



## **Action Guide for Students in Private Post-Secondary Schools**

### **A Self-Advocacy Guide**

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Federal and state law can change at any time. If there is any question about the continued validity of any information in the handbook, contact the Arizona Center for Disability Law or an attorney in your community.

The purpose of this guide is to provide general information to individuals regarding their rights and protections under the law. It is not intended as a substitute for legal advice. You may wish to contact the Arizona Center for Disability Law or consult with a lawyer in your community if you require further information.

This guide is available in alternative formats upon request.

# Action Guide for Students in Private Post-secondary Schools

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# 1. Using This Instructional Guide

1. This guide was developed to assist individuals in taking steps to obtain necessary accommodations and academic adjustments as well as handle discrimination in private postsecondary educational programs covered by Title III of the ADA and the state's Arizonans With Disabilities Act (AzDA). Private postsecondary educational facilities include private colleges and universities, as well as vocational, trade and technical schools. Title III also applies to private testing services.
2. This guide is divided into three sections:
  - Introduction
  - Action steps
  - Appendix with form and sample letters and resources.
3. Throughout the guide, there are citations to the location of laws. Generally, it is not necessary for students to be familiar with these specific citations or to obtain copies of the law. These citations are included if the student needs to provide the postsecondary institution with the legal authority for the request. These citations would also be helpful to a private attorney who represents a person with a disability. The following is a list of abbreviations used in the citations:

CFR	=	Code of Federal Regulations
USC	=	United States Code
DOE	=	Department of Education
OCR	=	Office of Civil Rights
ADA	=	Americans with Disabilities Act

## 2. Introduction

This guide is the companion guide to the Center's guide, *Legal Rights of Students with Disabilities in Postsecondary Schools*. *Legal Rights of Students with Disabilities in Postsecondary Schools* offers information about the rights of students attending postsecondary programs that are public or private. The information is provided in a question-and-answer format to the most common problems discussed with Center staff.

The *Action Guide for Privately-Funded Schools* outlines steps a student may take to resolve discrimination on the basis of disability in private schools. The steps include using the school's grievance procedures and outside complaint procedures. The guide also includes information about the right to file a private lawsuit and the deadlines for filing lawsuits under these laws. Also found in the guide are sample forms, letters, and resources for students.

If you are planning on attending a publicly-funded school, there is a different guide for those schools and programs: *Action Guide for Students in Public Postsecondary Schools*.

This guide is not intended as a substitute for legal advice.

Private postsecondary schools are subject to the non-discrimination requirements of Title III of the Americans with Disabilities Act (ADA). Private schools receiving federal financial assistance, such as federal student grants or loans, are also covered by Section 504 of the Rehabilitation Act. Private schools and programs covered by Title III of the Americans with Disabilities Act (ADA) are not required to appoint an ADA coordinator or develop grievance procedures. However, these schools and programs are prohibited from discriminating against people with disabilities because of their disability. If a private school receives federal funds; however, it is required to develop grievance procedures "... for prompt and equitable resolution of complaints alleging discrimination on the basis of disability." (See 34 C.F.R. §104.7). Schools and programs covered by Title III must provide reasonable accommodations to students with disabilities unless the accommodation would require a fundamental alteration to the program and services offered by the school.

Schools and programs covered by Title III may have a procedure for handling requests for accommodations and complaints that the program or instructors are discriminating on the basis of disability.

Though not required by law, a student may choose to follow the school's grievance procedures if s/he believes s/he has:

- been discriminated against on the basis of disability,
- has not received the accommodations necessary to become admitted to the institution or complete his/her courses, or
- has been denied participation in non-academic programs or services.

Private institutions covered by Title III of the ADA are not required by law to designate an ADA Coordinator, but should have procedures for notification and requesting accommodation(s) for a disability and may identify one individual to handle these requests. There are good reasons to go through grievance procedures -- they are free and speedier in resolving complaints than administrative or legal steps. These procedures give the school an opportunity to reconsider its decision. However, the ADA does not require you to use these grievance procedures before filing a complaint or taking legal action.

This Action Guide is divided into four sections based on common problems faced by students. Each section outlines steps a student may take to try and work out problems.

- See *Section A* if you are having a problem *with admission*.
- See *Section B* if you are experiencing difficulty obtaining *an accommodation or academic adjustment*.
- See *Section C* if you have been placed on *academic probation* or are otherwise in jeopardy of failing your classes and believe it is related to discrimination or lack of accommodations.
- See *Section D* if you *need a class or requirement waived* because of your disability.
- See *Section E* if you have been *denied an equal opportunity to enjoy programs or services*.

### 3. Action Steps

#### A. If You Have Been Denied Admission into the Program Because of a Disability:

Examples of Discrimination in Admission:

- Asking disability-related questions on applications or in other application procedures
- Requiring a medical examination prior to admission
- Asking disability-related questions in interviews
- Denying an otherwise eligible student admission to a program because of his/her disability
- Refusing to offer accommodations in the admission process (e.g., no sign language interpreter for interview or interview in inaccessible location).

**STEP 1(a):** First, examine the application package before you complete it. If there are disability-related questions on the admission application, you do not need to answer them. Go to Step 4 on page 7 to file a complaint or call our office for assistance.

**STEP 1(b):** Keep in mind that unless you have a visible disability that was obvious during an interview or you voluntarily disclosed your disability, the school should not have information about your disability while making a decision about admission. If the school knew about your disability because you have an obvious disability or you voluntarily told them about your disability and you suspect discrimination, go to Step 2.

**STEP 2:** If you are denied admission because of your disability, contact the school administrator. Ask if the school has grievance procedures and follow those steps, or visit their website to search for their grievance procedures. Be careful to follow the order and the deadlines in those procedures. If the school does not have procedures, go to Step 4 on page 9 to file a complaint or call the Center for further assistance.

**STEP 3:** If the school does have a grievance procedure, but you disagree with the decision during the grievance procedures or you prefer not to go through the grievance procedures, go to STEP 4 on page 9.

**B. If You Have Been Denied Accommodations or Academic Adjustments:**

- |   |
|---|
| <p>Examples of Problems with Accommodations that should be Addressed Through Grievance or Other Procedures</p> <ul style="list-style-type: none"><li>• Refusal to provide a necessary accommodation or academic adjustment</li><li>• Significant delay in providing accommodations</li><li>• Providing an ineffective accommodation or academic adjustment</li><li>• Lack of necessary accommodations in other facilities of schools (e.g., no listening devices in auditorium)</li><li>• Failure to waive a non-essential program requirement.</li></ul> |
|---|

**STEP 1:** When a student with a disability needs an accommodation from the institution, s/he should first determine the school's own procedures for these requests. Ask the instructor, academic counselor, or school administrator about the procedures for requesting an accommodation or review your Student Handbook or the school's website to see if such procedures are listed.

**STEP 2:** Follow the steps outlined by the school to request the accommodation or, if there are no procedures developed by the school, make a written request for the accommodation. In general, when making a request for an accommodation, follow these steps:

- *make a written request<sup>1</sup> and provide disability documentation that confirms you have a disability and need the requested accommodation to the instructor or the individual designated in the school's policies to receive such requests;*
- *provide a copy to the school's administrator or dean of students;*
- *date and make a copy of the written request for accommodations for your own records;*
- *set out a date for a written response by the school in the written request;*
- *put the date on your own calendar to follow-up if there is no response;*
- *if you give an extension of time to the school, put that date on your calendar and be sure to follow up with the school;*
- *confirm any follow-up discussions in writing; and*
- *if there is no timely response, go to the outside complaint procedures set out in Step 4 on page 7.*

**STEP 3:** Ask if the school has a grievance policy and follow the timelines for taking these steps. If the school does not have an internal grievance procedure or if the school's grievance procedures were not helpful, then go to STEP 4 on page 7.

**C. If You Have Been Placed on Academic Probation:**

Examples of Problems with Academic Probation that should be Addressed Through Grievance and Other Procedures:

- Failure in courses due to school's refusal to provide necessary accommodation for tests
- Failure in courses due to school's refusal to provide accommodations in a timely manner (e.g., taped texts for LD student provided two months after the semester begins)
- Failure to waive a non-essential course requirement that student cannot perform even with academic adjustments
- Failure to provide accommodations for participation in classes (e.g. sign language interpreter for schools)
- Refusal to allow a student with a disability to drop classes because of need for treatment or hospitalization

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<sup>1</sup>If the school does not have any forms to make this request, use the forms in the Appendix to write your own request.

**STEP 1:** First, before academic probation ever becomes an issue, it is important to remember that you are responsible for requesting accommodations and notifying an instructor, advisor, or the school administration as soon as you know that you are not succeeding in your classes without the accommodations.

**STEP 2:** If you have not requested an accommodation yet, follow the steps in Part B, Step 2. Also ask that the decision about continuation in the program be delayed until you can see if the accommodations will improve your grade.

**STEP 3:** If you are put on academic probation or terminated from a program and believe that it was the lack of accommodation that caused the failure in the class, ask for a copy of the school's grievance procedures and follow them, noting deadlines and order of the steps. If these steps are unsuccessful or you prefer not to take these steps, then go to STEP 4 on page 7.

#### **D. If You Wish to Obtain a Waiver of a Program/Course:**

**STEP 1:** Before choosing a career or program, it may be advisable to contact a vocational or career specialist to determine essential requirements of the program. For example, a career or vocational specialist may be able to explain the reading level of a car repair manual. Sources of information regarding essential requirements of the program include vocational rehabilitation counselors, high school career counselors, and academic advisors at schools, colleges, and universities. After admission, contact your academic advisor and discuss the course requirements for your chosen career field. If, at that time, you believe that it will be necessary to have a course waived from the program requirements, follow the school's internal procedures for requesting the waiver. Do so as early as possible in your program.

**STEP 2:** Follow the steps outlined by the school to request the waiver or, if there are no procedures developed by the school, make a written request for the waiver. In general, follow these steps when requesting a waiver:

- *provide the request for a waiver and medical documentation<sup>2</sup> explaining your disability and supporting the need for the requested waiver to the instructor, or the individual designated to receive such requests in the school's policies;*
- *send a copy to the dean of the program and/or the ADA Coordinator;*
- *date and make a copy of all written requests for the waiver for your own records;*
- *set out a date for a response in the written request;*
- *put the date on your own calendar to follow-up if there is no response;*

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<sup>2</sup>Where the disability is evident and long term, it may be acceptable to have medical documentation dating back a few years. With other disabilities that continually change over the past few years, more recent documentation will be necessary.

- *if you give an extension of time to the school, put that date on your calendar and be sure to follow up with the school;*
- *confirm any follow-up discussions in writing; and*
- *if there is no timely response, go to the next grievance step or to outside procedures set out in Step 4 on page 7.*

If the school does not have any forms to make this request, use the forms in the Appendix to write your own request. In some situations where the disability is evident and long term, it may be acceptable to have medical documentation dating back a few years. With other disabilities that continually change or have changed over the past few years, more recent medical documentation will likely be necessary.

**STEP 3:** If you are unable to attain a waiver or other effective alternative accommodation from the school or if you disagree with the school's decision, you may follow the other steps in the school's grievance procedures. If the school does not waive the course requirement or provide another effective accommodation during the grievance process, or if there is no grievance procedure, go to STEP 4.

**STEP 4: Procedures for Filing Administrative Complaints Against the Institution for Discrimination Against an Individual with a Disability**

Examples of reasons for filing an administrative complaint include:

- the school's application has disability-related questions;
- the school denied you an accommodation for which you provided comprehensive, recent documentation about your need for the accommodation;
- the school denied you admission because of your disability although you meet the eligibility requirements;
- you were placed on academic probation for failing grades which you believe occurred because of failure to provide accommodations you requested;
- the school agreed to provide an accommodation but it was ineffective or unequal to the benefit offered other students;
- the school denied you participation in non-academic programs because of your disability; or
- the career counselors are guiding you away from careers because of your disability.

This list provides examples, but there may be other grounds for filing a complaint.

Private schools are covered by the Arizonans with Disabilities Act, Title III of the Americans with Disabilities Act, and if they receive federal financial assistance, by Section 504 of the Rehabilitation Act.

**4a. Arizonans with Disabilities Act**

For the Arizonans with Disabilities Act, you may file a complaint of discrimination with the Office of the Arizona Attorney General Civil Rights Division (ACRD). You need to file by making an appointment at that office. The address and telephone number for the offices in Tucson and Phoenix are:

400 West Congress  
South Building, Suite 315  
Tucson, AZ 85701  
(520) 628-6500

1275 West Washington  
Phoenix, AZ 85007  
(602) 542-5263

You have **180 days from the date of the occurrence or the termination of the alleged discriminatory practice** to file a complaint under the Arizonans with Disabilities Act. If you have passed the deadline for filing a charge, you should contact their office because there may be grounds for an extension. However, if you have not missed the deadline, you should file timely to be certain that your complaint will be accepted. To file a complaint of discrimination under the Arizonans with Disabilities Act, you should call the Attorney General's Office and make an appointment with an intake worker. The staff at ACRD will assist you in preparing the complaint. After an investigator has been assigned to look into your complaint, you should provide him/her with documentation to support your claim of discrimination.

- This is documentation that should be provided:
- a copy of the medical or other documentation that supports that you have a disability and need an accommodation;
  - a list of witnesses, addresses, telephone numbers, and a brief description of the information they have to support your claim;
  - a chronology (list of dates and events) that is critical in your case; see sample chronology in the Appendix of this guide; and
  - other documents related to your case, such as written rejection of your request for a waiver or an accommodation, or placement on academic probation and all letters between the school and you about the issue.

**4b. Americans with Disabilities Act**

Complaints about violations of Title III by public accommodations may be filed with:

U.S. Department of Justice  
Disability Rights - NYAVE  
950 Pennsylvania Avenue NW  
Washington, DC. 20530

The Department of Justice (DOJ) investigates allegations of violations of discrimination in schools. In cases in which the DOJ has reason to believe that a pattern or practice of discrimination has occurred or in cases which raise issues of general public importance, the DOJ may file a lawsuit. There is no specific deadline for filing a *Title III* complaint, but it should be filed as soon as possible to the discriminatory event to preserve your rights. Because of their caseload, the DOJ only files lawsuits in a limited number of cases. You should provide documentation with your complaint. See the box on page 8. The complaint must be made in writing. Attached to this guide are instructions on How to File a Title III Complaint.

#### **4c. Section 504 of the Rehabilitation Act**

Private schools that receive federal financial assistance, such as grants and loans, are prohibited from discrimination on the basis of disability. If your private school receives federal financial assistance, you may file a complaint with the Office for Civil Rights. The U.S. Department of Education's Office of Civil Rights enforces Section 504 with respect to postsecondary schools, and has drafted regulations which implement Section 504. One of those regulations requires recipients of federal financial assistance (such as federal student grants or loans) to adopt grievance procedures that provide for prompt and equitable resolution of complaints alleging discrimination on the basis of disability. (See 34 C.F.R. § 104.7.) You should ask the school for a copy of their grievance procedures that are required by 34 C.F.R. § 104.7.

In addition, you will need to file a complaint of discrimination on-line with the Office for Civil Rights. Instructions to file the complaint are attached at the end of this guide. Such a complaint would allege that the school is violating the ADA and the Rehabilitation Act of 1973, which prohibits recipients of federal financial assistance from discriminating on the basis of disability. Regulations issued by the U.S. Department of Education state: "A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee." You can either file on-line, by e-mail or mail to the following address: U.S. Department of Education; Office for Civil Rights; 1244 Speer Blvd., Suite 310; Denver, Colorado 80204-3582.

#### **4d. File a complaint with the Arizona State Board of Private Postsecondary Education (ASBPPE)**

If the school is accredited by the ASBPPE, they are subject to the ASBPPE's internal grievance procedures, including their non-discrimination policy. To file such a complaint, visit the ASBPPE's

website, at: <http://azppse.state.az.us>. A directory of schools, as well as their complaint forms, are available on their website.

#### **STEP 5: Private Lawsuit**

##### **Arizonans with Disabilities Act**

##### **5a. No requirement to go through complaint procedures**

You are not required to go through these internal grievance procedures or file a complaint with the administrative agencies before filing a private lawsuit against the school under the Arizonans with Disabilities Act. If you believe you have been discriminated against on the basis of disability, you may choose to file a civil lawsuit first instead of or in conjunction with trying to resolve the matter through the school or the OCR.

##### **5b. Limitation period for bringing a private lawsuit**

A person may file a private lawsuit under the *Arizonans with Disabilities Act within two years after the occurrence or the termination of a discriminatory practice*. Filing with the Attorney General's Office is not required prior to filing a lawsuit. Under a civil action, relief to require the company to comply with the request for accommodations as well as attorney's fees and money damages to compensate for losses are available to you if you prove discrimination and that you were adversely affected by the discrimination.

##### **Title III of the ADA**

##### **5c. No requirement to go through complaint procedures**

You also have the option of filing a private lawsuit under *Title III of the ADA* in federal or state court. You do not have to first file a complaint with the U.S. Department of Justice before you file a lawsuit. However, if you do file a complaint, do not wait for a response from the U.S. Department of Justice before you file a lawsuit. The USDOJ does not investigate all complaints because of the lack of staff and resources and, therefore, you might miss the statute of limitations for bringing a Title III claim if you wait for their response.

##### **5d. Limitation period for bringing a private lawsuit**

There is a statute of limitation (or period of time to file a private lawsuit or lose the right to bring the lawsuit based on that claim) for Title III cases. The statute of limitations for a Title III case is two years from the date of discrimination. Under a private lawsuit based on Title III, you would only be entitled to an order or injunction to provide the accommodation and allow you to take the course. Therefore, you may wish to also pursue a claim under the Arizonans with Disabilities Act where you

would have a better chance of recovering other expenses or compensatory damages and financial losses related to the discrimination, if necessary.

***This guide is not intended to provide directions regarding the filing of a civil suit and it is strongly recommended that you consult an attorney for further advice about filing a lawsuit.***

**Remedies:** Below is a summary of some possible remedies and/or damages that may be awarded by a court in a private lawsuit based on Title III of the ADA.

A. Injunctions: An injunction is a judicial act ordering a school to refrain from doing, or continuing to do, a particular act or activity. An injunction is also a preventative measure which guards against future discrimination rather than correcting past discrimination.

An institution failed to provide necessary requested accommodations to a qualified student with a disability. The student received failing grades in most of his required classes. The school notified him that with his current grade point average he would lose his scholarship. He had exhausted all school grievance procedures and proceeded to file a complaint with the U.S. Department of Education. Upon the filing of a complaint in federal court, a judge could issue a temporary injunction to stop the school from cancelling his scholarship. The court may also, upon a hearing, require the school to provide the necessary accommodation to that student.

Remedies are tailored to address the harm caused by the specific violation. These are not available in all cases. It would be advisable to consult an attorney if the dispute cannot be resolved through the school's grievance procedures or OCR. A court, where appropriate, could issue an injunction to require a school to:

- provide an auxiliary aid or service; modify a policy, practice, or procedure, or alternative method; and
- make facilities readily accessible to, and usable by, individuals with disabilities;

The court may also award other relief as it considers appropriate, including monetary damages when requested by the attorney general. Civil penalties may be assessed for violations that affect the public interest. If a student can show intentional discrimination, then, under Section 504 and Title II of the ADA, the school may be liable for money damages.

Damages are monetary compensation which the law awards to a person who has been injured by the actions of another. These damages may include compensatory damages and attorney fees. Compensatory damages are actual out-of-pocket costs that the student experienced because of discrimination. For example, if a deaf student spent \$2,500 on sign language interpreters during a semester when the school refused to provide the interpreter, he may be entitled to reimbursement for those out-of-pocket expenses. Punitive damages are damages provided to punish the discriminatory party and are not related to how the discrimination affected the individual. Punitive damages are not available against publicly-funded schools.

If a person claims a violation of Title III of the ADA, compensatory and punitive damages are not available through a lawsuit, unless the lawsuit is brought by the Arizona Attorney General's Office. The remedy is to stop discrimination. However, under the Arizonans with Disabilities Act, compensatory damages may be available to pay back a person who has had out-of-pocket expenses related to the discrimination and to provide an award for the distress caused by discrimination.

## **4. Appendix**

### **Form and Sample Letters**

**Optional Form to Request Reasonable Accommodation Under Title III of the ADA**

\* Use this form if your school does not have a form

TO: Instructor or Responsible Administrator

FROM: Student's Name

RE: ADA Accommodation Request

DATE: Date of request

I am a student at \_\_\_\_\_. Because of my disability, I need accommodations to effectively complete the following courses: \_\_\_\_\_. Title III of the ADA requires covered schools to provide reasonable accommodations to qualified students with disabilities.

My disability is \_\_\_\_\_. This condition affects me in the following way(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Based upon my experience with my disability and/or a doctor's recommendation, I believe that I need the following accommodation(s): \_\_\_\_\_  
\_\_\_\_\_.

I would like to meet with you to discuss an accommodation plan which would include this/these accommodation(s) or other effective accommodations.

Enclosed is medical documentation regarding my condition and need for accommodations.

OR

If you need any medical documentation regarding my disability or the need for accommodations, please let me know. Please provide a written response to this request no later than (date).

Sincerely,

Student Name

### Sample Memo Requesting Accommodation

TO: Joan Smith, Head Instructor  
ABC Beauty School

FROM: Albert Gonzales

RE: ADA Accommodation Plan

DATE: January 2, 2008

I was recently admitted as a student at ABC Beauty School working toward my cosmetology license. Because of my disability, I need accommodations to effectively complete the classroom and practical components of the program. Title III of the ADA requires covered schools, such as ABC Beauty School, to provide accommodations that would not fundamentally alter the program.

I am deaf and use American Sign Language (ASL). Based upon my experience with my disability and my vocational counselor's recommendations, I will need the following accommodations:

- a qualified ASL sign language interpreter for lecture classes which occur two times per week for two hours, and
- a qualified ASL sign language interpreter when instructors are providing evaluations of my work during the practical experiences.

I do not need an interpreter during practical experience hours, but may need an instructor to write me notes regarding brief instructions or feedback.

I would like to meet with you to discuss an accommodation plan. Enclosed is an audiological report confirming that I am deaf. Please provide a written response to this request no later than (date).

Sincerely,

Student Name

## Optional Form for Obtaining Disability Documentation

The documentation should include:

- the nature of the impairment;
- how the impairment substantially limits at least one major life activity. Examples of major life activities include, but are not limited to:
  - hearing
  - seeing
  - lifting
  - working (a wide class of jobs, not just a single job)
  - performing manual tasks
  - walking
  - lifting
  - learning(do not evaluate "working" unless no other activity is limited);
- a statement that the person needs an accommodation because of his/her disability; and
- the type of accommodation needed or recommended (optional)

The documentation may be provided by a:

- doctor
- psychologist
- rehabilitation counselor
- occupational therapist
- independent living specialist
- other professional with knowledge of disability and functional limitations
- physical therapist

A letter certifying the presence of a disabling condition and need for specific accommodations should be drafted by your medical professional and provided to the school. Keep a copy of any letters or medical records for your files. A sample letter is as follows:

\_\_\_\_\_ has the following physical/mental impairment: \_\_\_\_\_. The impairment causes functional limitations in the major life activity(ies) of \_\_\_\_\_. S/he is impaired in the areas in the following ways: \_\_\_\_\_

\_\_\_\_\_  
S/he is a qualified individual with a disability. As a result s/he needs an accommodation(s) in his/her postsecondary educational program because of his/her disability. I recommend the following accommodation(s): \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Professional and  
Credentials

(Tear this sheet off and provide to the professional providing the documentation regarding disability.)

## Sample Letter for Disability Documentation

Joseph Jones has a physical impairment consisting of a spinal cord injury. He has paraplegia resulting in paralysis of his legs, but does have full use of his arms and hands. The physical impairment causes significant functional limitations in the major life activity of walking. He is unable to walk and uses a wheelchair. Joseph Jones is an individual with a disability according to the definition of the Americans with Disabilities Act.

As a result of his disability, he will need some accommodations on campus and in the classroom. Generally, he will need wheelchair accessible classrooms, a desk modified to fit his wheelchair, and close parking for his lift-equipped van.

I am a vocational rehabilitation counselor who has worked with Mr. Jones. I would be able to offer you some specific recommendations on how to accommodate Mr. Jones in other situations that may arise during his time at the school. If I may be of any additional assistance, please call me at my office at 123-4567.

Sincerely,

Joyce Davis  
Vocational Counselor

## **Chronology**

### **Raul Valez v. ABC School of Computer Drafting and Design**

Charge No. 12345

April 15, 2007	Admitted to ABC School of Computer Drafting and Design
August 21, 2007	Classes begin including Introduction to Drafting
August 22, 2007	Request accommodation for extended time (double time) in quiet room because of my Attention Deficit Disorder. Made request to instructor.
August 30, 2007	Instructor Eric Kite refused accommodation
September 3, 2007	Asked school for grievance procedure to complain about decision. Ms. James, school's administrator, did not have procedures. Refused accommodation.

## **Resources for Students in Post-Secondary Programs**

### **Vocational Rehabilitation Services**

If you need more help to achieve your educational or vocational goal than the school is required to provide, contact the Arizona Department of Economic Security/Rehabilitation Services Administration (RSA) to determine if you qualify for vocational rehabilitation services. Consult the blue government pages of your telephone directory for the office closest to you, or visit the RSA website at: [www.azdes.gov/rsa](http://www.azdes.gov/rsa). If you are eligible for vocational rehabilitation services, your counselor may be able to provide tuition assistance, subsidies for books, additional tutoring, and personal equipment devices to assist you in achieving your career goal.

### **Client Assistance Program (CAP)**

If you have a dispute with Rehabilitation Services Administration regarding your eligibility, services, or case closure for VR or independent living services, contact the Center's Short Term Assistance Team (STAT) at: (602) 274-6287 or (800) 927-2260 – voice, relay or TTY - during our hours of operation: Monday, Tuesday, Thursday and Friday from 9:00 a.m. - 1:00 p.m.

### **Assistive Technology (AT)**

If you need information about conventional and specialized equipment or devices that you need because of your disability to enhance your education, these agencies may be able to provide information about assistive technology products or possible funding sources.

Technology Access Center of Tucson (TACT)  
4710 East 29th Street  
P.O. Box 13178  
Tucson, Arizona 85732-3178  
(520) 745-5588, ext. 1265  
(520) 790-7637 (Fax)  
[www.ed.arizona.edu/tact](http://www.ed.arizona.edu/tact)  
[Tact1@qwestoffice.net](mailto:Tact1@qwestoffice.net)

Arizona Technology Access Program (AzTAP)  
Institute for Human Development (IHD)  
Northern Arizona University  
2400 N. Central Avenue, Ste. 300  
Phoenix, Arizona 85004  
(602) 728-9534  
(602) 728-9536 TTY  
(602) 728-9535 fax  
(800) 477-9921 Toll-free  
[www2.nau.edu/aztap-p/index.shtml](http://www2.nau.edu/aztap-p/index.shtml)

## **Regional Behavioral Mental Health Services**

If you need support to complete your education, you may wish to contact the mental health association to determine if you are eligible for "supported education." There are agencies that provide support to students who have contracts for providing support to people with psychiatric disabilities.

Community Partnership for Southern Arizona (CPSA)  
535 N. Wilmot Road, Ste. 201  
Tucson, AZ 85711  
(520) 325-4268  
(800) 959-1063  
(520) 318-6935 (Fax)  
[w3.cpsa-rbha.org](http://w3.cpsa-rbha.org)

Magellan Health Services  
4129 E. Van Buren, Ste. 250  
Phoenix, Arizona 85008  
(800) 564-5465  
[www.magellanofaz.com](http://www.magellanofaz.com)

Northern Arizona Regional Behavioral Health Agency (NARBA)  
Administrative Office  
1300 S. Yale Street  
Flagstaff, AZ 86001  
(520) 774-7128  
(800) 640-2123  
(520) 774-5665 (Fax)  
[www.narbha.org](http://www.narbha.org)

Cenpatico of Arizona  
1501 W. Fountainhead  
Corporarte Park, Suite 295  
Tempe, Arizona 85282  
(866) 495-6738  
(877) 613-2076 TTY  
[www.cenpaticoaz.com](http://www.cenpaticoaz.com)

## **Information Resources and Clearinghouses**

The George Washington University  
HEATH Resource Center (Higher Education and Adult Training for People with Handicap)  
2134 G Street NW  
Washington, DC. 20052-0001  
(202) 973-0904  
[www.heath.gwu.edu](http://www.heath.gwu.edu)

ERIC (Educational Resources Information Center)  
[www.accesseric.org](http://www.accesseric.org)

### **List of Auxiliary Aids, Accommodations, and Academic Adjustments**

1. Extended time allowed to complete a program
2. Substituting one course for another required course
3. Modifying or waiving foreign language requirements
4. Allowing for untimed exams
5. Allowing greater time to complete exams
6. Providing essay rather than objective exams or otherwise modifying a test format
7. Allowing the student to take the exams in a separate room
8. Allowing the student to take the exams at home
9. Substituting oral, typed or taped exams for written exams
10. Providing an alternative to computer-scored answer sheets
11. Allowing use of calculators, and or secretary's desk reference during exams
12. Allowing a student to tape lectures
13. Providing notetakers
14. Provide structure and reduce distraction in class.
15. Simplify and repeat instructions, as needed, both orally and in writing
16. Give frequent and specific feedback from faculty and disability services staff
17. Priority registration
18. Reduced course load, taped textbooks, tape recorders, course modifications, tailoring assignments, modified text books
19. Priority seating in the front of the room
20. Study guide and summary of important points
21. Qualified interpreters
22. Qualified transcription services
23. Written materials
24. Telephone handset amplifiers
25. Assistive listening devices or systems
26. Telephones compatible with hearing aids
27. Closed captioned decoders, open and closed captioning
28. Telecommunications devices for deaf person (TDD's)

29. Videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments
30. Qualified readers
31. Taped texts
32. Audio recordings
33. Braille materials
34. Large print materials or other effective methods of making visually delivered materials available to individuals with visual impairments
35. Acquisition or modification of equipment or devices
36. Other similar services and actions

Items 1-13 are taken from Tucker and Goldstein on Post-secondary Education 9:33 Supplement 7 (3/95).

Items 21-37 are found in 28 C.F.R. §§ 35.104 (1994) Title II.