Postsecondary Education For Students with Disabilities

Handbook

Self-Advocacy Series

DISABILITYRIGHTS NEWJERSEY

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Handbook

This handbook is intended to help students with disabilities obtain needed accommodations during postsecondary education.

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Advocating and advancing
the human, civil and legal rights
of people with disabilities

Disability Rights New Jersey
1-800-922-7233 (New Jersey only)
609-292-9742
609-777-0187 (FAX)
609-633-7106 (TTY) or dial “711” for Relay
210 S. Broad Street, 3rd Floor
Trenton, New Jersey 08608
www.drnj.org

· Se Habla Español

Introduction

The transition from high school to postsecondary life is a big change for students with disabilities, particularly in the way you receive services to achieve success in school. During elementary and high school, you may have received services through the Individuals with Disabilities Education Act (IDEA), which meant that the school district was required to provide a free appropriate public education to you. You may have had an Individualized Educational Program (IEP) or a 504 plan, and regular evaluations to determine how you were doing in school. Now these rules no longer apply, and you, the student, are responsible for requesting needed accommodations. You must know the types of services necessary to help you learn, obtain the appropriate reports to support your need for services, find and contact the right people, and advocate for your own needs.

We hope this booklet will help you do just that.

If I qualify as a person with a disability, what are my rights in college?

You have the right to the same education as a non-disabled student, which includes reasonable and effective accommodations, as needed, once appropriate documentation is provided to the college or university.

You have the right to confidentiality regarding your disability.

Finally, you have the right to an equal opportunity to participate in, and benefit from, all classes and courses of study offered by your college or university.

What is an accommodation?

An accommodation is an aid or service that assists you in completing a task or a life activity.

What are some examples of accommodations in college?

A few examples of accommodations in college are extended test time, taped texts, readers during class, large print versions of books and texts, note takers, and interpreters.

What is the purpose of an accommodation?

The purpose of an accommodation is to give you equal access to the same education as your peers who do not have a disability.

How do I know if I need an accommodation?

You want to identify the services and equipment, sometimes called assistive technology, you received in high school that helped you to be successful in school. A great place to start is determining if you still need that type of assistance in order to learn.

Are colleges and universities required to make the campus physically accessible?

Colleges and universities are required to make buildings and dormitories accessible in order to ensure access to their programs. This means, for example, that a building does not have to have an elevator if classes are held on the first floor, and the entrance is accessible. It also includes on-campus accessible transportation, ramps, elevators and accessible parking. They are not required to provide you with transportation from home to school unless transportation is being provided to non-disabled students.

When should I start thinking about accommodations for college?

You can start thinking about your accommodations for college at the age of 14 when your transition statement is included in your IEP, and later at age 16 when your transition plan is created. The plan should be based on your interests and preferences.

Who can help me before college starts?

Ask your IEP team, your teachers, your parents, and others who have worked with you in high school to make your learning experience a success. They can assist you in looking at what accommodations you might need, and what college or university best fits your interests and needs.

Where do I go to obtain accommodations?

Colleges usually have an office or center of disability services. They may be called by different names, and it is important that you identify the location when you first start looking at colleges.

Do I have to disclose my disability?

Yes, you must disclose your disability to the office of disability services when you seek an accommodation. You are not required to disclose your disability to any instructor or professor.

If you are not seeking an accommodation, you do not have to disclose your disability.

What documentation or records will I need?

A good place to start is with your evaluations from high school, your most recent Individualized Educational Program (IEP) or Section 504 plan. However, additional documentation or reports may be necessary from private specialists. If the appropriate documents are not provided to support your need for accommodations, the college or university may deny your request for accommodations.

Is the college or university required to evaluate me for accommodations?

No, the college or university is not required to conduct evaluations about your disability or accommodations. You are responsible for obtaining and disclosing the appropriate documentation to support your request for accommodations.

Does the college or university have to provide the accommodation I request?

College and universities have some flexibility in the specific accommodation they provide, as long as it effectively meets your needs. Most importantly, you must have a discussion with the school about the details of your request for accommodations.

Sometimes, if the college or university can provide an accommodation that is equally effective but less expensive than the specific one you have requested, they may be allowed to provide the alternative. The key is that the accommodation must be effective, meaning that it must work for you.

Accommodations are not required when they would fundamentally alter the nature of the program or activity, meaning that they would change the essence of the program or remove a critical element.

Should my requests for accommodations and the approved accommodations be in writing?

Yes, it is recommended that all requests and approvals for accommodations be placed in writing. You should take notes of your conversations with the office or center for disability services. You should also request a formal document that lists all your accommodations.

How do my professors become aware of my accommodations?

You are responsible for informing your professors of all accommodations approved through the office or center for disabilities services. Most professors will want written documentation of the approved accommodations, so it is wise to obtain written verification from the office or center for disability services. You are not required to disclose your disability or the reason for the accommodation to your instructor or professor.

Do I have the right to obtain waiver of admission or graduation requirements?

No, you do not have the right to waiver of graduation requirements, waiver of admission requirements or a waiver of courses except if a substituted course will enable you to meet the required curriculum subjects.

An instructor can expect the same academic performance from you with accommodations as they do a student without a disability.

What laws provide protections for me?

Section 504 of the Rehabilitation Act of 1973 (Rehab Act), the Americans with Disabilities Act of 1990 (ADA) and the New Jersey Law Against Discrimination (LAD) prohibit

discrimination against students with disabilities. These laws require postsecondary schools to provide reasonable accommodations to ensure that students with disabilities have equal access to the programs and services of the school. The statutes are substantially similar and are interpreted as requiring many of the same obligations and protections.

In addition, Section 504 of the Rehabilitation Act provides individuals with disabilities the possibility of accessing additional services that lead to employment through the Division of Vocational Rehabilitation Services, located in the New Jersey Department of Labor and Workforce Development.

What should I do if my accommodations are not properly implemented?

If your approved accommodations are not implemented properly, you should immediately begin a discussion with the professor and/or the office of disability services.

In situations such as test taking, you may need to interrupt a test to resolve the matter. You should not wait until after taking an exam or the end of the semester to raise issue about poor or improper implementation of accommodations. It is often more difficult to resolve the issue once you have taken a test and received a poor grade.

Can I be eligible for services through the Division of Vocational Rehabilitation Services while attending a college or university?

Yes, you can obtain services through the Division of Vocational Rehabilitation Services (DVRS). In certain circumstances, college tuition can be provided through DVRS if it will lead to a work goal. Additional information can be obtained at http://lwd.dol.state.nj.us/labor/dvrs/DVRIndex.html.

What options are available if I disagree with the determination of the college or university regarding my requested accommodation?

You should begin by discussing any complaints or concerns with the office or center for disability services and attempt to resolve the dispute. If a solution cannot be reached informally, you may file a complaint within 180 days of the date the dispute arose with:

Division on Civil Rights
Department of Law and Public Safety
140 E. Front Street, 6th Floor
Trenton, New Jersey 08625-0089
609-292-4605

U.S. Department of Education
Office of Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202
1-800-USA-LEARN

Civil Rights Division
Office on the Americans with Disabilities Act
U.S. Department of Justice
P.O. Box 66118
Washington, D.C. 20035-6118
1-800-514-0301
1-800-514-0383 (TTY)

Are advocacy organizations available to assist me if I have a dispute with a college or university regarding the provision of my accommodations?

Yes, the following advocacy organizations may be able to assist you if you encounter difficulties in obtaining accommodations:

Disability Rights New Jersey
210 S. Broad Street, 3rd Floor
Trenton, New Jersey 08608
1-800-922-7233 (NJ only)
609-292-9742
609-777-0187 (fax)
609-633-7106 (TTY)
www.drnj.org

Community Health Law Project
185 Valley Street
South Orange, New Jersey 07079
973-275-1175
973-275-5210 (fax)
973-275-1721 (TTY)
www.chlp.org

Disability Rights New Jersey (DRNJ), the State's federally funded designated protection and advocacy system for people with disabilities, is a statewide non-profit organization that advocates and advances the human, civil and legal rights of persons with disabilities. DRNJ's mission includes the empowerment of people with disabilities through information to assist them in self-advocacy.

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