

Student Rights in Your Classroom

Faculty and Staff Survey of Knowledge of Disabilities and Recent Legal Decisions

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The form of an exam must be altered if the testing procedure puts a student with a disability at a disadvantage based on the student's documented disability.

Answer: True

Section 504 and the ADA call for modification of evaluation methods so that the assessment does not discriminate against a student with a sensory, manual, or speaking impairment based on that student's disability. There may be an exception when the purpose of the test is to measure such skills (Jarrow, 1991).

A student with a speech disorder must be given an alternate assignment to presenting an oral report.

Answer: True

Under Section 504 of the Rehabilitation Act (1973), the institution must operate its programs in such a way that students with disabilities are not excluded on the basis of their disability. The institution must make modifications to academic requirements to ensure that they do not have the effect of discrimination against a student solely on the basis of disability.

If a student with a visual disability is enrolled in a class, the instructor must provide all handouts in the alternate format requested by the student.

Answer: True

In the case of Los Rios Community College, CA, the OCR stated that post-secondary institutions should be prepared to make printed materials available in a reasonable and timely manner to students with visual impairments in all three mediums: auditory, tactile (Braille) and enlarged print. The institution may not refuse to provide access through a particular medium such as Braille. In addition, examinations and handouts must be made available to students on the same day they are distributed to non-disabled students (Kincaid, 1994, September).

If a student with a disability has difficulty writing, the instructor is responsible for providing the student with an oral test.

Answer: True

The Rehabilitation Act, (1973) Section 504 lists accommodations to testing to include readers, scribes, separate proctored settings and the use of adaptive equipment. Although the disability services office may provide these accommodations, the instructor and then the university is ultimately responsible to see that the student has necessary accommodation.

An individual faculty member who fails to provide an accommodation to a student with a documented disability may be held personally liable.

Answer: True

In the case of Dinsmore v. University of California at Berkeley, a professor refused to allow extended time on math tests to a student with a learning disability whose documentation specified the need for accommodation. The professor maintained that giving the student extended time provided an unfair advantage. The Office for Disability Services and the university's administrators supported the student's request. However, the professor still refused to allow the accommodation. The OCR found the institution violated Section 504 and ordered the university to establish necessary procedures to ensure that no student would be denied accommodation for equal access. OCR held the institution responsible. The student filed a civil suit against the professor for abridgement of civil rights and the court accepted the case. The case was settled out of court for an unspecified amount. The case signaled that a faculty member could be held liable if his/her behavior denied a student necessary accommodation (Jarrow, 1992).

According to Section 504 of the Rehabilitation Act (1973), students could only file a complaint with federal agencies to investigate a charge of discrimination. Under the Americans with Disabilities Act (1990), students may sue the institution if they believe they have been denied their right to equal access (Jaschik, 1993).

The instructor's academic freedom permits the instructor to decide if he/she will provide special aids and services for students with disabilities in the classroom.

Answer: False

The individual faculty member's academic freedom cannot supersede the rights of a student with a disability for the provisions of documented accommodations (Jarrow, 1991).

Faculty and staff in higher education are required to provide a student with a disability accommodation even if the student does not request it.

Answer: False

The student has the responsibility to self-identify to the designated compliance officer or disability services office, provide documentation of a disability and ask for accommodation before the institution is required to provide that accommodation. In the case of *Salvador v. Bell*, the Office of Civil Rights (OCR) ruled in favor of Roosevelt University because the student had not self-identified and requested the necessary accommodation (Jarrow, 1991).

A student with a disability may ask for and expect accommodation in a classroom even though the student has not provided documentation that the disability exists.

Answer: False

A student is required to provide the disability services office with documentation from an appropriate expert that the disability exists before any classroom accommodation need be provided. This documentation must be current (within the last 3 years). In *Salvador v. Bell*, the OCR ruled that the institution was under no obligation to provide accommodation for a student with a disability who fails to provide documentation of the disability (Jarrow, 1991).