



NASET Q & A Corner

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Transition of Students with Disabilities to Postsecondary Education

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Introduction

For students with disabilities, a big factor in their successful transition from high school to postsecondary education is accurate knowledge about their civil rights. High school educators often have many questions about students with disabilities as they get ready to move to the postsecondary education environment. Written by the U.S. Department of Education Office for Civil Rights, *Transition of Students With Disabilities to Postsecondary Education: A Guide for High School Educators*, this issue of NASET's Q & A Corner highlights the significant differences between the rights and responsibilities of students with disabilities in the high school setting and the rights and responsibilities these students will have once they are in the postsecondary education setting.

The Admissions Process

1. Are students with disabilities entitled to changes in standardized testing conditions on entrance exams for institutions of postsecondary education?

It depends. In general, tests may not be selected or administered in a way that tests the disability rather than the achievement or aptitude of the individual.⁴ In addition, federal law requires changes to the testing conditions that are necessary to allow a student with a disability to participate as long as the changes do not fundamentally alter the examination or create undue financial or administrative burdens.⁵ Although some institutions of postsecondary education may have their own entrance exams, many use a student's score on commercially available tests. In general, in order to request one or more

changes in standardized testing conditions, which test administrators may also refer to as “testing accommodations”⁶, the student will need to contact the institution of postsecondary education or the entity that administers the exam and provide documentation of a disability and the need for a change in testing conditions. The issue of documentation is discussed below. Examples of changes in testing conditions that may be available include, but are not limited to:

- Braille;
- Large print;
- Fewer items on each page;
- Tape recorded responses;
- Responses on the test booklet;
- Frequent breaks;
- Extended testing time;
- Testing over several sessions;
- Small group setting;
- Private room;
- Preferential seating; and
- The use of a sign language interpreter for spoken directions.

2. Are institutions of postsecondary education permitted to ask an applicant if he or she has a disability before an admission decision is made?

Generally, institutions of postsecondary education are not permitted to make what is known as a “preadmission inquiry” about an applicant’s disability status. Preadmission inquiries are permitted only if the institution of postsecondary education is taking remedial action to correct the effects of past discrimination or taking voluntary action to overcome the effects of conditions that limited the participation of individuals with disabilities.⁷

Examples of impermissible preadmission inquiries include: *Are you in good health? Have you been hospitalized for a medical condition in the past five years?* Institutions of postsecondary education may inquire about an applicant’s ability to meet essential program requirements provided that such inquiries are not designed to reveal disability status. For example, if physical lifting is an essential requirement for a degree program in physical therapy, an acceptable question that could be asked is, *With or without reasonable accommodation, can you lift 25 pounds?* After admission, in response to a student’s request for “academic adjustments,⁸” reasonable modifications or auxiliary aids and services, institutions of postsecondary education may ask for documentation regarding disability status.

3. May institutions of postsecondary education deny an applicant admission because he or she has a disability?

No. If an applicant meets the essential requirements for admission, an institution may not deny that applicant admission simply because he or she has a disability, nor may an institution categorically exclude an applicant with a particular disability as not being qualified for its program.⁹ For instance, an institution may not automatically assume that all applicants with hearing or visual impairments would be unable to meet the essential eligibility requirements of its music program. An institution may, however, require an applicant to meet any essential technical or academic standards for admission to, or participation in, the institution and its program.¹⁰ An institution may deny admission to any student, disabled or not, who does not meet essential requirements for admission or participation.

4. Are institutions obligated to identify students with disabilities?

No. Institutions do not have a duty to identify students with disabilities. Students in institutions of postsecondary education are responsible for notifying institution staff of their disability should they need academic adjustments. High schools, in contrast, have an obligation to identify students within their jurisdiction who have a disability and who may be entitled to services.

5. Are students obligated to inform institutions that they have a disability?

No. A student has no obligation to inform an institution of postsecondary education that he or she has a disability; however, if the student wants an institution to provide an academic adjustment or assign the student to accessible housing or other facilities, or if a student wants other disability-related services, the student must identify himself or herself as having a disability. The disclosure of a disability is always voluntary. For example, a student who has a disability that does not require services may choose not to disclose his or her disability

Post-Admission: Documentation of a Disability

6. What are academic adjustments and auxiliary aids and services?

Academic adjustments are defined in the Section 504 regulations at 34 C.F.R. § 104.44(a) as:

[S]uch modifications to [the] academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of [disability] against a qualified ... applicant or student [with a disability]. Academic requirements that the recipient can demonstrate are essential to the instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.¹¹

Academic adjustments also may include a reduced course load, extended time on tests and the provision of auxiliary aids and services. Auxiliary aids and services are defined in the Section 504 regulations at 34 C.F.R. § 104.44(d), and in the Title II regulations at 28 C.F.R. § 35.104. They include note-takers, readers, recording devices, sign language interpreters, screen-readers, voice recognition and other adaptive software or hardware for computers, and other devices designed to ensure the participation of students with impaired sensory, manual or speaking skills in an institution's programs and activities. Institutions are not required to provide personal devices and services such as attendants, individually prescribed devices, such as eyeglasses, readers for personal use or study, or other services of a personal nature, such as tutoring. If institutions offer tutoring to the general student population, however, they must ensure that tutoring services also are available to students with disabilities. In some instances, a state VR agency may provide auxiliary aids and services to support an individual's postsecondary education and training once that individual has been determined eligible to receive services under the VR program.

7. In general, what kind of documentation is necessary for students with disabilities to receive academic adjustments from institutions of postsecondary education?

Institutions may set their own requirements for documentation so long as they are reasonable and comply with Section 504 and Title II. It is not uncommon for documentation standards to vary from institution to institution; thus, students with disabilities should research documentation standards at those institutions that interest them. A student must provide documentation, upon request, that he or she has a disability, that is, an impairment that substantially limits a major life activity¹² and that supports the need for an academic adjustment. The documentation should identify how a student's ability to function is limited as a result of her or his disability. The primary purpose of the documentation is to establish a disability in order to help the institution work interactively with the student to identify appropriate services. The focus should be on whether the information adequately documents the existence of a current disability and need for an academic adjustment.

8. Who is responsible for obtaining necessary testing to document the existence of a disability?

The student. Institutions of postsecondary education are not required to conduct or pay for an evaluation to document a student's disability and need for an academic adjustment, although some institutions do so. If a student with a disability is eligible for services through the state VR Services program, he or she may qualify for an evaluation at no cost. High school educators can assist students with disabilities in locating their state VR agency at <http://rsa.ed.gov> (click on "Info about RSA," then "Resources," then

“State and Local Government Employment Resources,” then “Vocational Rehabilitation Offices”). If students with disabilities are unable to find other funding sources to pay for necessary evaluation or testing for postsecondary education, they are responsible for paying for it themselves.

At the elementary and secondary school levels, a school district’s duty to provide a free appropriate public education (FAPE) encompasses the responsibility to provide, at no cost to the parents, an evaluation of suspected areas of disability for any of the district’s students who is believed to be in need of special education or related aids and services. School districts are not required under Section 504 or Title II to conduct evaluations that are for the purpose of obtaining academic adjustments once a student graduates and goes on to postsecondary education.

9. Is a student’s most recent individualized education program (IEP) or Section 504 plan sufficient documentation to support the existence of a disability and the need for an academic adjustment in a postsecondary setting?

Generally, no. Although an IEP or Section 504 plan may help identify services that have been used by the student in the past, they generally are not sufficient documentation to support the existence of a current disability and need for an academic adjustment from an institution of postsecondary education. Assessment information and other material used to develop an IEP or Section 504 plan may be helpful to document a current disability or the need for an academic adjustment or auxiliary aids and services. In addition, a student receiving services under Part B of the *IDEA* must be provided with a summary of his or her academic achievements and functional performance that includes recommendations on how to assist in meeting the student’s postsecondary goals.¹³ This information may provide helpful information about disability and the need for an academic adjustment.

10. What can high school personnel, such as school psychologists and counselors, transition specialists, special education staff and others, do to assist students with disabilities with documentation requirements?

By the time most students with disabilities are accepted into a postsecondary institution, they are likely to have a transition plan and/or to be receiving transition services, which may include evaluations and services provided by the state VR agency. High school personnel can help a student with disabilities to identify and address the specific documentation requirements of the postsecondary institution that the student will be attending. This may include assisting the student to identify existing documentation in her or his education records that would satisfy the institution’s criteria, such as evaluation reports and the summary of the student’s academic achievement and functional performance. School personnel should be aware that institutions of postsecondary education typically do not accept brief conclusory statements for which no supporting evidence is offered as sufficient documentation of a disability and the need for an academic adjustment. School personnel should also be aware that some colleges may delay or deny services if the diagnosis or the documentation is unclear.

11. Will a medical diagnosis from a treating physician help to document disability?

A diagnosis of impairment alone does not establish that an individual has a disability within the meaning of Section 504 or Title II. Rather, the impairment must substantially limit a major life activity, or the individual must have a record of such an impairment or be regarded as having such an impairment.¹⁴ A diagnosis from a treating physician, along with information about how the disability affects the student, may suffice. As noted above, institutions of postsecondary education may set their own requirements for documentation so long as they are reasonable and comply with Section 504 and Title II.

12. If it is clear that a student has a disability, why does an institution need documentation?

Students who have the same disability may not necessarily require the same academic adjustment. Section 504 and Title II require that institutions of postsecondary education make individualized determinations regarding appropriate academic adjustments for each individual student. If the student’s disability and need for an academic adjustment are obvious, less documentation may be necessary.

13. If an institution thinks that the documentation is insufficient, how will the student know?

If the documentation a student submitted for the institution’s consideration does not meet the institution’s requirements, an official should notify the student in a timely manner of what additional documentation the student needs to provide. As noted above, a student may need a new evaluation in order to provide documentation of a current disability.

Post-Admission: Obtaining Services

14. Must institutions provide every academic adjustment a student with a disability wants?

It depends. Institutions are not required to provide an academic adjustment that would alter or waive essential academic requirements.¹⁵ They also do not have to provide an academic adjustment that would fundamentally alter the nature of a service, program or activity or result in undue financial or administrative burdens considering the institution’s resources as a whole.¹⁶ For example, an appropriate academic adjustment may be to extend the time a student with a disability is allotted to take tests, but an institution is not required to change the substantive content of the tests. In addition, an institution is not required to make modifications that would result in undue financial or administrative burdens. Public institutions are required to give primary consideration to the auxiliary aid or service that the student requests, but can opt to provide alternative aids or services if they are effective. They can also opt to provide an effective alternative if the requested auxiliary aid or service would fundamentally alter the nature of a service, program or activity or result in undue financial or administrative burdens. For example, if it would be a fundamental alteration or undue burden to provide a student with a disability with a note-taker for oral classroom presentations and discussions and a tape recorder would be an effective alternative, a postsecondary institution may provide the student with a tape recorder instead of a note-taker.

15. If students want to request academic adjustments, what must they do?

Institutions may establish reasonable procedures for requesting academic adjustments; students are responsible for knowing these procedures and following them. Institutions usually include information on the procedures and contacts for requesting an academic adjustment in their general information publications and Web sites. If students are unable to locate the procedures, they should contact an institution official, such as an admissions officer or counselor.

16. What should students expect in working with a disability coordinator at an institution of postsecondary education?

A high school counselor, a special education teacher or a VR counselor may meet with high school students with disabilities to provide services or monitor their progress under their education plans on a periodic basis. The role of the disability coordinator at an institution of postsecondary education is very different. At many institutions, there may be only one or two staff members to address the needs of all students with disabilities attending the institution. The disability coordinator evaluates documentation, works with students to determine appropriate services, assists students in arranging services or testing modifications, and deals with problems as they arise. A disability coordinator may have contact with a student with a disability only two or three times a semester. Disability coordinators usually will not directly provide educational services, tutoring or counseling, or help students plan or manage their time or schedules. Students with disabilities are, in general, expected to be responsible for their own academic programs and progress in the same ways that nondisabled students are responsible for them.

17. When should students notify the institution of their intention to request an academic adjustment?

As soon as possible. Although students may request academic adjustments at any time, students needing services should be advised to notify the institution as early as possible to ensure that the institution has enough time to review their request and provide an appropriate academic adjustment. Some academic adjustments, such as interpreters, may take time to arrange. In addition, students should not wait until after completing a course or activity or receiving a poor grade to request services and then expect the grade to be changed or to be able to retake the course.

18. How do institutions determine what academic adjustments are appropriate?

Once a student has identified him- or herself as an individual with a disability, requested an academic adjustment and provided appropriate documentation upon request, institution staff should discuss with the student what academic adjustments are appropriate in light of the student's individual needs and the nature of the institution's program. Students with disabilities possess unique knowledge of their individual disabilities and should be prepared to discuss the functional challenges they face and, if applicable, what has or has not worked for them in the past. Institution staff should be prepared to describe the barriers students may face in individual classes that may affect their full participation, as well as to discuss academic adjustments that might enable students to overcome those barriers.

19. Who pays for auxiliary aids and services?

Once the needed auxiliary aids and services have been identified, institutions may not require students with disabilities to pay part or all of the costs of such aids and services, nor may institutions charge students with disabilities more for participating in programs or activities than they charge students who do not have disabilities. Institutions generally may not condition their provision of academic adjustments on the availability of funds, refuse to spend more than a certain amount to provide academic adjustments, or refuse to provide academic adjustments because they believe other providers of such services exist.¹⁷ In many cases, institutions may meet their obligation to provide auxiliary aids and services by assisting students in either obtaining them or obtaining reimbursement for their cost from an outside agency or organization, such as a state VR agency. Such assistance notwithstanding, institutions retain ultimate responsibility for providing necessary auxiliary aids and services and for any costs associated with providing such aids and services or utilizing outside sources. However, as noted above, if the institution can demonstrate that providing a specific auxiliary aid or service would result in undue financial or administrative burdens, considering the institution's resources as a whole, it can opt to provide another effective one.

20. What if the academic adjustments the institution provides are not working?

If the academic adjustments provided are not meeting the student's needs, it is the student's responsibility to notify the institution as soon as possible. It may be too late to correct the problem if the student waits until the course or activity is completed. The student and the institution should work together to resolve the problem.

References

U.S. Department of Education, Office for Civil Rights, *Transition of Students With Disabilities to Postsecondary Education: A Guide for High School Educators*, Washington, D.C., 2011.