



*California's Protection & Advocacy System
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What are My Rights to Accommodations in Higher Education Fact Sheet

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Many people who are clients of the Department of Rehabilitation (DOR) have Individualized Plans of Employment that provide for them to complete a higher education degree. In some cases, they may need accommodations to do so.

Know Your Rights

Under the Americans with Disabilities Act (ADA) colleges have to provide reasonable accommodations including modifications in practices, policies and procedures to people with disabilities. Examples include but are not limited to: more time on tests, more time to finish a degree, qualified interpreters, note takers, qualified readers, materials in alternative format, modification of devices, etc.

Obtain a copy of your school's disability policies and procedures. Your school's policies will tell you how to request accommodations and the procedures including internal grievance procedures and timelines for filing a complaint of discrimination based on disability. You should also ask who the disability coordinator or ADA/Section 504 coordinator is for the school.

When Schools Don't Have to Provide Reasonable Accommodations

Colleges don't have to provide accommodations if doing so would "fundamentally alter" the nature of the goods, services, facilities, privileges, advantages or if doing so would result in an "undue burden."

Know Your School's Policies and Procedures

Make sure that you obtain a copy of the school's disability policies and procedures. The school's policies will tell you how to request accommodations and the procedures, including internal grievance procedures and timelines for filing a complaint of discrimination based on disability. You should also ask who the disability coordinator or ADA/Section 504 coordinator is for the school.

If an individual refuses to provide an approved accommodation, your school's policies will normally discuss the appeal process the individual must follow to have an approved accommodation denied. Normally, schools will require that the accommodation be provided during the appeal processed.

How to Request a Reasonable Accommodation

Be sure to make your accommodation request in writing, identifying yourself as a student with a disability, describing how your disability affects your participation in school, and identifying the specific accommodations you need. You should also state the deadline by which you expect a response to your request. If you do not receive a response within that time, you should assume your request has been denied and begin the appeal and complaint procedures.

Proof of Disability and Need For an Accommodation

If you ask for a reasonable accommodation, your school may ask you to provide proof of your disability, functional limitations and need for accommodation. Examples of functional limitations include: seeing, breathing, walking, hearing, and processing oral or written information,

memory and orientation. The most effective way to show that you are entitled to reasonable accommodations is to get a letter from a medical professional who is familiar with you and your disability. Your doctor will need to explain how your disability affects your participation in school, and identify the specific accommodations you need because of your functional limitations. For example: A need for more time on tests to process information provided during an oral exam.

Your School Refuses to Give You a Reasonable Accommodation or Treats You Different Because You Have a Disability

If your school refuses to provide you with the accommodations you need or otherwise discriminates against you based on your disability, you can do any or all of the following:

- File an internal grievance/appeal with the school
- File a complaint with the Office for Civil Rights of the (Federal) Department of Education (OCR) or the U.S. Department of Justice (DOJ)
- Try to resolve things informally through private mediation
- File a lawsuit

For more detailed information about your rights see Disability Rights California publication entitled, Rights of Students with Disabilities in Higher Education. <http://www.disabilityrightsca.org/pubs/530901.pdf>

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.