education services in high school is not necessarily eligible in a postsecondary school. Colleges and vocational schools determine accommodation eligibility on a case-by-case basis under the ADA definition of disability: a “physical or mental impairment that substantially limits one or more major life activities.”

Our goal is to ensure that students receive the services to which they are guaranteed under federal law and that they will be prepared to advocate for these services in the future. We encourage you to take the information provided and continue to build upon your own advocacy skills.



TRANSITION PLANNING

Students with disabilities should begin participating actively in the development of their individualized education programs (IEP) starting at age 14. Students and participants should turn their focus toward planning for the post-graduation outcome that the student desires. This includes scheduling the appropriate courses and looking into transition services that are necessary for the student to achieve their desired postsecondary outcome. Postsecondary goals should be developed and the IEP committee must develop at least one annual IEP goal and identify at least one transition service for each postsecondary goal. Likewise, students and parents/guardians should be aware of the interagency linkages and what agencies may be helpful in assisting students to achieve their goals.

Planning for the Transition



1 Develop a Transition Goal

Develop a plan with your IEP committee starting at age 14 and determine what your education/career goals are. Consider the career you want to pursue and the options you have to develop the skills and knowledge required. Students can utilize certificate or trade school programs, two-year technical school/community colleges, and standard four-year universities, as well as other career paths such as entrepreneurship or entering the military. Having a goal is crucial and will help guide the transition process!

2 Plan the Transition

Things to Consider: How will you accomplish your goals and what tools or agencies may be needed in the transition? Which agencies may be needed or utilized to accomplish those goals? These agencies should be invited to the meetings by the school when appropriate and with parental consent. Here are some of the relevant agencies for the state of Mississippi:

- a. Mississippi Department of Rehabilitation Services: www.mdrs.ms.gov
- b. Mississippi Department of Mental Health: www.dmh.ms.gov
- c. Social Security Administration (SSA): www.ssa.gov
- d. Mississippi Department of Health (MSDH): www.msdh.ms.gov
- e. Mississippi Council on Developmental Disabilities (MSCDD): www.msccdd.org
- f. Institute for Disability Studies (IDS): www.usm.edu/ids

TRANSITION PLANNING

3 Consider Funding

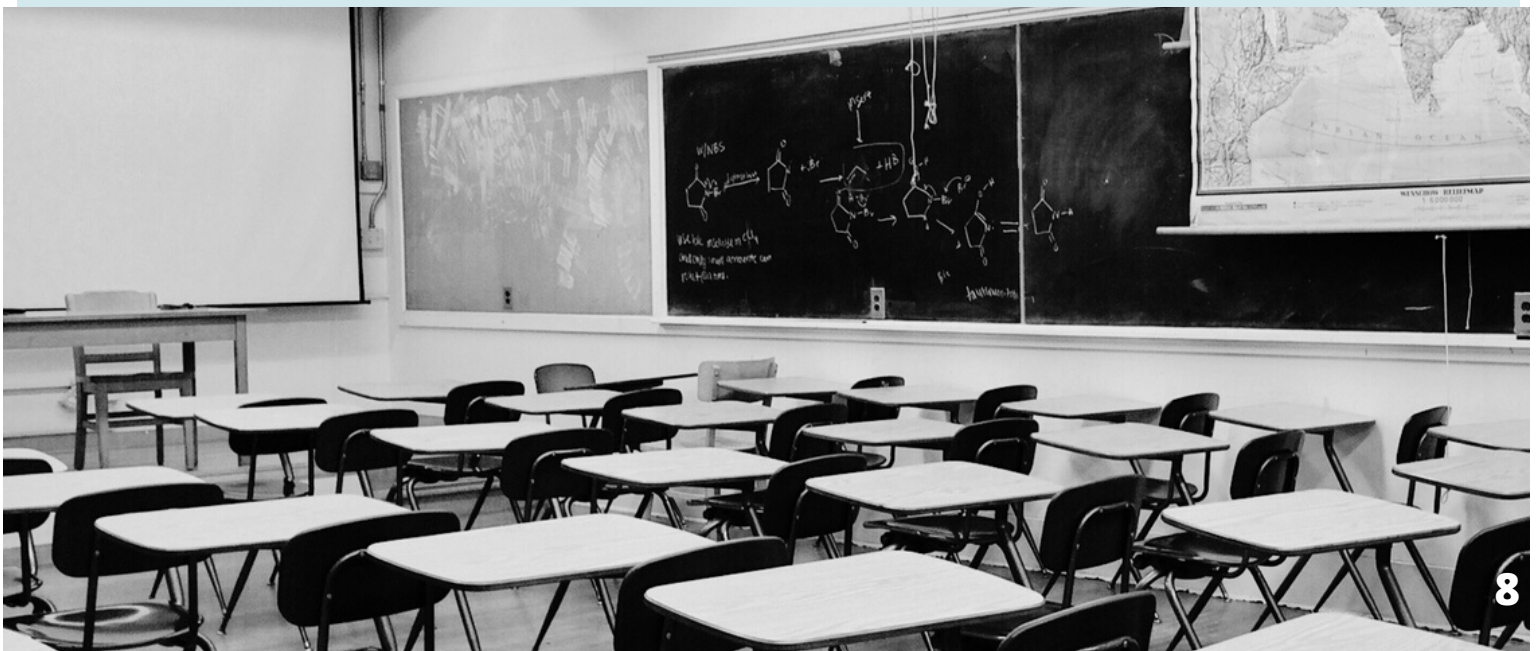
Determining how you will fund your education is something every student must consider. Unlike K-12 education, which is required to be made available under the Free Appropriate Public Education entitlement in Section 504 of the Rehabilitation Act, postsecondary education is not an entitlement. Students and parents should research financial aid options and be aware of student loans, scholarships, and whether vocational rehabilitations services may support some of the cost of the student's postsecondary education.

4 Connect with Counselors and Coordinators

When a student utilizes Vocational Rehabilitation Services, they are assigned a counselor. When that student finishes secondary school and moves to a postsecondary school, there will likely need to be a change in counselors as most Universities will have a counselor(s) assigned to their region. Make sure to inquire about who will be your new counselor and make introductions early so you will be comfortable prior to starting your college experience. Likewise, when considering a university, reach out to the university's ADA Office and speak with staff to ask questions, learn what programs or services the school may have, and begin building a connection.

5 Documentation

As you transition to adulthood and postsecondary life you will need to be prepared to keep and store documents that will be required not only for your education but for other activities such as applying for an apartment, job listings, medical appointments, and other necessary activities. Likewise, as is discussed in *Guide for Students*, up to date documentation by professionals is needed when requesting a reasonable accommodation from a university or postsecondary school. Make sure you have copies of documents such as birth certificate, Social Security card, current community service providers, documentation of any relevant diagnosis (current within the last 3-5 years), IEPs, evaluation reports, and examples of effective assistive technology/accommodations previously used.



GUIDE FOR STUDENTS

It can be intimidating to disclose personal information and even more so to ask for help. Remember that postsecondary schools are required by law to support the education needs of all eligible students and there are people there whose job it is to do exactly that. It is your right to ask questions and advocate for your educational needs and we hope that this guide will support you in doing so.

KNOW YOUR RIGHTS

If you are otherwise qualified, you have the right to participate in postsecondary education and activities free from discrimination on the basis of disability. Postsecondary schools are not allowed to charge you for providing an academic adjustment.

- 1. Right to nondisclosure:** Postsecondary applications cannot ask you about history of mental illness or disability; disclosure is voluntary. However, schools will likely require disclosure when requesting academic adjustments/accommodations.
- 2. Right to nondiscrimination during application:** Postsecondary institutions may not reject applicants based on mental illness or disability.
- 3. Right to appropriate academic adjustments and accommodations:** You have the right to receive appropriate academic adjustments and accommodations as necessary, based on disability and individual needs, to ensure that you are on an even playing field with your peers.
- 4. Right to participate:** Upon admission, all programs, including extracurriculars, must be made accessible to all students.
- 5. Right to physical education and athletics access:** A postsecondary institution can't discriminate in physical education and athletics on the basis of disability.
- 6. Right to accessible library resources:** Schools must provide appropriate auxiliary aids/accommodations to locate and obtain library resources.
- 7. Right to assistance to fill out aid applications/forms:** Schools must provide services to students with disabilities who may need assistance in filling out aid applications or other forms.
- 8. Right to counseling and placement services:** Schools must provide counseling and placement services without discriminating on the basis of disability. Schools may not counsel qualified students toward more restrictive career objectives because of disability.
- 9. Right to comparable, convenient, and accessible housing:** If your school provides housing, you have the right to comparable, convenient, and accessible housing provided to you at the same cost as other campus housing.
- 10. Right to accessible buildings or alternatives:** Postsecondary institution buildings constructed after 1977 must be architecturally accessible, such as by providing ramps and elevators. If buildings were constructed before 1977 and are not accessible, postsecondary institutions must provide other programmatic accommodations.

Understanding the Differences between High School and College

High School College

Laws

I.D.E.A.

Individualized Education Program

While both high schools and colleges must comply with Section 504, the I.D.E.A. is a huge part of education rights for students with disabilities in high school.

A.D.A.

Americans with Disabilities Act

There is no I.D.E.A. in college. The accommodations you receive will depend on your individual needs and will be based on your documentation.

Accommodations

A student's I.E.P. or 504 plan may include modifications to things like test format or grading. Teachers may modify curriculum.

Accommodations are explicitly established in the I.E.P. or 504 without the student needing to request them. The school may provide tutoring as a part of your IEP or 504 plan.

The student must request the

accommodations with each instructor. Some of the accommodations available in high school may not be provided. Books in alternate formats, early registration, and taking tests in a different area may be offered. The school does not have to provide tutoring as an accommodation.

Classes and Grades

Classes are often smaller. Your schedule is generally created by the school. Grades are typically based on many assignments throughout the semester or year. Classes often meet every day or every other day for a set amount of time. Your teacher usually knows your name. You may study a few hours per week.

In college, you select your classes and schedule (*but you can get help to know what classes to select from an advisor in your major/program*). Your grade may depend on fewer assignments. Your classes may be larger, and you may have less interaction with your instructor. The length and frequency of classes will vary. You may have to study more.

Advocacy and Responsibilities

Your parent/guardian talks to the school or instructors about your needs, and you do not have to ask if you need assistance. You things like a curfew or a schedule set by parent/guardian, and they might remind you about homework and tests, as well as help you clean, do laundry, and prepare you meals.

In college, you will generally have a lot more freedom, particularly if you are living on campus. Your teachers will expect to talk to you, not your parent/guardian, about any issues. You will also have more responsibilities! You will need to practice time management for things like studying, clubs, chores, social time, and sleep.

SELF-ADVOCACY

“Self-advocacy is the ability to articulate one's needs & make informed decisions about the support necessary to meet those needs.”

Knowledge of Rights Communication Knowledge of Self

HOW TO SELF-ADVOCATE IN HIGHER EDUCATION

1. Disclosure

Because schools are not allowed to ask about your disability prior to enrollment, it is up to you to share your diagnosis and your needs with the school's office of disability services.

2. Documentation

After you have shared this information with the school, they may request documentation that has been completed and signed by a professional familiar with your disability, like your doctor, psychologist, special education evaluator or rehabilitation counselor. Documentation should both verify your disability and include suggested accommodations to support your learning needs. The more recent the documentation, the better.

3. Accommodations

You can and should request appropriate academic adjustments as necessary, based on your individual needs. These may include:

- Auxiliary aids and services;
- Modifications to academic requirements as necessary to ensure equal education opportunity;
- Arranging for priority registration;
- Reducing course load;
- Substituting one course for another;
- Allowing note takers, recording devices, sign language interpreters, etc.;
- Extended time for testing; and
- Equipping school computers with screen-reading, voice recognition, or other adaptive software or hardware.

KEY TAKEAWAY: In a community college or university setting, it is up to YOU to disclose your disability and request accommodations. Not your parent or guardian. Not your teachers. Not your school. There are people who are equipped and ready help you, but **you** must ask for it!

When should I disclose my disability/request an accommodation?

As soon as possible! Remember, in the higher education setting, the burden is on YOU to ask for what you need. This is not said to scare or overwhelm you, but to empower you with the information you need to succeed. While it is ultimately up to you as to when and if you will disclose your disability, we encourage you to have accommodations and support in place at the start of each semester/class. If you do not disclose your disability, do not provide documentation, and do not request an academic adjustment, you cannot expect to be given a do-over or a last-minute fix at the end of the semester if you are not performing like you wanted to in class.

Can my parent or guardian just do it for me?

Sorry, no. They can encourage you and offer input!

What can I do if the school is discriminating against me because of my disability?

If you believe the school is discriminating against you, you may contact the person at the school who coordinates the school's compliance with Section 504, Title II, or both (often called the Section 504 Coordinator, ADA Coordinator, or Disability Support Coordinator). The school must have grievance procedures that ensure that you can raise your concerns fully and fairly and provide for the prompt and equitable resolution of complaints. Schools often have these steps published in student handbooks and catalogs.

If the school's grievance procedure is not exhaustive enough for you to address the issue or you would like an alternative, you may file a complaint against the school with the Office for Civil Rights (OCR). OCR is part of the U.S. Department of Education. It enforces Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibit discrimination on the basis of disability. You must file a complaint with OCR within 180 days of the last act of discrimination unless you qualify for a waiver of the timing requirement. For information on how to file an OCR complaint, see www.ed.gov/ocr/docs/howto.html.

Additionally, you can file a complaint with the Department of Justice, Civil Rights Division for ADA violations by following the instructions at www.ada.gov/file-a-complaint.

You can also file a complaint against the school through the court system. To do this, you would need to hire a private attorney to assist you through this process, or potentially utilize an advocacy agency or nonprofit for help.

Disability Rights Mississippi assists with rights violations due to a disability through our legal advocacy services. Contact Disability Rights Mississippi as soon as you believe you have experienced discrimination due to disability at 601-968-0600. You can learn more about our agency at www.drms.ms. Even if DRMS cannot take your case, the agency will always provide a referral or information to assist you in further self-advocacy.

IMPORTANT REMINDER: Having documentation is a powerful tool in self-advocacy, especially in the event of a rights violation. We encourage you to document any meetings or phone calls (date, time, the person you spoke with, and what was discussed) and retain any records or correspondence (emails, letters, syllabi, handbooks) so that in the event of a denial of accommodations or services, or violation of your rights due to your disability, you are empowered with these materials to fight for your rights.

RESOURCES FOR STUDENTS TRANSITIONING FROM EDUCATION TO ADULTHOOD

Vocational Rehabilitation

Vocational Rehabilitation/Rehabilitation Services is a Federal/State program which provides individualized support services and funding to qualified people with disabilities in order to assist them in becoming self-sufficient and self-supporting. Interested students should contact the Office of Rehabilitation Services for information regarding criteria and the application process.

- Transition Services - First IEP to be in effect when the student turns 16.
- The Transition Services Program works with eligible secondary school students with disabilities to enable them to transition from school to subsequent work environments. Vocational Rehabilitation (Voc Rehab) works cooperatively with the Mississippi Department of Education and local school districts in planning and implementing a variety of programs designed to provide training and assistance for students with disabilities to support them in making the difficult transition from school to work.

Social Security Benefits for Students

Earned Income Exclusion: This provision allows a person who is under age 22 and “regularly attending school” to exclude a certain amount of earnings from income. (2023 monthly income \$2,220 but not more than \$8,950 in the year 2023).

- "Regularly attending school" means that the person takes one or more courses of study and attends classes: in a college or university for at least 8 hours a week under a semester or quarter system; or in grades 7–12, for at least 12 hours a week; or in a training course to prepare for employment, for at least 12 hours a week (15 hours a week if the course involves shop practice); or in a home school situation (grades 7-12), for at least 12 hours per week and in accordance with the home school law of the State or jurisdiction in which the student resides; or for less time than indicated above for reasons beyond the student's control, such as illness.
- OR - A person who is homebound because of a disability may be a student when he or she: studies a course or courses given by a school (grades 7–12), college, university, or government agency; and has a home visitor or tutor from school who directs the studying or training.

Financial Aid

- Do not forget to utilize financial aid offices and conduct internet searches to find scholarships and financial aid specifically for students with disabilities.
- Resources like the Mississippi Department of Education and their blog will have information on offered yearly to students with disabilities that are entering certain programs or that have specific disabilities.
- Review the next page for important things to consider regarding financial aid.

FINANCIAL CONSIDERATIONS

Diploma Selection and Financial Aid

Please be aware that if you intend to pursue a college education, your diploma selection can affect your funding eligibility. The Mississippi Department of Education requires all 9th grade students to choose their diploma. **Mississippi Universities do not recognize the Alternate Diploma as an equivalent to a traditional high school diploma. This will affect both your admissions and financial aid.**

To receive federal financial aid, you must show you are qualified to obtain a college or career school education. ***Studentaid.gov list the following information as the means to show you are qualified to obtain a college or career school education:***

- having a high school diploma or a state-recognized equivalent such as a General Educational Development (GED) certificate;
- completing a high school education in a homeschool setting approved under state law (or—if state law does not require a homeschooled student to obtain a completion credential—completing a high school education in a homeschool setting that qualifies as an exemption from compulsory attendance requirements under state law); or
- enrolling in an eligible career pathway program and meeting one of the “ability-to-benefit” alternatives described below.

Ability-to-Benefit Alternatives

If you were enrolled in college or career school prior to July 1, 2012, or if you are currently enrolled in an eligible career pathway program*, you may show you’re qualified to obtain a higher education by:

- passing an approved ability-to-benefit test** (if you don’t have a diploma or GED, a college can administer a test to determine whether you can benefit from the education offered at that school) or
- completing six credit hours, 225 clock hours, or equivalent course work toward a degree or certificate (you may not receive aid while earning the six credit hours).

**For more information about these criteria, talk to the financial aid office at your school. Your financial aid counselor can tell you whether your school offers an eligible career pathway program and can advise you about any ability-to-benefit tests the school uses.*

***Currently, only Mississippi State offers a comprehensive transition and postsecondary (CTP) program for students with intellectual disabilities. You can learn more about those programs on studentaid.gov and see a state specific list of programs.*



RESOURCES FOR STUDENTS UNDERSTANDING YOUR RIGHTS

The transition from high school to college can be a daunting task for many students, and for students with disabilities it can often leave them with more questions than answers. In our experience with helping students and college ADA coordinators through the years, we've compiled a list of resources that we feel can equip students as well as their parents with knowledge and insight to help ease the confusion and anxiety we frequently see.

While we cannot guarantee the information provided here, nor do we present it to be actual legal advice, we believe the sources to be viable and legitimate, and helpful when applied to the process of seeking reasonable accommodations and support in the higher education arena.



<http://studentcaffe.com/prepare/students-with-disabilities/ada-your-rights-college-student>

Brief overview of the laws that protect the rights of students with disabilities; and a breakdown of the differences between K-12 and college when it pertains to the student's rights and responsibilities.

<https://www2.ed.gov/about/offices/list/ocr/transition.html>

The office of civil rights in the U.S. Dept of Education's site – providing overview of rights and obligations according to the law and links to numerous specific topics such as auxiliary aids and FERPA.

<https://www.ahead.org/professional-resources/white-papers-guiding-documents>

AHEAD is professional association dedicated to higher education standards for students with disabilities. This link has info on 2 specific papers that are detailed and explanatory related to reasonable accommodations, and disability services for students with intellectual disabilities.

<https://www.premiumschools.org/best-disability-friendly-colleges/>

List of the 15 best disability friendly colleges and details on what makes them so.

https://ecommons.cornell.edu/bitstream/handle/1813/76652/The_Why_When_What_and_How_of_Disclosure_in_an_Academic_Setting.pdf?sequence=1&isAllowed=y

The Office of Disability Employment Policy (ODEP) – a list of the why, when, what, and how of disclosure in an academic setting after high school.

<https://www2.ed.gov/about/offices/list/ocr/letters/parent-20070316.pdf>

From the U. S. Dept. of Education – a frank and concise letter to parents about the reality of issues they'll deal with and need to be prepared for as their student considers higher education options.

<https://www.law.cornell.edu/cfr/text/45/84.44>

List of approved academic adjustments that could be made – specific to federal rules.

<https://www.masslegalhelp.org/health/sickle-cell-disease-reasonable-accommodations-college>

Even though the article is specific to sickle cell disease, it offers some detailed info in a manner broken down into some easy to follow questions.

<https://www.clayton.edu/disability/docs/tips-for-communicating-with-your-professors.pdf>

General tips for how to more easily communicate with your professors. These steps can be modified to fit your own college rules but the basics apply.

<https://www.mdrs.ms.gov/workforce/vocational-rehabilitation>

Seeking the assistance and involvement of Vocational Rehabilitation (Voc Rehab) from the Mississippi Department of Rehabilitation may help a student with disabilities qualify for their educational supports – from financial to assistive technology.



GUIDE FOR PARENTS AND GUARDIANS

Now that your child is getting ready to begin postsecondary school, there are some important changes for you to be aware of. But first, congratulations! Your support and advocacy has been invaluable in helping your child reach this point. Going forward, now that your child is over 18, they are the one primarily responsible for communicating with the school regarding their accommodations, but you can still help guide them along the way.

Grade school vs. postsecondary schools

Unlike grade schools, postsecondary schools are not required to provide a free appropriate public education (FAPE). In postsecondary education, the onus is now on your child to alert the school to their disability and their learning needs; postsecondary schools are not required to identify students with disabilities.

What do I do now?

To get an academic adjustment or accommodation, your child must inform the school that they have a disability and follow the individual school's procedures to request an academic adjustment. You should encourage your child to request an academic adjustment as early as possible because the school must have enough time to review the request and provide an appropriate academic adjustment. The school will generally require your child to provide documentation showing that they have a current disability that requires an academic adjustment. Schools vary in how much documentation you must provide. Some may require documentation prepared by an appropriate professional such as a doctor or psychologist.

An individualized education program (IEP) or Section 504 plan may help identify services that have been effective for your student in the past; however, this documentation is generally not enough on its own because of the differences between high school and postsecondary education.

Postsecondary schools are NOT required to:

- Lower or substantially modify essential requirements (e.g., postsecondary changing substantive content of a test);
- Make adjustments that fundamentally alter the nature of a service, program, or activity, or that would result in an undue financial or administrative burden;
- Provide personal attendants;
- Provide individually prescribed devices;
- Provide readers for personal use or study;
- Provide other devices or services of a personal nature, such as tutoring and typing;
- Conduct or pay for a new evaluation to document your disability and need for an academic adjustment; or
- Develop an IEP.

CHECKLIST FOR PREPARING FOR COLLEGE

For Students with Disabilities and their Parents/Guardians

9th GRADE

Students:

- be involved in IEP meetings
- ask about career counseling, assessments or testing at your high school
- check with guidance counselor about which courses are required for college
- explore your goals with your parents and meet with guidance counselor about your plans
- consider costs related to your goals
- start researching different colleges and schools, looking at things like course requirements, what majors are offered, expenses, what services are available for students with disabilities, clubs and activities

Parents/Guardians:

- stay involved in IEP process
- discuss your student's career goals and plans

10th GRADE

Students:

- continue to be engaged in IEP process, becoming more involved in the decision-making
- research how your disability might impact you in the college classroom and consider what academic adjustments you might need in college
- practice self-advocating for what adjustments you need
- consider career assessments and what career choices are best suited to your goals and strengths
- research requirements for admission at colleges and meet with your guidance counselor to make sure you are on track
- get involved in extracurricular activities for your interests; in addition to grades, colleges look at this when considering admissions
- stay in conversation about your parents about your options
- take the Preliminary SAT; this is a qualifying test for the National Merit Scholarship

Parents/Guardians:

- stay involved in IEP process; allow student to practice advocating for themselves in meetings
- discuss your student's career goals and plans
- research colleges, admissions, costs, and financial aid/scholarships to determine what options are available for your family

11th GRADE

Students:

- begin touring campuses of colleges you are interested in
- research disability services at the colleges you are interested in, especially looking at their requirements for documentation and eligibility
- consider setting up a meeting with the disability services office to learn more about what academic adjustments are offered
- find out the admissions criteria at the colleges on your list, and consider meeting with a representative from the admissions office

CHECKLIST FOR PREPARING FOR COLLEGE

11th GRADE continued:

- ask questions like: what scholarships are available? what financial aid programs are available? how much is tuition, living expenses and so on?
- begin to taper off using academic adjustments that are unrealistic for the college setting (things like unlimited time, open book tests, modified tests, etc.)
- continue practicing self-advocacy in your IEP meetings
- attend college fairs, narrow your choices for schools, career goals, and majors
- take the ACT or SAT (depending on admission requirements for your choice schools); submit an application for accommodations for these tests if applicable

Parents/Guardians:

- stay involved in IEP process, allowing student to self-advocate
- help your student determine if college is a goal, narrow down plans
- help student with research about schools, disability services, scholarships and financial aid, admissions criteria, etc. and attend tours/appointments with them
- connect your child with Vocational Rehabilitation (Voc Rehab) at the Mississippi Department of Rehabilitation Services if applicable to your situation

12th GRADE

Students:

- take the ACT/SAT if you haven't yet, or if you are trying to increase your score
- narrow your choices of colleges if postsecondary education is your goal; if college is not your goal, explore things like trade schools and employment options
- complete college applications; the earlier you apply, the better!
- discuss your transition plan and options during your IEP meetings
- consider no longer using academic adjustments that will not be available in college
- once your college is selected and you are accepted, reach out to the disability services office to discuss intake, documentation requirements, and get the ball rolling early on knowing what is needed to receive academic adjustments; it's always great to have these things settled early!
- meet with Voc Rehab to explore what assistance might be available to you
- after graduation and registering for courses: contact the Disability Support Coordinator at your school to prepare for the year and the adjustments you will request for each class
- remember that in college, adjustments are case-by-case and class-by-class
- congratulate yourself for all of your hard work and get excited for all that you have ahead!

Parents/Guardians:

- continue involvement in IEP process; encourage student to advocate for themselves in meetings
- continue to discuss your student's plans, paying attention to application deadlines and requirements for specific colleges
- complete the Free Application for Federal Student Aid at www.fafsa.ed.gov
- accompany student on tours and meetings
- help your student meet deadlines and send in all required documentation, set up meetings, etc.

GUIDE FOR SCHOOLS

Postsecondary instructors must make reasonable accommodations for students with disabilities unless doing so would result in a fundamental alteration of the program or result in undue financial or administrative burden. This may include allowing auxiliary aids and services, modifying academic requirements as necessary to ensure equal education opportunity, allowing note takers, allowing recording devices, extending time for testing, etc.

Recording Lectures and Intellectual Property

A postsecondary instructor must allow a student to use a recorder if prohibition would limit the student's participation in the school program. Section 504 of the Rehabilitation Act of 1973 states: A recipient may not impose upon handicapped students other rules, ***such as the prohibition of tape recorders in classrooms*** or of dog guides in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.

An institution may require the student to sign an agreement that they will not infringe on a potential copyright or to limit freedom of speech. This will protect the intellectual property in a manner that will not infringe on the rights of a student with disabilities to receive necessary academic accommodations.

Accommodations During Exams

A postsecondary institution must allow auxiliary aids or services during an examination if necessary for the student to successfully complete the exam (e.g., a student may give oral answers instead of written answers).

Extracurricular Activities

Extracurricular activities must be accessible to all students. Athletics may not discriminate on the basis of disability. A school that provides significant assistance to fraternities, sororities, or similar organizations must assure that the membership practices of such organizations do not discriminate on the basis of disability.

Best Practices

With careful planning, many policy modifications can be made in advance to support students with disabilities. Some examples include:

- Rescheduling or relocating classes to an accessible classroom location;
- Using early enrollment options for students with disabilities to allow time to arrange accommodations;
- Substituting specific courses required for completion of degree requirements;
- Providing students with disabilities with a syllabus prior to the beginning of class;
- Clearly communicating course requirements, assignments, due dates, grading criteria both orally and in written form;
- Providing written outlines or summaries of class lectures, or integrating this information into comments at the beginning and end of class;
- Allowing students to use note takers or record lectures;
- Allowing students with disabilities, whose disability prevents them from taking a full-time course load, to qualify for financial aid.

SERVICE ANIMALS AND EMOTIONAL SUPPORT ANIMALS IN COLLEGE

Students and college faculty both have many questions and concerns about service animals and emotional support animals in the higher education setting. Here a few of the common questions, and our answers. *Remember, this is strictly informational and not intended to serve as legal advice.*

What is the difference between a service animal and an emotional support animal?

A service animal means any dog (or in some cases, miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Service animals are defined by Title II and III of the ADA. While Emotional Support Animals (ESA) are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA.

Can I bring my service animal to college?

Under the ADA, colleges and universities must allow people with disabilities to bring their service animals into all areas of the facility that are open to the public or to students. Schools may have a voluntary policy asking students to register service animals, but they cannot not require any documentation about the training of a service animal. They can require proof the service animal has required vaccinations. Service animals are also protected by the Fair Housing Act (FHA) in student housing. These laws override any "no pets" policies, and a student cannot be charged an additional fee for having a service animal on campus or in on campus housing.

The service animal's handler is required for the care and supervision of their animal under the law. If a service animal, for example, barks excessively, jumps on others, or is disrupting and distracts from others' learning, the school has the right to deny access. Additionally, if a service animal poses a direct threat to the health or safety of others, a school may deny access.

Can I bring my ESA to college?

Under the FHA, an individual with a qualified disability may be allowed to bring their ESA to live with them in their student housing, as it often qualifies as a reasonable accommodation. As ESAs are not protected under the ADA and the FHA only applies to housing, the accommodation does not apply to classrooms, libraries, or other areas of campus; accommodations in areas other than housing would be on a case by case basis for each individual.

A college or university does not have to allow an emotional support animal if it would pose an undue financial and administrative burden or if it would fundamentally alter the nature of the provider's operations. An emotional support may also be denied if the animal's behavior poses a direct threat to the health or safety of others. Additionally, under the FHA, the student is required to have control over the animal. If the animal were to cause property damage, the student is liable for financially covering the damage.

SERVICE ANIMALS AND EMOTIONAL SUPPORT ANIMALS

I'm an instructor. What if I have a student who uses a service animal and another student who is allergic to dogs? What if I am afraid of dogs?

Allergies and/or fear of dogs are not a valid reason for denying access to a service animal. Reasonable solutions might include having each student sit on opposite sides of the room. In the case of severe allergies, the entity, in this case the college, is responsible for finding a way to accommodate both the person using the service animal and the person with an allergy.

I'm a Disability Support Coordinator. A student brought in a note from a doctor stating the student has a disability and their ESA is a part of their treatment plan. However, the doctor is located in California, or I can see that anyone can purchase a note from them online. Can I reject their note? According to HUD guidance, online documentation from a licensed physician is sufficient for an ESA to reside in on-campus housing. Online certificate services may not meet documentation requirements and additional documentation may be needed. Schools may have their own policies on student's established relationships with their health care provider.

I'm a Disability Support Coordinator. I have a student who has an ESA animal in student housing. They have an emotional support ferret. They have requested permission to have an additional ferret live in their dorm because ferrets do better with a companion. What do I do?

Believe it or not, we've heard this one before! This goes back to anti-discriminatory housing practices covered under the FHA and reasonable accommodations. As long as the ESAs do not threaten the health and safety of others, impose an undue financial burden on the university, or not mind their handler, they are protected, and, generally speaking, two ferrets would be allowable. In more nuanced situations such as these, it is always a great idea to consult with your college's legal counsel, or you can reach out to DRMS for technical assistance.

KEY TAKEAWAY: Students with disabilities have the right to have their **service animal** with them anywhere on campus. Students who have an **emotional support animal** may have their ESA with them in in on-campus housing, but elsewhere is at the discretion of the university's policies and the reasonable accommodations for that individual circumstance. However, in most cases, students will need to provide some form of documentation. Additionally, this does not mean that you cannot be asked to remove your animal from the space if it does not comply with the rules of the space or poses health or safety risks to others.



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