

Understanding Students with Disabilities Rights in the Laboratory:

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Relevant Laws and Regulations



Key Federal Accessibility Laws

- The Architectural Barriers Act (ABA) -1968
- Section 504 of the Rehabilitation Act (504) -1973
- The Americans with Disabilities Act (ADA) -1990



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Section 504 of the Rehabilitation Act of 1973



"No otherwise qualified individual with a disability in the United States shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Requires provision of academic adjustments and auxiliary aids or services

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What is the ADA?



- Civil rights law passed in 1990 and amended in 2008
- Has five titles (Title I, Title II, Title III, Title IV, and Title V)
- Aims at equal opportunity and equal access for people with disabilities

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How the ADA defines disability



- A person with a physical or mental impairment that substantially limits one or more major life activities
- A person with a record of such an impairment
- A person who is regarded as having such an impairment
- Qualified Individual with a Disability:
 - An individual who, with or without reasonable accommodation, can perform the essential functions of the job in question or complies with the legitimate requirements to receive a public or private service.

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Title II of the ADA



- Covers “public entities” which are organizations or instrumentalities of state or local government (community colleges and state universities)
- Extends nondiscrimination under Section 504 to public entities not receiving federal funding
- Prohibits discrimination on the basis of disability in all services, programs, and activities
- Must furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity
- Do not discriminate against individuals with disabilities
- Provide equal access to services, programs, and facilities
- Provide equal opportunity to participate in the education process

Title III of the ADA



- Title III covers “public accommodations” which are private organizations that effect commerce and fall under 1 of 12 categories, including places of education (private universities)
- No Discrimination in the full and equal enjoyment of all goods and services
- Equal opportunity to participate in and benefit from these goods and services
- Must not be provided different or separate goods or services unless doing so is necessary to ensure that access is equally as effective as that provided to others

Shared Title II and III Requirements



- Must make reasonable Modification to Policies, practices, and procedures to avoid discriminating against or excluding people with disabilities UNLESS to do so would cause a fundamental alteration
- Cannot impose surcharges for modifications/aids and services
- Must provide equally effective communication for people with disabilities as that offer to those without disabilities

A Note on Terminology



- Reasonable accommodation often used to refer to academic adjustments and auxiliary aids or services
- Reasonable accommodation is technically incorrect usage, but is common coinage
- Academic adjustment from Section 504- auxiliary aid or service from Section 504 and ADA Title II and III

What is an Auxiliary Aid or Service?



- Device, method, or service necessary to provide equally effective communication
- Furnished to provide equal opportunity to participate in and benefit from a program, service, or activity

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Examples of Auxiliary Aids and Services



- Qualified interpreters
- Note takers
- Computer-aided transcription services
- written materials
- Open and closed captioning
- Accessible electronic and information technology

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What is an Academic Adjustment?



- Designed for students with disabilities to participate in and benefit from the education program
- Can include: modifications to nonessential academic requirements, reasonable changes to policies, practices, and procedures, and the provision of auxiliary aids and services
- Determined by interactive process that includes the student
- Can use prior academic adjustments (or accommodations) as a guide

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Examples of Academic Adjustments



- Extra time on examinations
- Different location for examinations
- Video-taped class
- Note takers
- Use of sign language interpreter
- Providing materials in Braille or Large print
- Having accessible electronic and information technology; including web-based learning and software
- Allowing service animal
- Use of assistive technology

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Lab Specific Examples of Accommodations



- Instruments with auditory or tactile feedback
- Adjustment of positioning and height of equipment and tables
- Use of computer simulations
- Adaptive devices for individuals with fine motor control disabilities E.G. use of clamps to stabilize an object or use of software to measure and graph
- Modifications such as a lab partner, use of universal design learning, or preferential seating to eliminate potential distractions

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Not Required to Provide Accommodations Which



- Compromise a code of conduct/ethics
- Fundamentally alter the essential program of instruction
- Compromise essential academic or technical standards
- Cause undue hardship
- Pose a threat of safety to others

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The University and Beyond



- Right to academic adjustments and auxiliary aids and services continue in postsecondary education through graduate and doctoral studies
- Responsibility of student with a disability to approach office for students with disabilities about accommodation needs.
- Must work through university process and also be able to communicate about their disability and needs.
- After education, right becomes reasonable accommodation in employment

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