

# **Postsecondary Education for Individuals and Service Members with Traumatic Brain Injury**

## **Handbook**

This handbook is intended to help individuals and service members with traumatic brain injury obtain the services and supports necessary to be successful in college.

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

**Disability Rights New Jersey**

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## **Introduction**

Going to college is a big step for anyone, including a person who has sustained a head injury or traumatic brain injury (TBI). Whether your TBI is recent, or happened some time ago, if your goal is to attend college it's important to understand the support that is available and how to access it.

If your TBI was present during school, you may have received services through the Individuals with Disabilities Education Act (IDEA), and you may have had an Individualized Educational Program (IEP) or a 504 plan. In college, these provisions no longer apply.

In college, you are responsible for submitting medical and clinical documentation to support your request for accommodations. The purpose of this handbook is to explain your rights and responsibilities in a post-secondary setting so you can be an effective self-advocate.

Veterans with service-connected injuries, including veterans with TBI, are taking advantage of earned military and VA educational benefits and returning to school.

It is hoped this handbook will assist students, and student veterans, to obtain the services and supports necessary to be successful in college.

## **Rights and Responsibilities in College**

### **What are my rights in college if I have a TBI?**

If your TBI qualifies you as a person with a disability, you have the right to the same education as a student without a disability. This includes reasonable and effective accommodations as needed, once appropriate documentation is provided to, and approved by, the college or university.

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. You have the right to confidentiality regarding your disability.

### **Do I have to disclose my TBI?**

If you want your college or university to provide you with accommodations, you must disclose your TBI to the designated office of disability services. If you are not seeking an accommodation, you do not have to disclose your disability. You are not required to disclose your disability to the instructor or professor.

### **Can I ask the college to waive admission or graduation requirements?**

No, you do not have the right to ask the college to waive graduation or admission requirements. You also cannot ask for a waiver of courses except if a substituted course (e.g., a foreign language course) enables you to meet the school's core curriculum requirement. An instructor can expect the same academic performance from you with accommodations as they do a student without a disability.

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

Yes, colleges and universities are required to make facilities accessible to all students, including students using wheelchairs.

Colleges and universities must also have on-campus accessible transportation, ramps, elevators and accessible parking. Colleges are not required to provide transportation from home to school unless transportation is being provided to non-disabled students.

## **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 post-secondary schools to provide reasonable accommodations to ensure that students with disabilities have equal access to college programs and services.

Section 504 of the Rehab Act provides individuals with disabilities the possibility of accessing employment-related education and training assistance, including tuition assistance through the Division of Vocational Rehabilitation Services (DVRS).

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

You may be eligible to receive services through the Division of Vocational Rehabilitation Services. In certain circumstances, college tuition can be provided through DVRS if it will lead to a work goal. Additional information can be obtained at <https://lwd.state.nj.us/>

## **Requesting an Accommodation**

### **What is an accommodation?**

An accommodation, also known as a reasonable accommodation, is an aid or service that assists you to complete a task or a life activity. In a college setting, an accommodation often involves a change or modification to an activity, program or facility.

### **What is the purpose of an accommodation?**

The purpose of a reasonable accommodation is to provide qualified students with a documented disability access to the same educational opportunities as students without a disability.

### **What are examples of accommodations I can request?**

Students with TBI may benefit from a range of reasonable accommodations – here are some examples.

- Extended test time
- Taking tests in a separate room
- Use of computers for test taking
- Recording class lectures
- Use of note takers
- Substitution of non-essential course requirements
- Priority seating
- Accessible parking

### **How do I request an accommodation?**

If you want to request an accommodation, contact the college or university's designated disability services office on campus. The name of this office varies, but may be referred to as the Office of Disability

Services, Services for Students with Disabilities, or Office of Special Services, etc.

Many post-secondary schools have a designated disability services section on their website that provides information about requesting accommodations.

### **What does the designated disability services office do?**

The disability services office assists students with all types of disabilities to identify and implement approved accommodations on a case-by-case basis. Once approved, the disability office will create an accommodations plan or letter for the student.

### **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 submitting the appropriate documentation to support your request for accommodations.

If an updated evaluation is required to support your request for accommodations, you are responsible for funding this evaluation. If you are eligible to receive services through the Division of Vocational Rehabilitation Services, you may qualify for an updated evaluation at no cost to you.

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

College and universities have some flexibility in the specific accommodation they provide, as long as it effectively meets your needs. You must have a discussion with the college office that assists students with disabilities about the details of your request for accommodations.

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 important point is that the suggested accommodation must be effective, and work for you. The college or university is not required to provide accommodations that would fundamentally alter the program or activity, or remove a critical element.

### **Should requests for accommodations and the approved accommodations be in writing?**

Yes, it is recommended that all requests for accommodations be placed in writing. You should take notes of your conversations with the designated office for disability services. You should also request a copy of the formal document that lists all your accommodations, known as an accommodations plan or letter.

### **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 disability 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.

### **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 with 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.

### **Do I pay for accommodations?**

No. The college or university is responsible for providing approved accommodations free of charge.

### **Can my accommodations plan be changed?**

Yes. If the supports and services documented in your accommodations plan are no longer needed, or are not helping, you can contact the disability services office to discuss amending your accommodations plan.

### **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, 6<sup>th</sup> 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, 3<sup>rd</sup> 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](http://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](http://www.chlp.org)

## **My TBI happened before or during school - who can help me plan for college?**

Your IEP team, teachers and parents, can help identify which accommodations you might need in college, and which college or university best fits your interests and needs. The same team can make sure you have sufficient documentation to support your request for accommodations in college. You may also want to provide your most recent evaluations, IEP or 504 plans.

You can start thinking about the accommodations you may need in college at 14 when your transition statement is included in your IEP, or at 16 when your transition plan is created. Your transition plan should be based on your interests and preferences.

Prior to applying to a particular college or university, it is recommended that you research the level of support that may be available to you in a particular school.

**If your TBI happened after graduating from high school**, you will need to submit medical and/or clinical documentation to show you have a TBI. The documentation will need to explain how your injury substantially limits one or more major life activities. Examples of a major life activity for someone with a TBI may include learning, reading, thinking, communication, and concentration.

## **Traumatic Brain Injury Documentation**

Traumatic brain injury is a medical or clinical diagnosis that is made by qualified professionals, including physicians, neurologists, and neuropsychologists. In order to receive accommodations for a TBI in a post-secondary educational or vocational training setting, you will need to submit reports and records that document how your TBI meets the definition for disability. The definition for disability in the Rehab Act

and ADA is an “impairment that substantially limits one or more major life activities.”

It is critical that you submit documentation to your college that clearly explains how your TBI “substantially limits one or more major life activities.” If appropriate documentation is not provided to your college, your request for accommodations may be denied.

### **What documentation should I submit to be considered for accommodations due to my TBI?**

Many colleges and universities provide guidance about the type of documentation they require on the designated disability website. It is also recommended that you meet with staff in the disability services office, so you understand the specific documentation required.

### **Veterans and Military Service Members**

Veterans have the same rights and responsibilities in college as other students. However, veterans have access to earned educational benefits, and resources that are only available to veterans and military service members.

If you believe you would benefit from accommodations in college, start by contacting the designated disability services office on campus. Some colleges also have a designated veterans’ center on campus that may provide additional supports and services to student veterans.

If you incurred a TBI while serving overseas and you have decided to return to school, there are many tools and services available to help you be successful in a post-educational setting.

It is hoped this handbook will help you do the following:

- Access earned educational benefits
- Choose the right school
- Identify useful services
- Build a network of support

### **Where can I get help funding college?**

The Post-9/11 GI Bill legislation passed in August 2009 provides educational and employment-related funding to eligible veterans. The U.S. Department of Veteran Affairs outlines eligibility for this benefit as follows:

If you have at least 90 days of aggregate active duty service after Sept. 10, 2001, and are still on active duty, or if you are an honorably discharged Veteran or were discharged with a service-connected disability after 30 days, you may be eligible for this VA-administered program.

[http://www.benefits.va.gov/gibill/post911\\_gibill.asp](http://www.benefits.va.gov/gibill/post911_gibill.asp)

### **What other financial assistance may be available to help pay for college?**

In addition to the Post-9/11 GI Bill benefits, veterans may also be eligible to receive federal student aid. If you would like to apply you will need to complete the Free Application for Federal Student Aid (FAFSA) form available at – <http://www.fafsa.ed.gov>

### **How do I find the right school?**

The U.S. Department of Veteran Affairs has developed an online tool for veterans considering post-secondary education and training to calculate VA benefits, research schools, and apply for educational assistance.

<https://department-of-veterans-affairs.github.io/gi-bill-comparison-tool/>

## **Where can I go on campus to get assistance?**

Veterans with service connected injuries, including TBI should contact the designated disability service office. Veterans should also check to see if the college has a designated student veteran center, as information and assistance coordinating services may also be available from this office.

## **Additional Resources for Veterans**

The Defense and Veterans Brain Injury Center (DVBIC) has produced a *Back to School* guide for veterans. This publication is specifically intended for veterans with TBI and includes guidance on all aspects of returning to school.

<http://dvbic.dcoe.mil/resources>

The **Military.Com** site also provides detailed information on Post-9/11 GI Bill benefits.

<http://www.military.com/education/gi-bill/20-top-faqs-for-the-new-gi-bill.html#3>

## **General Resources**

The Brain Injury Association of New Jersey (BIANJ) has developed a publication to assist young adults with brain injury identify the right college.

*Young Adults with Brain Injury and College*

<http://bianj.org/wp-content/uploads/2014/10/youngadultswithbicollege.pdf>

Educational Testing Service (ETS) has published a fact sheet on documentation guidelines for individuals with TBI seeking reasonable accommodations.

[http://www.ets.org/s/disabilities/pdf/documenting\\_traumatic\\_brain\\_injury\\_quick\\_reference.pdf](http://www.ets.org/s/disabilities/pdf/documenting_traumatic_brain_injury_quick_reference.pdf)

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