



Disabilities Support Services
Student Manual

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STUDENTS' LEGAL RIGHTS

The Rehabilitation Act of 1973 and the Americans with Disabilities Act Amended Act of 2008 are two significant pieces of legislation that guarantee the civil rights of individuals with disabilities. The Rehabilitation Act established the groundwork for protecting the rights of postsecondary students in the educational setting. Section 504 of the Act, states that:

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

This means that colleges and universities receiving federal financial assistance (which most do) must not discriminate in the recruitment, admission, or provision of services for students with disabilities. Students with documented disabilities may request accommodations and/or auxiliary aids from the Counseling office, which will enable them to participate in and benefit from post-secondary educational programs and activities. To the greatest extent possible and within reason, post-secondary institutions must make necessary changes to ensure that academic and other programs are accessible to students with disabilities. (Section 504: The Law and its Impact on Post-Secondary Education.)

The Americans with Disabilities Act Amended Act of 2008 (ADAAA) extends civil rights protection for people with disabilities to services and activities in the private sector. It also upholds, clarifies, and extends the standards for compliance set forth in Section 504 in areas of: a) employment and promotion practices; b) transportation; c) public accommodations; d) services provided by state and local government; and e) telecommunications. The ADAAA affects postsecondary education by refocusing attention on disability access to the institution's facilities and programs, as well as on employment and promotion issues.

The goal of the ADAAA is to remove the barriers that deny individuals with disabilities an equal opportunity to share in and contribute to American life.

Don't feel shy about asking for compliance or speaking out if you have been refused reasonable access to any program or activity because of your disability.

STATEMENT OF PURPOSE

Many of the students at Western Texas College may have an identified disability. Students with disabilities seek educational programs at this institution as a result of our commitment to:

- Provide all students with a first rate education
- Provide quality services
- Maintain open-door admission and affordable tuition fees
- Make all programs and activities reasonably accessible to all students
- Help break down potential barriers to the educational experience.

At Western Texas College, the goal of DSS is to provide reasonable accommodations and services to students with disabilities, while maintaining compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act Amended Act of 2008 (ADAAA) in order to ensure that no qualified individual with a disability is:

- a) Excluded from participation in or denied the benefits of services, programs, or activities at this institution
- b) Subjected to discrimination by the college or its personnel.

We are a place where students with disabilities can register and receive reasonable accommodations based on ADAAA and Section 504.

To accomplish our mission, the DSS at Western Texas College will always strive to:

1. Provide high quality and professional services for qualified individuals in an ethical and professional manner and in the least restrictive environment possible.
2. Advocate for the student, and implement the removal of attitudinal and physical barriers to assure full campus-wide accessibility.
3. Coordinate services with faculty and staff, as well as the institution at large.

COMPARISON OF IDEA, SECTION 504 AND ADA

	<u>IDEA</u>	<u>SECTION504</u>	<u>ADAAA</u>
Law Requirements	Provides a free, appropriate, public education in the least restrictive environment. Grades K-12 only	Requires any agency, school or institution receiving federal financial assistance to provide persons with disabilities accessibility to the programs to the greatest extent possible	Extends coverage of Section 504 to employment, public and private educational institutions, transportation providers, and telecommunications
Definitions	Specific disability categories are defined in the law; covers students with educational needs and require specialized trained teachers	Defines persons with disabilities who: have a physical or mental impairment which limits one or more major life activity; have a record of such an impairment OR are regarded as having an impairment	Definition of disability is same as 504 and extends coverage to people who may be related to or associated with a person with disability, HIV status, contagious and noncontiguous diseases
Who is covered?	Students with educational disabilities ages 3-21 or until graduation that require special education (grade 12)	All persons with a disability from discrimination in educational setting BASED solely on disability	All persons with a disability from discrimination in educational setting BASED solely on disability
Services Provided	Services that are remedial in addition to services available to all students	Eliminates barriers that would prevent student from full participation in any program/service offered	Eliminates barriers that would prevent student from full participation in any program/service offered
Funding	Schools receive federal funding to provide remedial services	Requires schools not discriminate based on disability and provide appropriate accommodations, BUT schools receive no financial support	Requires schools not discriminate based on disability and provide appropriate accommodations, BUT schools receive no financial support

	IDEA	<u>SECTION504</u>	<u>ADAAA</u>
Evaluation/ Documentation	<p>School district is responsible for identifying and evaluating students with disabilities.</p> <p>Evaluations are responsibility of school at no expense to the parent or student.</p> <p>Parents must consent to evaluations and placement decisions.</p>	<p>Same for elementary and secondary schools. College level it is the student's</p> <p>Same for elementary and secondary schools. College level it is the student's responsibility</p> <p>Same for elementary and secondary schools. College level is the student's responsibility</p>	<p>Students must self identify as having a disability by providing adequate documentation as outlined by the college</p> <p>Evaluations and documentation of disability are student's responsibility and expense</p> <p>Student has the responsibility for advocacy, negotiating accommodations plan.</p>
IEP/ Accommodation	<p>Individual Education Plan developed with teachers, parents and other specialists involved with student</p>	<p>504 plan developed with parents, teachers, school personnel involved (Only for elementary/secondary students)</p> <p>Accommodation plan is developed with student and the Office of Disabilities on campus if disability is established. (Colleges)</p>	<p>Accommodation plan is developed with student and the Office of Disabilities Committee.</p>
Classroom Placement	<p>Must be in the least restrictive environment, possible special classrooms, resource or regular classrooms. (pk – 12 grades)</p>	<p>Regular classroom with support services to eliminate barriers. (elementary, secondary, and college)</p>	<p>Courses are regular classroom environment with accommodations provided to students who qualify under ADAAA.</p>

STUDENT, DSS OFFICE AND COLLEGE RESPONSIBILITIES

Student Responsibilities	DSS Responsibilities	WTC Responsibilities
<p>Self identify or disclose their disability to the Disability Support Services Office (DSS). Obtain documentation of assessment and test results and provide them to DSS Meet with DSS Counselor each semester to obtain an accommodations letter for each class Contact their instructors at the start of each semester to activate and adopt approved accommodations for each class Notify the DSS office if services are no longer needed Comply with all WTC rules for student conduct. Communicate to DSS in a timely manner any question or problems associated with their disability or assigned accommodations.</p>	<p>Assist students regarding educational and disability accommodative issues applicable under federal and State law. Collect and evaluate educational, psychological, medical, and vocational diagnostic information provided by the student to determine eligibility for accommodations. Advise students regarding appropriate course selection and individualized educational accommodations. Coordinate the registration process for identified students with disabilities. Arrange for appropriate and reasonable accommodations. Assist students in accessing technology available to address their identified accommodation needs. Track and monitor the effectiveness of student accommodations and educational progress. Educate students about student rights and responsibilities.</p>	<p>Provide accessible facilities and reasonable related equipment. Protect a student's right to privacy and confidentiality Provide access to programs and services. Inform students of DSS Office locations. Make reasonable accommodations for students who meet the qualifying criteria. Provide reasonable access to program and service choices equal to those available to the general public. Suggest reasonable adjustments in teaching methods which do not change any essential element of the curriculum or program. Work with off-campus and off-shore program facilities to also comply with Section 504 (Subpart E) and ADA. Inform students of their rights and responsibilities.</p>

CONFIDENTIALITY AND DUTY TO REPORT

Confidentiality:

In accordance with the Family Educational Rights and Privacy Act (FERPA), all information pertaining to a student's education record will remain confidential, unless the requested information falls within the FERPA guidelines.

Limitations of Confidentiality:

While WTC and DSS will strictly observe a student's confidentiality as required by law, stated above, WTC, DSS and its staff maintain the right to divulge relevant information when information is made available by the student that includes harm to self, harm to others, or the planning of the commission of a crime.

Final determination for providing appropriate and reasonable accommodations will rest with the institution. Western Texas College and Disability Support Services reserve the right to deny services to any individual who presents a danger to themselves or to others, or who make intentions known to harm others and will take the necessary preventive and legal actions to avoid any such danger or harm.

Disability Disclosure:

Students who request accommodations/services must make their disabilities known to the Disability Support Services Office. This office has the responsibility to verify the documentation (**not to obtain documentation**) before any accommodations/services are provided. If the student fails to disclose his/her disability, or fails to present the appropriate documentation to validate the disability, this institution has no obligation to provide any requested accommodations and/or services.

Exceptions to Accommodation Requirements:

Pursuant to the American Disabilities Act Title III Regulations 28 CFR Part 36, Section 36.208, Western Texas College will adhere to the following statement obtained from the U.S. Department of Justice website as it pertains to direct threat (www.usdoj.gov/crt/ada/reg3a.html):

Direct Threat:

(a) This part does not require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others.

(b) Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

(c) In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Accommodations are not required if it is found that a student poses a direct threat to the safety of self or others. The Behavior Intervention Team will meet to evaluate any questions or concerns on direct threat.

DOCUMENTATION OF DISABILITIES

Documentation requirements are reviewed and requested on an individual basis. As each student has unique and personal circumstances, the documentation being requested from the student also is unique and specific to their needs and disability. The following are basic guidelines for students and professionals. **It is the student's responsibility to provide the appropriate documentation.** The Disability Support Service Office **will not make documentation requests** on behalf of students. It is the **student's responsibility to disclose information pertaining to their disability.**

**ALL DOCUMENTATION MUST BE SUBMITTED AND COMPLETE
FOUR WEEKS PRIOR TO ACCOMMODATIONS GOING INTO EFFECT.**

LEARNING DISABILITY

I. Qualifications of the Evaluator:

Professionals conducting assessments, rendering diagnoses of a disability, and making recommendations for appropriate accommodations will be qualified and licensed to do so.

Comprehensive training and direct experience in the area of diagnosis and treatment with the adolescent and adult population as it pertains to the presenting disability is essential.

The name, title and professional credentials of the evaluator, including information about license or certification as well as the area of specialization, employment and state/province in which the individual practices will be clearly stated in the documentation.

II. Documentation:

The provision of all reasonable accommodations and services is based upon assessment of the impact of the student's disabilities on his or her academic performance at a given time in the student's life. Therefore, **documentation shall be no more than three years old**. It is in the students' best interest to provide recent and appropriate documentation relevant to the student's learning environment. All reports will be on letterhead, typed, dated, signed and otherwise legible.

III. Substantiation of the Disability:

Documentation should validate the need for services based on the individual's current level of functioning in an educational setting.

A school plan, such as an individualized education program (IEP) or a 504 plan is **insufficient documentation**, but can be included as part of a more comprehensive assessment battery.

The comprehensive assessment battery and the **resulting diagnostic report** should include a diagnostic interview, assessment of aptitude, academic achievement, information processing and a diagnosis.

A. Diagnostic Interview:

The evaluation report will include a summary of a comprehensive diagnostic interview.

Relevant information regarding the student's academic and developmental history, as well as adaptation and learning processes in elementary, secondary and postsecondary education should be reported.

The diagnostician, using professional judgment as to which areas are relevant, should conduct a diagnostic interview which may include: a description of the presenting problem(s); developmental, medical, psychosocial and employment histories; family history, including primary language of the home and the student's current level of English fluency (if family of origin is monolingual or bilingual); and a discussion of dual diagnosis where indicated.

B. Assessment:

The neuropsychological, psychological, or psycho-educational evaluation for the diagnosis of any specific learning disability must provide clear and specific evidence that a learning disability does or does not exist.

Assessment, and any resulting diagnosis, will consist of and be based on a comprehensive assessment battery and must not rely on any one instrument, test or sub-test.

Evidence of a substantial limitation to learning or other major life activity must be provided.

A complete standardized intellectual assessment (IQ test) with all sub-tests and standard scores reported along with a comprehensive academic achievement battery with all sub-tests and standard scores reported for those sub-tests must be included. The battery will include current levels of academic functioning in relevant areas such as reading (decoding and comprehension), mathematics, processing speed, and oral and written language.

Specific areas of information processing (e.g. short and long-term memory, sequential memory, auditory and visual perception/processing, processing speed, executive functioning and motor ability) will be included in the assessment battery.

Informal observations of the student during the test administration may be included as well as other non-standard measures that may help determine a learning disability and differentiate it from co-existing neurological and/or psychiatric disorders.

C. Specific Diagnosis:

The diagnostician will use clear and direct language in the diagnosis and documentation.

When a learning disability does not exist, the evaluator must state that conclusion in the report. Individual “learning styles”, “learning differences”, “academic problems” and “test difficulty or anxiety”, in and of themselves do not constitute a learning disability.

D. Test Scores:

Standard scores and percentiles (when appropriate) will be provided for all normative measures along with grade equivalents (when appropriate) but not separately.

Results will reflect a substantial limitation to learning for which the student is requesting the accommodation.

The profile of the student’s strengths and weaknesses will be shown to relate to the functional limitations that may necessitate accommodations.

Tests must be reliable, valid and standardized for use with adolescents/adults across diverse populations. The test findings and conclusion should document both the nature and severity of the learning disability.

E. Clinical Summary:

An indication of a substantial limitation to learning or other major life activity presented by the learning disability and the degree to which it impacts the individual in the learning context for which accommodations are being requested will be stated.

The summary will indicate how the patterns of the student's cognitive ability, achievement and information processing reflect the presence of a learning disability.

The evaluation will have ruled out alternative explanations for academic problems as a result of poor education, poor motivation and/or study skills, emotional problems, attention problems (unless an ADHD diagnosis is rendered) and cultural/language differences.

The evaluator will provide a rationale for why specific accommodations are needed and how the effects of the specific disability are accommodated.

IV. Recommendations for Accommodations;

The final determination for providing appropriate and reasonable accommodations will rest with the institution.

It is important to recognize that accommodation needs can change over time and are not always identified through the initial diagnostic process. A prior history of accommodation does not, in and of itself, warrant the provision of a similar accommodation.

The diagnostic report should **include specific recommendations for accommodations as well as an explanation as to why each accommodation is recommended and how this will address the students' needs.**

DOCUMENTATION OF SENSORY/PHYSICAL/MEDICAL IMPAIRMENT

Documentation of a sensory/physical/medical impairment by a medical professional involved in the diagnosis is required. The documentation serves as the guideline for the accommodations being requested by the student. The licensed medical professional must be one that diagnoses the condition within medical standards and practices.

Visually Impaired/blind individuals are diagnosed by an Ophthalmologists and/or Optometrists.

Hearing Impaired/deaf individuals are diagnosed by Physicians (i.e. Otolaryngologists) and Audiologists.

Mobility Impaired individuals are diagnosed by Physicians, Physical Therapist, Neurologist, and other licensed medical specialists.

Documentation Guidelines:

The following guidelines are given to assist the student and service provider to certify the request for accommodations that are appropriate and reasonable for the disability.

A clear statement of the medical diagnosis must include the following, if applicable: acuity of vision, current audiogram, or statement of systemic illness. Documentation should be dated **within the past 3 years**. The date of documentation may vary depending on the type of disability and accommodations being requested.

A summary of assessment procedures and/or evaluation criteria used to make the diagnosis, including results.

A description of present symptoms is necessary to determine the appropriate and reasonable accommodations for college coursework.

Medical information relating to the student's needs which may impact the educational process is required.

A statement of how the disability significantly impacts a major life activity or "functional limitations" as described by the American with Disabilities Act Amended Act of 2008 is required.

Students who qualify for the State of Texas tuition waiver for the Deaf and/or Blind may use the State Certified Waiver as documentation of disability. Western Texas College does reserve the right to request more documentation from the student if deemed necessary for accommodations.

GUIDELINES FOR PSYCHOLOGICAL/ EMOTIONAL DISORDERS

The following guidelines are provided to assist the mental health professional in collaborating with each student to determine appropriate accommodations. Documentation serves as a foundation that legitimizes a student's request for appropriate accommodations. The supportive documentation must address the student's propensity for self-harm or harm to others.

A diagnosis by a licensed mental health professional including licensed clinical social workers, licensed professional counselor, psychologists, psychiatrists and neurologists is required and must include the licensee number.

Documentation Guidelines:

A clear statement of the disability, including a complete DSM-IV diagnosis, a summary of present symptoms, and history of medication (and medication compliance if medication needed) must be provided.

Documentation for eligibility must reflect the current impact the psychiatric/psychological disability has on the student's functioning. **Annual documentation may be required of students depending on the diagnosis and accommodations being given.**

A summary of assessment procedures and evaluation instruments (psychological evaluation) used to make the diagnosis, (including evaluation results and standardized scores) treatment history, history of hospitalizations, enrollment and termination dates, and last date of contact with the provider. The documentation **must** include any history or suicidal/homicidal ideation and impulse control issues, along with information of any prescribed medication, dosages, frequency, side effects, and compliance including the impact of medication on the student's ability to meet the demands of the postsecondary environment.

A statement of the functional impact or limitations of the disability on learning or other major life activities and the degree to which it impacts the individual in the learning context for which accommodations are being requested. Recommendations for accommodations and rationale for the implementation of accommodations must be included.

The letter must contain the credentials, including the license or certification and area of specialization of the diagnosing professional.

Please note that further assessment by an appropriate licensed professional may be required (at the student's expense) if co-existing learning disabilities or other disabling conditions are indicated.

Documentation Guidelines:

A clear statement of Attention Deficit Hyperactivity Disorder (ADHD) with the DSM-IV diagnosis and description of supporting past and present symptoms.

Documentation for eligibility must be dated **within the last 3 years**. A narrative summary, including all scores, which supports the diagnosis, must be provided.

A summary of assessment procedures and evaluation instruments used to make the diagnosis. Please explain nature of the test, (e.g. checklist, clinical interview, behavioral rating scales, BASC, etc.) that was used for the diagnosis.

A statement of the functional impact or limitations of the disorder or disability on learning or other major life activity and **the degree to which it impacts the individual in the learning environment for requested accommodations is required**.

Medical information relating to the student's needs, including the impact of medication on the student's ability to meet the demands of the postsecondary environment must be provided.

Further assessment by an appropriate professional may be required (at the student's expense) if co-existing learning disabilities or other disabling conditions are indicated. The final determination for providing appropriate and reasonable accommodations will rest with the institution and its assigned agent.

DUAL ENROLLMENT STUDENTS

Dual credit students who receive modifications and/or accommodations at their high school and who want accommodations in the college credit class must contact the Western Texas College DSS Office. Students will need to bring documentation of the disability to discuss accommodations to be requested. The responsibility to apply for accommodations rests with the student. Instructors cannot accept the information directly from the high school counselor, the student or anyone other than the college's ADA coordinator. The student is responsible for delivering the letter, provided by the college's ADA coordinator, to the instructor on the first day of class and discussing with the instructor the accommodations listed in the letter.

DISTANCE LEARNERS (ONLINE STUDENTS)

Students that are enrolled in distance learning courses are required to submit documentation of a diagnosed disability according to WTC guidelines.

IMPLEMENTATION OF SERVICES

Student Accommodation Memorandum:

In order to receive accommodations, the student must obtain a student accommodation memo from the DSS office. This process is as follows:

The student will contact the DSS Counselor at the beginning of each semester to determine what accommodations the student is eligible to receive.

The DSS Counselor will prepare a student accommodation memo for the student.

The accommodations the instructor is expected to provide will be stated in the memo.

It is the student's right to choose whether or not to disclose to the instructor that he/she has a qualified disability, which makes the student eligible for accommodations. However, the student is required to give the memo to the instructor in order for accommodations to be given. If the student does not give the accommodation memo to the instructor, the instructor has no obligation to provide any accommodations.

Accommodations requested by students, which are not documented in the student accommodations memo, will not be provided. The student accommodation memo must be reviewed and updated each semester. If a student does not have a current accommodation memo from the DSS office for your course, the instructor will not provide any accommodations until you meet with the ADA Coordinator.

Meet immediately with the ADA Coordinator if problems arise regarding the provisions of your accommodations.

Testing Accommodations

Accommodative testing is available only to those students who have received authorization from the DSS Office. Authorization is given when the ADA Coordinator indicates the student's eligibility in the student accommodation memo.

A. Student Responsibilities:

The student is responsible to provide the instructor with the student accommodation **memo at the beginning of each semester or as soon as the accommodation is** established. The memo will state which testing accommodation the student needs. If the Counseling Office is proctoring the test, the student is responsible to contact the Counseling Office at **325-574-7621 three days PRIOR to testing**, or as soon as the class is notified of test dates so that the times and dates can be coordinated. The student is required to attend the testing appointment unless the student contacts the Counseling office of the cancellation. If the student is considered to be a "no show", the instructor will be notified. It is the instructor's right to approve or deny the student to make up the test at a later time.

B. Instructor Options:

The instructor will have the test delivered to the DSS Office or other designated test area arranged by the DSS Office **AFTER** being notified of the test appointments. The instructor will include any necessary written instructions for proctoring the test, (i.e. use of dictionary, calculator, blue book, text book, notes, etc.).

Instructor Administration. The instructor may administer the test or may appoint a designee to administer the test under accommodative criteria stated in the student accommodation memo.

Classroom Testing. The test may be administered in the classroom as long as the accommodative criteria stated in the student's accommodation memo are met, unless the student chooses to test in the classroom under normal classroom testing conditions.

Tape Recording Lectures

The lectures of courses taken at Western Texas College are intellectual property. Accordingly, every student will be required to sign a recording agreement when

the accommodation for tape recorders in classroom has been granted to be kept within the student accommodation file. Due to the nature and content of some courses, the classroom instructor has the right to signal/ask a student to cease recording.

Attendance Policies

WTC students must attend all class sessions. Absences exceeding the minimum number allowed can cause the student to be dropped from class or receive an unsatisfactory (F) grade. It is the student's responsibility to follow the student code of conduct for Western Texas College and follow the appropriate procedures for dropping classes. If an emergency arises, due to the student's disability the DSS Office must be notified as soon as possible. The student's instructors will also need to be notified immediately, or as soon as possible, if the student will be out of class due to health reasons. In certain cases, the DSS Office may ask for documentation of the emergency so that an exemption to the absence policy may be determined.

EQUIPMENT AND MATERIAL LOAN:

The Disability Support Service Office has many pieces of assistive technology for students' use throughout the semester. The student may request equipment for loan from the ADA Coordinator.

The student will complete an equipment loan form (promissory note), acknowledging that the equipment is being loaned for **one** semester. The student agrees to return the equipment to the Disability Support Service Office by the end of the semester in which they checked out the equipment. The office will send a reminder email before the end of the semester to students who have equipment loans.

The equipment **must** be returned in working condition. If the student does not return the equipment by the due date, the office will place a registration and/or business office hold on the student's account for the return or the replacement costs of the equipment loaned.

The student will not be allowed to register until the equipment is returned or paid for in full.