

ELIGIBILITY: WHO QUALIFIES FOR DISABILITY SERVICES?

The Americans with Disabilities Act (ADA) 1990 provides a three-part definition of a disability. Under the ADA an individual with a disability is a person who:

- has a physical or mental impairment that substantially limits one or more major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

DID YOU KNOW?

The ADA provides comprehensive Civil Rights protection and is intended to remove barriers which prevent disabled persons from accessing the same educational and employment opportunities as persons without disabilities. The law also allows access to public accommodations, state and local government services, transportation, and telecommunications. Additionally, the ADA prohibits discrimination against a qualified individual with a disability with regard to admission to educational institutions or vocational training programs (public or private); employee compensation; job training; and other terms, conditions and privileges of employment.

NO REQUIREMENT FOR CITIZENSHIP

The ADA covers all persons with disabilities in the United States, whether or not they are citizens and without regard to racial or ethnic origin.

NOTE

Individuals who are current illegal users of drugs are not protected under the ADA. The legal use of a controlled substance under medical perspective is permitted. Addiction is considered a disability. A person who is addicted to drugs, but is not actively using drugs, is considered a person with a disability and is protected by the law. Alcohol is not considered a controlled substance

REASONABLE ACCOMMODATION

(Cited from the ADA)

Reasonable accommodation is the provision of an auxiliary aid, or modification to the course or program which will allow access to the job duties, the educational process, program and degree, or activity. The Americans with Disabilities Act requires an institution of higher education to provide reasonable accommodations to a qualified individual with a disability provided that accommodation does not create an undue hardship. Some examples of reasonable accommodation are making existing facilities readily accessible to and usable by persons with disabilities; flexible timeline for program completion; acquisition or modification of equipment or devices; appropriate adjustment or modification of examinations or policies; and provision of note takers, signed language interpreters, or alternative print formats.

DISABILITY DISCLOSURE

The admissions application process for students with disabilities is the same as that of other students. Disclosure of your disability (self-identification) is optional and voluntary. You may disclose your disability if you feel that your academic performance is adversely impacted by your disability.

FERPA: Family Educational Rights & Privacy Act

The Family Educational Rights and Privacy Act of 1974 (FERPA), also referred to as the "Buckley Amendment," was the basis upon which Provost Henry V. Bohm wrote the WSU document titled "Guidelines for the Release of Student Records Information" in 1975.

The general answer to the question of what information about a student can be released is "not very much, and then only with restrictions." A more precise answer would take into account who is asking for the information, for what purpose, and whether the individual has been given permission to receive it. Under FERPA, "permission" means written permission from the student to release information to third parties. There are numerous exceptions to the rule prohibiting third parties from receiving information about students, the most common being the parents of a dependent student: they have the right to have access to the student's educational records without written permission from the student.

FERPA does provide a Health and Safety exception in restricting the release of information. In the event of an emergency, a student's location may be disclosed.

www.ed.gov/policy/gen/guid/fpco/ferpa/index.html

TYPES OF DISABILITIES

Cognitive Impairments

Cognitive disabilities refer to a large spectrum of disorders and conditions and are defined in very broad terms by many different organizations. Traumatic brain injuries and some genetic disorders can result in cognitive impairments. Areas of cognitive functioning that are often impacted are attention span, long-term and short-term memory, perception, and critical thinking skills. Cognitive impairments manifest themselves in some type of learning disability.

Speech and Language Disabilities

Speech and language disorders refer to problems in communication and related areas such as oral motor function. These delays and disorders range from simple sound substitutions to the inability to understand or use language or use the oral-motor mechanism for functional speech and feeding. Speech and language disorders may result from hearing loss, cerebral palsy, or a learning disability.

Learning Disabilities

According to the National Joint Committee on Learning Disabilities, a learning disability is a “general term that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities. These disorders are intrinsic to the individual, presumed to be due to central nervous system dysfunction and may occur across the life span. Problems in self-regulatory behaviors, social perception, and social interaction may exist with learning disabilities but do not by themselves constitute a learning disability. Although learning disabilities may occur concomitantly with other conditions (for example, sensory impairment, mental retardation, serious emotional disturbance) or with extrinsic influences (such as cultural differences, insufficient or inappropriate instruction), they are not the result of these conditions or influences.”

Some of the more common learning disabilities among post-secondary students impact:

- Written expressive language
- Reading rate and retention
- Higher level math

Attention Deficit Hyperactivity Disorder (ADHD)

ADHD is a neurological disorder, often thought to be hereditary in origin, affecting the central nervous system. The disorder is characterized by inattention and/or hyperactivity-impulsivity, more frequent and severe than is typical for individuals at similar stages of development. The official terminology for this disorder is ADHD although there are 3 subtypes of the condition:

1. Attention Deficit/Hyperactivity Disorder, Predominantly Inattentive Type
2. Attention Deficit/Hyperactivity Disorder, Predominantly Hyperactive-Impulsive Type
3. Attention Deficit/Hyperactivity Disorder, Combine Type

ADHD may affect a student’s performance in academic settings. Close attention to detail, persistence, organization, and attentive listening may be difficult for the ADHD student.

Psychological/Psychiatric Disabilities

The term “psychological/psychiatric disabilities” covers a wide range of conditions characterized by emotional, cognitive, and /or behavioral dysfunction. Some of the most often diagnosed psychological disabilities will fall under the general categories of Depressive Disorders, Anxiety Disorders, Psychotic Disorders and Mood Disorders. Mental disorders are diagnosed based on the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV).

Visual Impairments

Visual impairments refer to any kind of vision loss, whether it is complete blindness where an individual cannot see at all or partial vision loss where an individual might have

some sight. An individual may be diagnosed as legally blind if visual acuity is 20/200 or worse with corrective lenses.

Hearing Impairments

Hard of hearing/deaf refers to a “disruption in the normal hearing process that may occur in the outer, middle, or inner ear, whereby sound waves are not converted to electrical signals and nerve impulses are not transmitted to the brain to be interpreted.” (National Institute on Deafness and Other Communication Disorders) There are 4 degrees of hearing loss: mild, moderate, severe, and profound.

Physical/Medical Disabilities

A physical disability refers to some type of mobility impairment. Mobility impairment means that an individual has an inability to move or has a restricted range of movement. This may include one or more body parts due to paralysis, loss of limbs, or arthritis which may require the use of aids, appliances, wheelchairs, crutches, or splints for independent movement in specific activities. Examples of some physical disabilities include rheumatoid arthritis, muscular dystrophy, paralysis, multiple sclerosis, loss of limbs, and cerebral palsy.

Medical disabilities include chronic health-related illnesses. A chronic health-related illness is an illness/disease that substantially limits one or more major life activities, such as breathing, feeling, walking, self-care or learning. A student’s medical needs may have a direct impact on a student’s success. Health-related conditions may result in absences due to illness, therapies, hospitalization, and the effects of medication. Health-related illnesses may also result in activity restrictions that may prevent a student from fully participating in all activities of the university. Examples of medical disabilities include asthma, allergies, Crohn’s Disease, diabetes, cancer, and cardiovascular and heart disease.

Temporary Disabilities

A temporary disability is any short term condition that limits a student from functioning independently in one or more major life activities. Examples include broken bones and recovery from surgery.