

Higher Education Access and Accommodations for Students with Disabilities

**New York Lawyers for the Public Interest
Advocates for Children of New York**

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Due to the general nature of the information provided, this presentation should not be regarded as legal advice



New York Lawyers for the Public Interest

For almost 50 years, NYLPI has been a leading civil rights advocate partnering with communities fighting legacies of marginalization due to race, disability, immigration status, poverty, and environmental injustice.



NYLPI's Disability Justice Program

Broad Strokes

NYLPI works to achieve equality of opportunity, self-determination, and independence for people with disabilities.

Higher Education Accessibility Campaign

NYLPI represents students with disabilities in postsecondary education as they navigate issues related to physical accessibility and reasonable accommodations. NYLPI also pursues impact litigation to challenge inequities that exist in higher education for students with disabilities.





Advocates for Children

AFC is an independent agency that protects the rights of all NYC students

Our Services:

- Helpline: **1-866-427-6033** (Mon-Thurs, 10am – 4pm)
- Guides and resources: www.advocatesforchildren.org
- Workshops and trainings
- Free legal services to students and families of low-income

The **Postsecondary Readiness Project** provides support to older students and their families to help them prepare for graduation and life beyond high school.





AFC Transition Alliance

- A coalition of organizations and individuals who have come together to improve transition services for students with disabilities in New York City
- Aims to create a more equitable, accessible, and effective transition landscape that prepares students with disabilities for college, employment, independent living, and other post-secondary pursuits
- Seeks to increase post-secondary success for students with disabilities by addressing gaps in the current system, promoting collaboration among stakeholders, and advocating for policy changes that enhance transition services and outcomes
- For more information, visit our webpage at <https://advocatesforchildren.org/transition-alliance/>



What is a Disability?

A Disability is defined as a substantial impairment of a major life function such as seeing, learning, hearing, walking, thinking or caring for oneself.

A disability may **visible** or **invisible**.

- Physical and Mental Conditions
- Emotional Disabilities
- Learning Disabilities
- Medical Conditions
- Short Term Disability



Disability Statutes

Federal

- Individuals with Disabilities Education Act (IDEA)
- Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act (Section 504)

NY State

- New York State Human Rights Law

NYC

- New York City Human Rights Law



Types of Discrimination

- Failure to provide a reasonable accommodation
- Some physical access barriers
- Criteria that unnecessarily screens out students with disabilities
- Separating students with disabilities from other students
- Disability-based harassment



Differences Between Secondary v. Postsecondary Education

As required by the Americans with Disabilities Act (ADA), Section 504, and state and city laws, postsecondary schools and programs must be accessible to students with disabilities.

Under these laws, you are now **eligible** for services and must advocate for your needs. This is a shift from high school, where you were **entitled** to accommodations and services under the Individuals with Disabilities Education Act (IDEA).

Differences between secondary education (high school) and college

- IDEA vs ADA
- Environment
- Curriculum
- Supports



Differences Between Secondary v. Postsecondary Education

Self-Advocacy: Students must reach out to your school for accommodations!

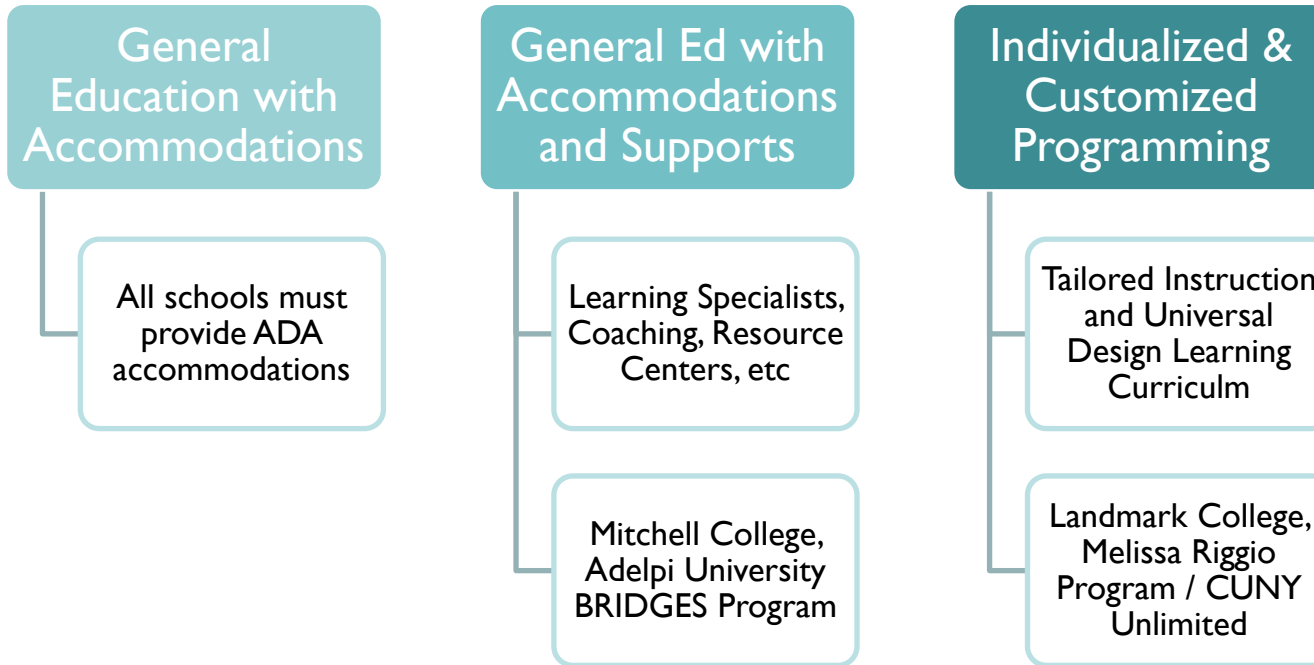
Post-secondary schools **do not** have an obligation to identify that you need accommodations



College Programs & Search



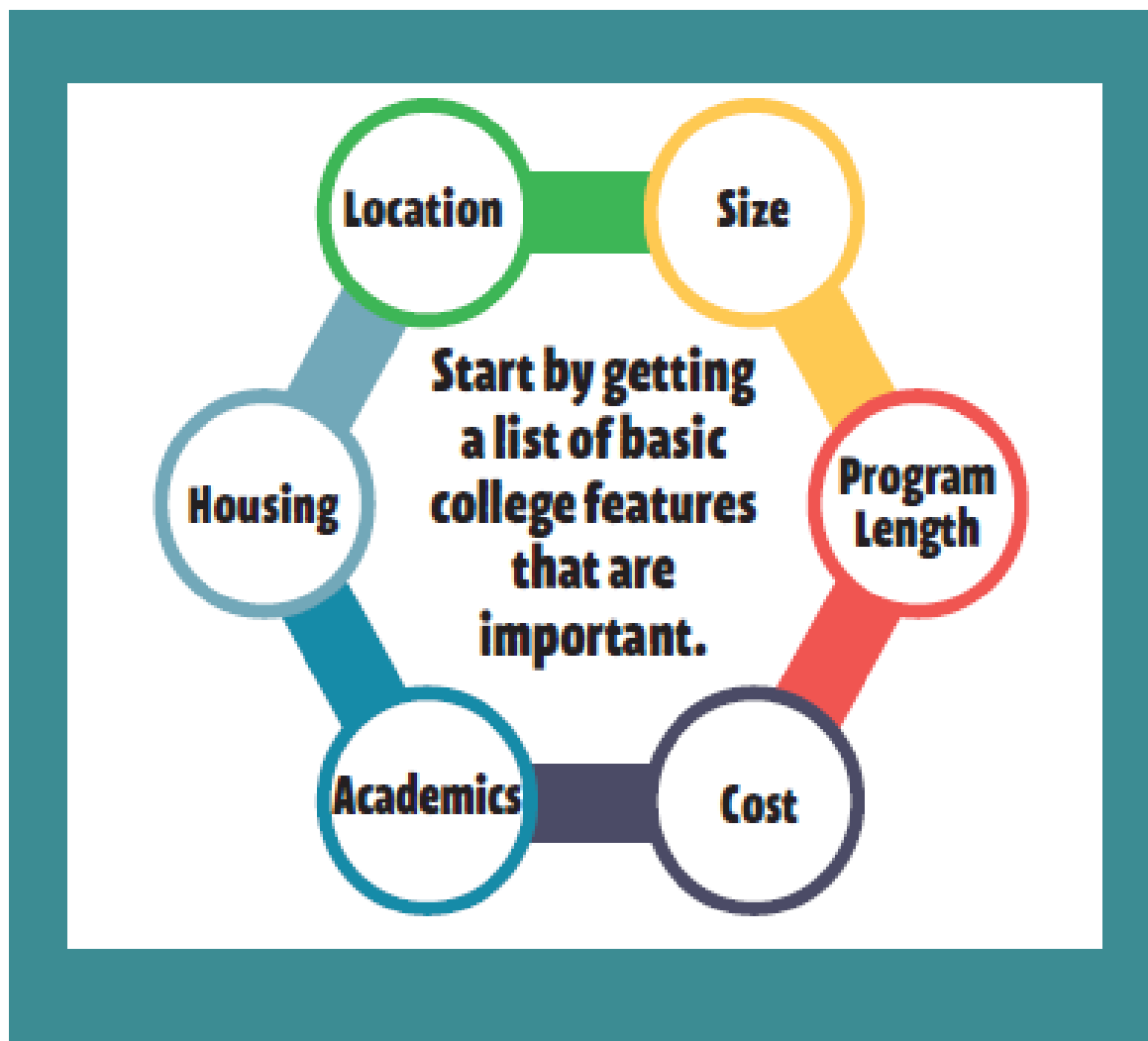
College Programs – Related to Disability



Additional Considerations:

- What are the student's needs?
- Campus inclusion and community
- Student goals and outcomes

College Search



College Search



Higher Education Disability Accommodations



Reasonable Accommodations

Modifies the higher education environment to give students with disabilities the same access as students without disabilities.



Reasonable Accommodations

Necessary: Must be necessary to permit students to have equal access to their educations because of their disability-related limitations

Effective: Must effectively provide students with disabilities equal access to their educations

Individualized: Must be individually tailored to each student's disability-related needs

Undue Burden: Cannot pose an undue administrative or financial burden on the institution

Fundamental Alteration: Cannot substantially modify the institution's program



Common Academic Accommodations

- Extra time on exams
- Testing in an alternative, distraction-reduced location
- Breaks during exams
- Calculator or laptop access
- A note-taker, reader, and/or scribe
- Access to audiobooks and E-books
- Accessible specific classroom seating/layout
- American Sign Language interpreters
- Assistive Technology (iPads, smart pens, calculators, auxiliary aids, etc.)
- Priority Registration

- Referrals to and follow up with college and external resources (Counseling, ACCES-VR)
- Advanced copies of overheads and PowerPoint presentations
- Closed captioning
- Access to voice recognition and text-to-speech software
- Class materials in alternative format (Braille, Digital File, Recorded)
- Regular meetings with an accessibility counselor or learning specialist
- Facilitated Consultation with Faculty/Advocacy
- Reduced Courseload

[Job Accommodations Network \(JAN\)](#)



Other Common Accommodations

Extracurricular Accommodations

- Remote attendance at meetings
- Closed Captioning
- Alternate Seating at events (athletic, musical, etc.)

Admissions Accommodations

- Accessible application format (braille, large print, screen reader)
- Virtual interviews
- Alternative interview timing

Housing Accommodations

- Accessible bathroom in dorm room
- Accessible desk in dorm or class
- Elevator building



Assistive Technology ... What Is It?



Obtaining Reasonable Accommodations

- 1) Locate accommodations process at your postsecondary institution
- 2) Gather documentation of your disability
- 3) Brainstorm the accommodations you need
- 4) Follow your postsecondary institution's process
- 5) Appeal if necessary
 - a) Meet with decision-maker
 - b) Complaint to campus officers
 - c) Complaint to NYS Division of Human Rights/NYC Commission on Human Rights
 - d) Reach out to an attorney or advocate



Obtaining Reasonable Accommodations

It is the sole responsibility of each student to contact the Disability Service Office to request accommodations. The outline below illustrates the application procedures at CUNY:

- Schedule an appointment with the Office by phone, email or in some case using a campus-based scheduling system.
- Submit current, comprehensive documentation of a disability for which you are requesting academic accommodations. If the student does not have documentation, schedule a meeting with the director to discuss documentation requirements and potential accommodations.
- Once the documentation has been reviewed and deemed appropriate, Disability Services Staff will schedule a meeting with the student to develop an “accommodation plan.” The student will then be given a letter/ID Card or an email will be sent for each class outlining their accommodations for that semester.



Documentation for Reasonable Accommodations

Higher education institutions can require that you provide reasonable documentation of your disability

Documentation Should Answer:

- 1) What is the student's disability?
- 2) How does the disability limit the student?
- 3) Why do these limitations require the requested accommodation?

Local Law 18

Previous IEP or 504 Plan

Letter from Healthcare
Provider

Neuropsychological
Evaluation

Other Test Results

Confidentiality

All colleges or universities will treat data on students with disabilities with confidentiality in accordance with applicable laws and regulations.

Disability information and documentation is housed separately from students' academic information.



Additional Higher Education Supports



What is ACCES-VR?



- Adult Career and Continuing Education Services- Vocational Rehabilitation
 - A state agency that helps people with disabilities explore their job interests, find a job, and keep it.

Services Available Through ACCES-VR

- Coaching supports – jobs or internship
- Help with transition costs (including accessible transportation)
- Help with school costs like tuition fees, or books

- Funding for college supports, like note-takers or tutors
- Technology/equipment you may need at school
- Medical care for acute conditions arising during the program

After High School Services (Ages ~18 to 25)

Physical Accessibility

Post-March 2012

- If built or significantly altered after March 2012, the building must be physically accessible or students with disabilities.

Pre-March 2012

- If built before March 2012 and is a **public** institution, the entire campus must be accessible as a whole.
- If built before March 2012 and a **private** institution, the postsecondary institution must remove accessibility barriers if readily achievable.

If a building/transportation is inaccessible, you are entitled to a reasonable accommodation to make it accessible or you!



Tips for Higher Education Success

Identify Support System

- Disability Service Office
- Career Office
- Counseling Center
- Academic Advisors
- Peer Mentoring Programs

Fee-Based Supports

- Some institutions offer fee-based supports such as academic coaching

Staying Organized

- Plan a study schedule that works for you
- Set academic and non-academic goals for each semester
- Make a list of the supports you plan to use when you experience challenges



Resources



NYLPI Resources

NYLPI Higher Education Fact Sheet

NYLPI Accommodation Request Template Letter

NYLPI Guidance for Clinicians Completing Documentation for Higher Education Students Seeking Accommodations

NYLPI Direct Assistance: <https://www.nylpi.org/get-help/>





AFC Resources

To contact AFC:

- Helpline: **1-866-427-6033** (Mon-Thurs, 10am – 4pm)
- To reach the **Postsecondary Readiness Project** at AFC, email Alex Elegudin, Project Director, at aelegudin@advocatesforchildren.org
- [AFC's Guide to Transition Services & College Planning](#)
- More resources and tip sheets are available on [AFC's website](#)



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AFC and NYLPI Post-Webinar
Feedback Higher Education Access
& Accommodations for SWDs



Questions

