Frequently Asked Questions by Instructors

Do students have to register with ARC?

Students with disabilities do have to be registered with ARC if they intend to request reasonable accommodations. It is not advisable that instructors provide requested accommodations to students without the student’s registration with ARC. Being registered with us provides the student with a more consistent, organized and supported approach to receiving accommodation, as well as, allows ARC to provide consultation for instructions regarding what is appropriate and reasonable. However, instructors can provide approved accommodations within their own classes and departments, such as extended time on exams or taking exams in a distraction reduced environment.

When do students with disabilities have to notify faculty?

It is good to have a syllabus statement asking for students to notify you as soon as possible, however there is nothing in law or policy that requires more than that they notify you in a timely way of their status and make requests for accommodation in a ‘timely’ manner. In addition, we have students who come in to register with us all during any given semester, from the beginning to the last several weeks. We do not need to provide and retroactive accommodation, but we do need to respond to a student who follows procedures, even if they provide notification and make an accommodation request in the last few weeks of class. "Timely” should be taken to mean with enough time for a reasonable person to react to the request. We ask that students notify us of an exam request at least three days before the actual date of the exam, although we will accept exam request that miss the deadline if the faculty are willing to send us an exam to administer. Our interpretation of the law is that if a student makes a last minute approach to a professor asking for an exam accommodation, particularly the day before a test is to be given, then that professor would be absolutely within their rights to refuse the accommodation.

What are some reasons students do not disclose to instructors right away?

Disclosure is very difficult for most people. There are several reasons why students may not disclose their disability and need for accommodations at the beginning of the semester. Some students have disabilities that have waxing and waning symptoms and disclosure is only necessary if they have an exacerbation of their disability or their condition worsens. Students try to avoid unnecessary disclosure. Also, most Chico State students are new to personally managing their disability and all that goes along with it. In K-14, students with disabilities are accommodated in very different ways and through a process that is managed for them. When they arrive on our campus, they are catapulted into a new world of personal responsibility for managing their disability, learning how to talk about their disability and necessary accommodations, and advocate for themselves appropriately. At ARC, we consider this a learning process. We work to help students develop the skills to be proficient in managing their disability, accommodations and disclosure by the time they graduate.
Is a student required to divulge the nature of the disability?

No, students are not required to tell you the nature of their disabilities or to provide copies of their disability documentation. The ARC is the authorized entity charged with documenting disabilities and recommending reasonable accommodations at Chico State.

What do I do if I suspect a student has a disability?

Do not tell a student you think he/she has a disability! Approach the student as you would any other student having difficulty in the class. Inquire about what might be impacting the student's progress in the class. A student with a disability will likely disclose at this time if the difficulties are disability-related. Refer the student to ARC if he/she discloses a disability or indicates he/she suspects a disability. If neither of these scenarios occurs, we recommend providing the student with a list of campus resources, including the ARC.

What are “reasonable accommodations”?

Reasonable accommodations are specific recommendations or strategies, technology or aids, which are needed to accommodate a disability without compromising the integrity of the academic program.

Reasonable accommodations should:
- Mitigate the impact of the disability.
- Level the playing field for students with disabilities.
- Be reasonable in relation to the course.
- Best ensure a student’s access to instructional material.
- Best ensure a student’s ability to demonstrate competency of curriculum.

Reasonable accommodations should not:
- Water down curricula or compromise academic integrity.
- Fundamentally alter any essential elements of the curriculum or academic program.
- Ensure that all students with disabilities are successful.
- Consume extra personal time from the instructor to re-teach or tutor the student.

Why do students use accommodations sometimes and not other times?

Students are determined to be eligible to request accommodations under the umbrella of the American's With Disabilities Act (ADA). Student's have the responsibility identify themselves to their various professors and to request a specific adjustment for particular situations including each exam or quiz for which they wish an accommodation. They may request the specific accommodation in some instances and not in others. Frequently students will take the first exam for a class to see how they do with the time and setting allowed for the exam while for subsequent exams they may ask for accommodations. Additionally, there are many things that can impact the way a person functions related to their disability, such as:
- Diagnosis
- Adjustment to the disability
- Compensatory strategies currently used
- Co-occurring issues and diagnosis
- Environmental Issues
- Treatment, therapy, medications
- Waxing and waning symptoms
Because the student did not request an accommodation in one instance does not negate their right to ask for it in another.

**May I fail a student with a disability?**

Yes. It is possible to fail a student with a disability. The laws mandate access to education, not guaranteed academic success. When a faculty member has provided reasonable academic accommodations, all that are required to comply with the law, and the student does not meet the course requirements, then failing a student is proper and lawful. The following is a compliance checklist that may be helpful:

- Stand by academic standards and freedoms, which include full and equitable access to academic programs.
- Provide verbal and written notice to your students of your willingness to accommodate. For example: "I encourage students with disabilities to discuss accommodations with me." See sample syllabi statement on ARC website.
- Communicate clear and concise expectations for performance to your students. Distinguish between essential and non-essential components of the course.
- Respect requests for reasonable accommodations.
- Permit students to use auxiliary aides and technologies that ensure access (examples: note takers, sign language interpreters, readers, scribes, research assistants, tape recorders/players, assistive listening devices).
- Assure that your course materials, whether printed or electronic, are accessible and available in alternative formats.
- Consult with ARC if you have questions when a student requests accommodations.
- Keep student disability-related information strictly confidential.

**Can a faculty member forbid a student with a disability to use a recording device in class?**

An instructor is typically required to allow a student to record her course if recording the class is determined to be an appropriate accommodation for a student's disability. Tape recorders are specifically mentioned in Section 504 of the Rehabilitation Act as a means of providing full participation in educational programs and activities. Occasionally, classroom discussion reveals items of a personal nature about students. If open discussions tend to reveal personal information, it would be appropriate to ask the student with a disability to turn off the recording device during these discussions. In an effort to alleviate concerns with sharing instructional content and “intellectual property”, ARC can ask a student to sign a recording agreement which states that they will not share or distribute information.

**What does “attendance flexibility” mean?**

ARC does not have a role in determining course attendance policies. As attendance may be integral to the pedagogic process, these policies are set by faculty at the college or departmental level. Accessibility Resource Center never advocates for students to miss classes. However, some students experience recurrence of a chronic condition requiring bed rest and/or hospitalization. In most situations students are able to make up the incomplete work, but they may need extra time. Reasonable accommodations for such absences may include, but are not limited to, flexibility of class attendance policy, extension of time for assigned work, and flexibility in making up missed assignments and tests. It is not a free ticket to not come to class and we never suggest that a student use it that way. It is intended to give teachers a heads up that a student may have a medical appointment or hospitalization that is unable to be changed and as such, we recommend some flexibility. This is an accommodation that must be related directly to their disability and a specific issue and is not a blanket
excuse. Students will be expected to assume responsibility for providing notification of absences and for making up missed assignments and exams.

**What test accommodations are available for students with disabilities?**
Test accommodations are individually determined for each student based on the specific impact the student's disability has on the test process. Accommodations can include but are not limited to: extended time, low-distraction environment, calculator, spell check, private room, reader, writer, interpreter, computer, adaptive equipment (screen reader, voice output, CCTV), Braille, large print, breaks, and accessible furniture. The University needs to provide any accommodation that minimizes the effect of the disability on the testing process as long as the accommodation does not alter any essential feature of the curriculum and is not prohibitively expensive.

**How do students with disabilities become eligible for test accommodations?**
The students have to provide ARC with detailed documentation that shows the specific ways in which their disability impacts test-taking.

**What is a Low Distraction Environment (LDE)?**
A low distraction environment is a test setting that has as few distractions as possible compared to the classroom setting. It can be but does not have to be a private room. It should be an environment with reduced noise (no phones, talking, etc.) and reduced distractions like people coming and going. If you need assistance determining whether a specific environment qualifies as "low distraction", please contact ARC.

**How is extended time fair?**
The Rehabilitation Act and the Americans with Disabilities Act (ADA) states: "The results of an examination should accurately reflect an individual's aptitude or achievement level or whatever the test purports to measure, rather than reflecting an individual's impaired sensory, manual, or speaking skills." The courts have held repeatedly that a lengthening of the standard examination period is an appropriate accommodation for some students with disabilities. For example, the Massachusetts Supreme Judicial Court ordered the State Board of Bar Examiners to allow double the standard time on the bar exam for an applicant with Dyslexia and Attention Deficit Disorder. Similarly, the State District Court for the Western District of New York ruled that a State Bar applicant with a visual impairment must be allowed a four-day examination period rather than the standard two-day period.

Instructors should be aware that there might be times when a student’s accommodation of extended time may create conflicts with other exams, such as during mid-terms and finals. If this is the case, the student and/or ARC Advisor will contact instructors to reschedule an exam.

**How can I accommodate students on “pop quizzes”?**
Instructors may find it challenging to provide testing accommodations recommended for students with disabilities for pop quizzed due to scheduling conflicts, the nature of testing accommodations needed by the student (i.e. assistive technology, extended time, distraction-reduced setting, etc.), or the need for prior arrangements if the student would typically be taking the quiz at the ARC. Students have a right to reasonable accommodations and faculty has a right to evaluate learning. Reasonable accommodations are not required if
they fundamentally alter the nature of the activity in question. The goal of accommodating a “pop quiz” is to ensure reasonable accommodations and maintain the integrity of the evaluation process, such that the accommodation does not fundamentally alter the evaluation process.

Possible strategies to accommodate pop quizzes:

- Allow student to take quiz with class; stop when classmates stop, and grade only the portion completed
- Base course grade on an average of other tests/assignments and don’t count pop quizzes.
- Offer a substitute assignment.
- Evaluate the purpose of “pop quizzes” and possibly eliminate them.
- Set regular date for quizzes so student and instructor can plan for accommodate needs, interesting testing at ARC due to need for assistive technology, document conversion, use of scribe or audio format of quiz, etc.
- Use Blackboard for quizzes; assign quizzes to be taken at specific times and for specific length of time (keeping in mind that some students with disabilities have extended time on exams as an accommodation).
- Allow student to take quiz with class and stay to complete quiz after class meeting is over (instructor will need to verify with student ahead of time that student is available after class session and wouldn’t miss another class by committing to stay).

I use a clicker in my class. What accessibility issues should I be aware of?
Currently, ARC recommends the use of I clickers in the classroom. I clickers have recently undergone rigorous accessibility tests and have had great success. For example, the I clicker has a specialized device that provides a vibration function, and provides Braille stickers for the buttons. Please contact Jeremy Olguin (jdolguin@csuchico.edu), the Alternate Media/Assistive Technology Coordinator at ARC for questions or support specific to clicker use and accommodating students.

How does the use of textbook rental affect students who require their textbooks in alternate format?
Chico State and the AS Bookstore have collaborated so students who require alternate media services can still rent a textbook and have it converted into alternate format without additional charge to the student for “damage” to the book.

Do I have to approve retroactive accommodations?
Students have the right to request disability-related accommodations at any time. Accommodations begin when the student is determined eligible for services. Faculty are not required to grant accommodations retroactively.

Can I deny an accommodation?
Instructors have the right to refuse to approve an accommodation if that accommodation fundamentally alters the nature of the academic activity, essential elements, or requirement of a course. Opinions about fairness, concerns about cheating, or inconvenience of the instructor are not sufficient or legally defensible reasons to deny an accommodation. The onus is on the instructor or department to demonstrate that an activity, for example spelling, is essential. There needs to be a pedagogically defensible reason to deny an accommodation,
for example, use of spell check. This is a deliberative process. It is important to consult with ARC advisors before denying an accommodation so that ARC advisors can assist instructors fulfill their obligation of deliberative process. The following is provided to help clarify this issue.

Bowling Green is one of the OCR (Office for Civil Rights) cases that maps out a process for determining essential elements of a course or program:

**Bowling Green State University, OCR DOCKET NUMBER: 05982143**

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"A key issue is how OCR should review an institution's determination of whether a specific standard or requirement is an essential program requirement that cannot be modified. OCR cannot require an institution to waive or lessen essential requirements. OCR can require a modification of the requirement, if the requested modification does not lower academic standards, fundamentally alter the nature of the program or impose an undue burden on the College or University, and the modification meets the underlying reason for the requirement.

OCR reviews whether the determination by an institution that a requirement is an essential requirement is educationally rationally justifiable. The requirement should be essential to the educational purpose or objective of a program or class. For example, it may be an essential requirement for a teacher education program that a student complete student teaching to, in part, demonstrate the ability to maintain class discipline and develop lesson plans. In this example, there may not be an appropriate alternative to completing student teaching to demonstrate that the student can maintain classroom discipline. There may be an appropriate alternative for a student to demonstrate the ability to develop lesson plans, such as preparation of lesson plans based on different written factual situations. . ."

". . . OCR may review the process that a postsecondary institution utilizes to determine whether an academic requirement is an essential requirement. Courts indicate that an appropriate process should have the following elements:

a.) The decision is made by a group of people, who are trained, knowledgeable and experienced in the area;

b.) the decision makers consider a series of alternatives as essential requirements; and,

c.) the decision should be a careful, thoughtful and rational review of the academic program and its requirements.

An example of this process in the context of a case involving a student teaching program would be that the Dean of Education and a group of experienced staff and professors meet over a period of time to consider a series of options or standards. After a careful, thoughtful review, they develop a group of essential requirements for graduation with a teaching degree that are rationally based on their knowledge of teaching and experience in the field.

OCR strongly recommends that the decision should be documented, including an explanation for the purposes or objectives of the academic program and how the essential requirement is necessary to achieve those objectives. It is very helpful for this to be clearly documented prior to a challenge."