

## **Policies and Procedures Regarding the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 and Requests for Accommodations**

St. Francis College does not discriminate against any individual in the administration of its admissions policies, scholarships and loan programs, athletics, educational policies or other College services and/or activities. In accordance with Section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act (ADA) of 1990 as amended in 2008, the College is committed to providing equal educational opportunities and aims to ensure that no member of the College community, on the basis of a disability, is excluded from participation in, or denied the benefits of, any program provided by St. Francis College.

### **Summary of Applicable Laws and Regulations:**

Section 504 of the Rehabilitation Act of 1973 serves to protect persons from discrimination on the basis of their disability and applies to any organization receiving federal financial assistance. Under Section 504, an institution of higher education is required to make appropriate adjustments and modifications to, among other things, admission requirements, academic programs, housing, and nonacademic services to ensure that a qualified individual is not discriminated against on the basis of his or her disability.

The ADA is a federal civil rights law designed to extend statutory protections against discrimination to individuals with qualified disabilities. In pertinent part the statute provides that “[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. § 12182(a).

### **Important Definitions**

“Disability” is defined as “a physical or mental impairment that substantially limits one or more of the major life activities” or an individual who has a record of, or is regarded as, having such a physical or mental impairment. 28 C.F.R. 35.104.

“Major Life Activities” means “functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.” 28 C.F.R. 35.104.

“Qualified individual with a disability” refers “an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.” 28 C.F.R. 35.104.

### **Accommodations for Students with Documented Disabilities**

The College earnestly desires to remove barriers to full engagement in the learning process and to facilitate the educational experience of all students including those with documented mobility, vision, or hearing impairments, or any other physical or mental conditions which places limits on full participation. The College will make reasonable modifications to its practices, policies and procedures unless doing so would significantly alter the essential elements of the service, program, or activity, or result in an undue administrative or financial burden.

The College is prepared to meet the special needs of such students, which may include,

inter alia, the following:

- a) Note-takers
- b) Sign-language interpreters
- c) Large-print text readers and other reading aids
- d) Special seating arrangements
- e) Full accessibility to all educational programs and services, including relocation of a class or classes to an accessible location if necessary.
- f) Adaptive computer hard- and software.
- g) Opportunity for tape-recording lectures, discussions, and other classroom and laboratory activities.
- h) Other facilities, tools, or services which may be required to accommodate a particular physical disability.

### **Eligibility for Accommodations and /or Special Services**

In order to be eligible to receive accommodations or support services, a student with a disability must contact the Dean of Students, as far in advance of the beginning of the term for which accommodations and/or services are requested as possible. Particular services (e.g., textbooks on tape, sign language interpreters, special auditory and visual aids) require substantial advance notice. Provision of these services is directly dependent upon timely notification on the part of the student.

The student requesting accommodations and/or support services must provide appropriate documentation of his/her disability. In the great majority of cases, this will comprise lines from competent medical authority describing the nature of the condition, the limitations this condition imposes and services which will best assist the student to transcend these limitations.

The requesting student should present the required documentation and his/her request for particular accommodations and/or services to the Dean of Students in Room 3307. The College reserves the right to verify the documentation provided by the student.

### **Responsibilities**

The Dean of Students is the institutional representative assigned the specific responsibility for responding to the needs of students with documented disabilities, including assisting them in identifying needs and particular accommodations and liaising with external agencies which provide assistance and funding to disabled persons (e.g., V.E.S.I.D, Commission on the Blind). In order for a student to be eligible for services and accommodations, he or she must identify him or herself to the Dean of Students as soon as practicable after he or she has been admitted to the College.

The student is also required to provide the Dean of Students with all relevant documentation attesting to the validity of the disability, as well as a summary of requested accommodations and services.

Further, the student must fully cooperate with external agencies to which he or she may be referred for assistance and/or funding.

At the beginning of every semester (within the first week of class), the Dean of Students will inform, by memorandum, each instructor who has a student with a documented disability in class of this fact. Copies of this memorandum will be forwarded to the Assistant Dean of

Freshman Studies and relevant others, as well. Based upon the diagnostic materials presented to the Dean of Students, with recommendations, the memorandum will outline what is required to meet our institutional obligations to that student.

Faculty members are strongly encouraged to meet individually with any of their students with documented disabilities, as soon as practicable after the term's beginning, to discuss the particular arrangements which will be made. (NOTE: This should be done privately and discreetly). If there is any question concerning the nature of any of the accommodations required or its practical implementation, the Dean of Students should be promptly contacted. On any matter having academic implications, the Dean of Students will actively consult with the Assistant Dean of Freshman Studies.

### **Requests for Accommodations**

As described above, in order to be eligible for accommodations and services, the requesting student must identify his or herself to the Dean of Students the semester in which accommodations and/or services are needed.

### Disability Documentation Guidelines

Any student with an identified disability who is requesting accommodations or special services is required to provide appropriate documentation of his or her disability. The guidelines below provide information concerning the particulars that should be included in the request.

- A. The testing upon which a diagnosis of a disability is based must comprise a comprehensive psycho educational evaluation. The following areas must be assessed
- 1) Ability. A standardized measure of overall intelligence is required, preferably one derived through the use of the Wechsler Adult Intelligence Scale-Revised. The WAIS-R is however, only one component of a full documentation report; the results of this test alone are not sufficient.
  - 2) Achievement. Assessments of ability in reading, writing, and mathematics are required. Suggested instruments include:
    - a) The Woodcock-Johnson Psycho-educational Battery, Revised: Tests of Achievement, and
    - b) The Stanford Test of Academic Skills (TASK); or
    - c) A combination of tests in specific skill areas, such as the test of Written Language, the Woodcock Reading Mastery tests - Revised, and the Standard Diagnostic Mathematics test.
  - 3) Processing Skills. Other areas of information processing such as short and long-term memory, visual and auditory processing, and processing speed may also warrant evaluation as indicated by the results of one or more of the above tests.

While the areas above must be included, they are not intended to preclude assessment of other relevant areas such as psychological status or vocational skills.

- B. In order for accommodations and service claims to be based on accurate information

about the student's current functioning, the testing must be recent. Generally, this means that it must have occurred within three years of the beginning of the semester for which accommodations or services are being requested.

- C. The testing must specifically state that a learning disability is present and make explicit the criteria upon which that diagnosis is based. Terms such as "learning problems," "differences," "weaknesses," or "deficiencies" are not the equivalent of a diagnosed learning disability, and are inadequate. In the particular case of attention deficit disorders (ADD and ADHD), the criteria enumerated in the DSM-III-R must be used.
- D. The testing must be performed by a qualified evaluator. Licensed psychologists, learning disability specialists, and educational therapists are most commonly involved. The evaluator's name and title must be clearly indicated on the report.
- E. The report must contain specific information concerning the student's functional limitations (e.g., how his or her learning disability is likely to affect them in typical academic situations) and the nature of recommended accommodations.

In lieu of the above, the College will accept adequate documentation of a learning disability with an Individualized Education Program (IEP) or the equivalent from a student's secondary school, provided that:

- 1) The IEP was completed or up-dated within three years of the starting date of the semester in which the student seeks accommodations;
- 2) The IEP clearly indicates a diagnosis of a learning disability.
- 3) The IEP specifies particular limitations on the student's functioning; and
- 4) The IEP enumerates specific accommodations required for the student to minimize those limitations.

### Services

Depending upon the specific nature the disability and the recommendations included in the diagnostic report, a student with a disability may be eligible for one or more of the following:

- a) Extra-time for examinations and in-class assignments (time and a half or double time)
- b) Note-takers
- c) Tape recording of lectures
- d) Oral examinations
- e) Readers
- f) Separate Distraction Free environment for examination
- g) Other individualized compensatory accommodations as may, from time to time, be required.

It should be noted that the College lacks sufficient resources to provide special one-on-one academic counseling, subject-matter tutoring, study skills and time-management workshops or remedial instructions to students with a disability beyond those which are available to all students through the Office of Academic Support Services and the faculty of individual academic departments.

### Contact Information

As described above, the Dean of Students is the institutional representative assigned the specific responsibility for responding to the needs of students with documented disabilities, including assisting them in identifying needs and particular accommodations. The Dean of Students can be reached at 718-489-5315 or by visiting Room 3307 between the hours of 9 a.m. – 5 p.m., Monday – Friday.

### **Confidentiality**

To the extent possible, confidentiality will be maintained for all students seeking academic or physical accommodations.

### **Grievance Procedure**

Any student who believes that he or she has been subject to discrimination on the basis of disability or has been denied access or accommodations required by law shall have the right to invoke the grievance procedures set forth in the College's Non-Discrimination and Anti-Harassment Policy.