

# ADA Amendments Act and Accommodations

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## ADA Amendments Act (ADAAA)

Expansion of the definition of disability increased number of:

- 1) individuals covered by the ADA – not necessarily an increased # of people eligible for accommodation &
- 2) requests for accommodations – different types of accommodations based on the array of impairments now covered (e.g., bodily functions).

## What is an Accommodation?

- 1) Modification or adjustment to the way things are usually done.
- 2) Changes to the physical environment that would enable someone with a disability to have equal access.
- 3) Use of assistive and/or accessible technology to enable someone to accomplish a task.

## What is a “Reasonable” Accommodation?

- 1) Anything could be an accommodation ... *sky is the limit!*
- 2) Determined by the entity in light of impact on:
  - a. financial resources – undue financial hardship to the entity &
  - b. other aspects of operations and functions – is it an administrative hardship that negatively impacts how business is conducted??
- 3) “Reasonableness” is determined by the entity on a case-by-case basis:
  - a. Sound process in place to evaluate “reasonableness.”
  - b. Ability to defend the decision if needed.

## What is NOT a “Reasonable Accommodation? Examples:

- 1) Removing and/or altering a requirement that would result in fundamentally altering the course of study.
- 2) Tolerating or excusing violent or abusive behaviors.
- 3) Non-adherence to policy and procedure that is consistent with the educational program.
- 4) Providing personal services such as toileting, clothing management, feeding, medication monitoring, etc.

## Whose Responsibility Is It?

### Educational Institution

- 1) Assure that qualified students receive appropriate accommodations to be successful in the classroom and to meet other degree requirements.
- 2) Provide auxiliary aids and services to enable equal participation.

## Not Everything is About the Disability

Individuals with disabilities are people first and experience similar everyday problems as counterparts without disabilities.

1. Separate out what is “disability” and what is not.
2. Treat all individuals the same, do not make the disability the focus of interactions.
3. Hold students with disabilities to the same standards as those without disabilities.
4. Accommodations are to “level” the playing field, not to give an advantage to the student.
5. Be open to a wide range of options for accommodation, never say “no” unless you have explored and considered all of the options.
6. “My disability made me do it” is not a defense.

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## Whose Responsibility Is It?, cont.

### Student

- 1) Disclose disability/accommodation need and engage in process to determine appropriate accommodation prior to academic or other activities. Cannot ask for a retroactive accommodation such as an exemption or “retake”, etc. based on disability.
- 2) Provide documentation to substantiate disability and need for accommodations in a timely manner.

## What Should a Program Do?

- 1) Support faculty in changing the notion that there is only one way to “teach” something.
  - Must students be able to perform “all” activities and/or methods?
  - Be prepared with ideas and options (be prepared to respond to the question of patient safety)
- 2) Make case-by-case determination – develop disability-friendly policies and evaluation processes.
  - Technical Standards
  - Educational criteria (not essential functions)

## Forms of Reasonable Accommodation

### Modified Schedules

Part-time versus full time  
Flexibility in the schedule  
“Breaks” in the schedule (e.g., semester off)

### Auxiliary Aids and Services

Sign Language Interpreter  
Real Time Captioning  
Assistive Listening System

### Modification in Policy or Procedure

Service animal into the classroom/clinic  
Alternative clothing  
Scent-free environment  
Food/liquids in classroom/clinic setting

### Materials in Alternative Formats

Large print/Braille documents  
Electronic versus paper documents  
Audio taped information

### Accessible Information Technology

Accessible web based content  
Course management tools (e.g., Blackboard)  
Distance Learning Courses  
Simulation Software  
Faculty and university websites

Accessible electronic documents

PDF format = barriers unless created accessible  
*\*Scanned documents are not accessible*

### Captioned Video (e.g., YouTube, Vimeo, DVD/VHS)

### Modified Procedures/Requirements

Take home exam versus in-class exam  
Oral exam versus written  
Use of calculator during exams  
More time to complete assignments/projects/exams  
Exemption from course requirements – Substitute other requirements – unless creates a fundamental alteration

### Assistive Technology

Computer/tablet to take notes, storage  
Tape recorder  
Timers/technology to manage “time”  
Specialized equipment for specific limitations  
Screen reader or Text-to-Speech software  
Digital or amplified stethoscope  
Note taker  
Magnifiers  
Digital an audible bar code reader  
“Apps” on Smartphone's