

**Student Disability Services**

**ADA Legal Guidelines**

**Reasonable Accommodations**

**Non-Discrimination**

* Title II (ADA): Makes it unlawful for postsecondary institutions to exclude qualified students with disabilities from participation in or benefits of services, programs or activities.
* What are discriminatory acts?
  + Unequal treatment
  + Not providing accommodations

**What Constitutes a Request**

* No magic words
* Plain English is fine
* Doesn’t need to be in writing
* Doesn’t need to come from the student
* Can request ANYTHING
  + the university must respond (university or ADA office)

**Reasonable Accommodations**

* Accommodations and/ or modifications to policies, practices, procedures, or environments that provide an individual with a disability equal access or opportunity.
* Should be directly linked to the underlying disability
* MUST BE EFFECTIVE – “best ensures”

**Student Preference**

• Give primary consideration to the requests of individuals with disabilities

• May select an equally effective accommodation

**When is an Accommodation Considered Not Reasonable\***

It is important to keep in mind that accommodations are always considered on a case-by-case basis.

* An accommodation is not reasonable if it poses a direct threat to the health or safety of others.
* The university must be able to document substantial risk of significant harm
* ADA is clear that the “direct threat” must be to someone else, not self harm.
* Universities are not required to provide accommodations that present an “undue hardship”
  + Financial
  + Administrative
    - Extensive
    - Substantial
    - Disruptive
* Universities are not required to provide accommodations that present a “fundamental alteration” to:
  + Academic and technical standards
  + Program Goals
  + Comparable Experience
* Universities are not required to provide personal services, i.e.
  + individually prescribed devices, such as wheelchairs or hearing aids
  + personal care attendants
  + readers for personal use or study
  + personal transportation
  + individual tutoring (unless provided to other students)

\*When a Request is Deemed Unreasonable...

It is important to remember that the institution is only required to make reasonable accommodations to assure equal access to opportunity for persons with disabilities. If the request for accommodation is judged to be unreasonable (as detailed above), it may be refused. However, a request for an accommodation that is not reasonable does not affect the obligation to provide needed accommodations that are reasonable. Saying “no” to a request that is not reasonable should never be viewed as the end of a discussion of accommodation options. If the individual has a documented disability and needs accommodation to assure access, then the institution is obligated to work with that student to determine whether there is some reasonable accommodation that can be devised to provide the access limited by the disability.

**(Scott Lissner, The Ohio State, President, AHEAD; Jane Jarrow, President, DAIS)**