

4.0 Appendix A- Accommodations for Learning Disabilities

4.1 *Appendix to the Accommodation Policy*

4.1.1 Requirements under Federal Law

Subpart E, Section 504 of The Rehabilitation Act of 1973

General Treatment of Students

- Notice of non-discrimination and availability of accommodations.
- Institution may not exclude qualified students with disabilities from any course, course of study, or other sponsored activity.
- Programs or activities not wholly operated by the institution but used in conjunction with institutionally sponsored programs must provide an equal opportunity for participation by qualified students with disabilities.
- All programs (curricular and co-curricular) must be accessible when viewed as a whole.
- Programs and services must be operated to allow participation by students with disabilities in the most integrated setting possible.
- Appointment of a compliance officer.
- Establish grievance procedures.

Admissions and Recruitment

- The institution may not use any test or criterion for admission that has a disproportionate, adverse effect on individuals with disabilities.
- Admission and recruitment information must be available in accessible formats.
- Admission and recruitment activities must be held in accessible locations.
- Quotas for admissions of students with disabilities are prohibited.
- Preadmission inquiries concerning disabilities are prohibited.

Academic Adjustments

- Institutions must make modifications to academic requirements as necessary to ensure that such requirements do not discriminate or exclude students on the basis of disability.
- Evaluations of student performance, including course examinations, must be provided with appropriate accommodations to ensure that the evaluation represents a student's achievement rather than reflecting the impact of a student's disability.
- Institutions are responsible for ensuring that students with disabilities are not denied access to the benefits of any sponsored program or activity because of the absence of auxiliary aids or services.

Physical Education and Athletics

- Institutions must offer equal opportunity for participation in physical education courses, intercollegiate athletics or intramural athletics to students with disabilities.

Housing

- An institution that provides housing to its students must provide comparable, convenient and accessible housing to students with disabilities at the same cost as to others.

Financial/Employment Assistance to Students

- Institutions may not limit eligibility for or provide less financial assistance to students on the basis of disability.

•Institutions are prohibited from assisting any outside agency, organization or person in providing employment opportunities to its students if such opportunities are not made available to all students, regardless of disability.

Counseling Services

•Counseling services, including personal, academic, and career counseling, must be provided without discrimination on the basis of disability.

Social Organizations

•An institution that provides significant assistance to fraternities, sororities, or similar organizations shall assure themselves that the membership practices and activities of such organizations do not deny participation on the basis of disability. Title V of the Rehabilitation Act of 1973 is generally regarded as the first national “civil rights” legislation for persons with disabilities. Section 504 of the Act is a program access statute. **It requires that no otherwise qualified person with a disability be denied access to, the benefits of, or be subjected to discrimination by any program or activity provided by any institution or entity receiving federal financial assistance. Subpart E of Section 504 deals specifically with institutions of higher education. It requires that an institution, whether public or private, be prepared to make appropriate academic adjustments and reasonable modifications to policies and practices in order to allow the full participation of students with disabilities in the same programs and activities available to non-disabled students.**

4.2 General Requirements under the Americans with Disabilities Act of 1990

- No exclusion on the basis of disability.
- Notice of non-discrimination and availability of accommodations.
- No discrimination through eligibility criteria.
- Modification in policies, practices, and procedures to ensure non-discrimination and accessibility.
- Examinations and courses must be accessible.
- General services and programs must be accessible.
- Participation in the most integrated setting.
- Surcharges to cover the costs of accessibility may not be imposed solely on persons with disabilities.
- No discrimination through contract.
- Appointment of a compliance officer.
- Establish grievance procedures.

The Americans with Disabilities Act (ADA) of 1990 reinforced the provisions of the Rehabilitation Act by requiring that all public facilities, services, and communications be accessible to persons with disabilities and that auxiliary aids and services be provided unless an undue burden would result. The ADA does not require universities to lower academic standards or fundamentally alter the nature of the programs provided.

The Relationship of The Ada to Section 504: - The ADA does not replace Section 504 of the Rehabilitation Act. Where jurisdiction and standard of access of the two Acts overlap the Department of Justice and the Department of Education’s Office of Civil Rights have agreed that complaints will be evaluated and pursued under Section 504 regulations and case law. Where the ADA calls for a higher standard of Access, complaints will be pursued by the Department of Justice under the ADA.

The Relationship Of Federal To State Legislation - The ADA and Section 504 establish minimum accessibility and non-discrimination guidelines. Both Acts defer to any State or local legislation that requires a higher standard.

4.3 Documentation of Learning Disability

Documentation of a student's learning disability, submitted by the student to Wartburg Theological Seminary, must be comprehensive and establish that a substantial limitation in a major life activity currently exists for the individual.

4.4 Documentation of Attention Deficit Hyperactivity Disorder (AD/HD) or Attention Deficit Disorder (ADD)

- To be sure that documentation of AD/HD or ADD demonstrates an impact on a major life activity, supports the request for accommodations, academic adjustments, and/or auxiliary aids, and is appropriate to verify eligibility, the following guidelines are offered: A qualified person should conduct the evaluation. Such persons include psychologists, neuropsychologists, psychiatrists, and medical doctors who have comprehensive training in the differential diagnosis of AD/HD.
- The name, title, and professional credentials of the evaluator should be included and all reports should be on letterhead, typed, dated, and signed by the evaluator.
- The documentation should be current, usually within the past three years.
- The documentation should be comprehensive, complete with information about onset of early impairment and evidence of current impairment with alternative diagnoses or explanations ruled out, relevant testing information provided, DSM-IV criteria, a specific stated diagnosis identified, and a well written interpretive summary.

Each accommodation recommended by the evaluator should include a rationale for that determination.