



Toto, I Have A Feeling We're Not In High School Anymore!

A Handbook for Parents of Students with Disabilities

This handbook is directed primarily toward parents of students with disabilities. However, we hope that it is equally useful to high school teachers, counselors, and students themselves. It introduces some of the legal and philosophical changes that occur for students with disabilities upon graduation from high school and entrance into the University of Mary Washington. It was adapted, with permission, from one written by Dan Burke of the Disabled Student Services at the University of Montana at Missoula.

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Introduction: The Land of Oz

As parents, we watch our kids go through enormous changes, changes that seem to turn the world on its head -- at least for us. After those first steps, nearly everything in the house is within reach and, without warning, the pace of life suddenly leaps into warp speed. Or how about when our child first begins to read, learns to drive, or starts dating? Again, everything seems to change almost overnight. For parents whose children have disabilities, however, the changes may come when a child doesn't reach these developmental milestones as expected. A child with physical disabilities doesn't learn to walk. A student with a learning disability struggles with reading. A blind teenager doesn't get a driver's license. Another of those world-tilting events is about to happen. Your young adult is starting college. They might feel much like Dorothy and Toto in the Wizard of Oz -- one minute in good old Kansas, the next in the Land of Oz. Everything may seem completely unfamiliar, both terrifying and wonderful all at once. Once your child turns 18 years old, they are legally an adult, responsible for their own actions and decisions--and free to make them. As they leave secondary school to enter a career in higher education, fundamental changes occur with respect to their education as a person with a disability. Any child who attends public schools has, for the most part, a legal entitlement to an education, regardless of a disability. They must also receive their education in the *least restrictive environment* possible. But they are children, and as such warrant care, guidance and sometimes are separated from their peers for special attention if needed. In higher education, your student has a civil right to have access

What is the difference between *entitled* to education and *right to equal access* to education?

Unlike elementary and secondary schools, post-secondary education offers access rather than entitlement to academic programs. Most parents of a child with a disability at some time learn something about the laws that govern their child's education in the public schools. In 1975, Congress passed the Education for All Handicapped Children Act. This act, commonly known as Public Law 94-142, provided that any child with a disability was "entitled to a free and appropriate education" in public school systems. That law, along with its numerous re-authorizations, reflects the nation's commitment to educating all its children, whether they have disabilities or not. Fundamentally, 94-142 and its successors (including the Individuals with Disabilities Education Act of 1990 and IDEA Improvement Act of 1997) said that public schools, with your input and appropriate assessments, would determine what was most appropriate for your child's education. Then they were required to provide that education. As a parent, you may wish it had been that easy all along, and perhaps it was. Now, however, your child has reached their majority under the law, and the rules of the game have changed. The principles of 94-142 and IDEA, including the required IEP (Individualized Education Program), no longer apply. Section 504 Plans

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What if my child was served under a 504 Plan instead of an IEP?

More and more students with disabilities are being served in public schools under Section 504 of the Rehabilitation Act, rather than under IDEA. Thus, the document (if there is one) that drives services is called a "504 Plan" instead of an Individualized Education Plan or IEP. Students whose disabilities are "less severe" may not require or qualify for services under IDEA. (Note: In practice, many students with learning disabilities, attention disorders and emotional disabilities are placed into 504 categories.) However, since the public school district receives federal funds for special education, Chapter programs, and other programs, these students with disabilities still have a civil right to reasonable accommodations under Section 504. Do not expect that what 504 means in public schools will be the same as what it means in higher education. Truthfully, implementation of 504 services in public schools has been wildly inconsistent from district to district and state to state until now. Partly as a result of this disparity of interpretation, those of us in higher education recognize little of what is attributed to 504 in public schools. To our eye, 504 services in public schools often look far more like special education than civil rights. There are some good reasons for this -- federal regulations pertaining to Section 504 in public schools are very different from those in higher education.

- A 504 Plan from a high school -- or for that matter, an IEP -- is in no way binding upon any institution or entity outside of the school in which it was developed. There are no requirements for any plan under Section 504 or the ADA with respect to higher education, employment or other areas of public life. Thus there are no more meetings each year with counselors, teachers, etc. There is nothing to sign.
- "Free and Appropriate Education"

high school. In other words, they aren't always expected to learn such things as allowing an ADD student with limitations in short on exams -- even though his classmates can't. Or, perhaps a student which limit her reading comprehension is provided an aide for explain the questions in different words to the student extreme, but they occur surprisingly often, judging by the one to ODS asking for them. At the college level, both of these a reduction of the academic standard. Thus they are not nor is any instructor or department likely to permit them. The between adjusting the environment in order to give students

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- A student who is deaf cannot hear class lectures. Provision of sign language interpreters as an accommodation gives the deaf student access to the information discussed in the classroom at nearly the same time it is presented, and in their first language of American Sign Language. Thus, the student has a better opportunity to interact with the rest of the class. Students who are deaf are often provided with note-takers, even though the lectures are interpreted. This is because it is virtually impossible to follow a signed lecture and take notes at the same time.
- A student whose physical limitations prevent them from writing efficiently or from writing at all, may request note-taking services as an accommodation. They may also use a scribe for taking exams. Thus, the student will not be graded on their inability to physically write, but on the ability to learn and to demonstrate that they have learned the material.
- Students with mobility limitations, such as wheelchair users, may request that classroom locations be moved if they are not accessible on a ground floor or by elevator.
- Blind students are accommodated by receiving printed materials (textbooks, course syllabi, handouts) in Braille, in electronic format or on tape.
- Students with learning disabilities may be accommodated in a variety of ways, depending on the limitations of their particular type of learning disability.

In these examples, as in practice, the student must meet the academic standards. They must demonstrate their mastery of assigned material. In other words, they don't receive "help," but they enjoy their civil right to learn and compete on the same level as their peers.

The ADA assumes that people with disabilities have contributions to make, and that they have every right to attend colleges and universities -- regardless of whether they have a disability. Thus, access means empowering students with disabilities to take better control of their academic environment, permitting them to demonstrate their skill and knowledge. It also expects, however, that they can meet the academic standards with or without appropriate accommodations.

What is meant by

reasonable accommodations, the ADA also guarantees any individual with a disability the absolute right to refuse any accommodation. That means that ODS doesn't make sure that a student requests accommodations. In fact, ODS doesn't determine these unilaterally in typical cases. While the director of Disability Services relies heavily on documentation of the disability when determining accommodations, she also draws the student into a discussion of functional limitations and possible strategies. If a student doesn't request an accommodation, however, the consequences of that action belong to the student. The care and concern parents and teachers show students in public schools, ensuring they have services and make use of them, would be viewed in the adult world as paternalism and unwarranted interference. While it is perfectly OK and legitimate for parents and other important people to influence some decisions for children, adults make their own choices. The bottom line, then, is that students with disabilities must perform at satisfactory levels in their academic pursuits at the University of Mary Washington. If they do not request reasonable accommodations and perform poorly without them, their civil rights have not been violated. The student must then live with the consequences of unsatisfactory academic performance.

Who will manage my son or daughter's educational services? Q

they won't experience feelings of failure. These things, while intended to be helpful, are more likely to cement the conviction that the student is less qualified than other students to be at the University of Mary Washington. Rest assured -- kids recognize when that is happening. In the long run, that kind of help hurts

How do students advocate for themselves in order to ensure they receive appropriate accommodations?

Again, in order to ensure a level playing field, students must advocate effectively for the accommodations they require at UMW. The student must understand their disability and the ways in which it limits their functioning at the university. The limitations of the disability, not the disability itself, are the reason accommodations are recommended and provided. So that's the first step--knowing what accommodations are reasonable and why. ODS provides some of these accommodations, known as auxiliary services. For some accommodations, however, the student makes the request of the instructor. For instance, when using a scribe for an exam, the student must identify themselves to the instructor and make the request. The student and the instructor determine the best arrangements to make. In any case, the student should ensure that the accommodations provided give them the most level playing field to them on that particular exam.

In some cases, students have not been provided with the accommodations they have requested. Other times the accommodations are inadequate. In those instances, ODS will work with the student in order to find the best resolution. The next step for students is to acknowledge that discrimination against people with disabilities exists. It takes many forms,

- be necessary from one course to the next, depending on the nature of the material, presentation style, and the media used in the classroom.
6. ODS recommends that students identify and request accommodations with plenty of advance notice to ensure their accommodations will be there when they need them. Ideally the student should contact their instructors prior to the first day of class to discuss test formats and the possibility of test accommodations. They will need to remind the instructor again at least a week before each exam, and then confirm the arrangements before the test day.

Why doesn't ODS provide LD assessment?

Neither the Americans with Disabilities Act nor Section 504 make it incumbent upon institutions of higher learning to evaluate and assess!

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How has my role as a parent changed?

When your child was in public school you were the ever-present safety net. It was you who attended parent/teacher conferences and IEP or 504 planning meetings. You were readily involved in their life. You were there to make sure your child was getting the appropriate education entitled to all children. After all, that's the role of a parent. In high school, you may have begun to see some changes in your adolescent. They began to assert their independence. Maybe taking the car on a road trip with friends-- friends that they chose to hang out with. Maybe they began to require more personal space, withdrew from family outings on occasion, and perhaps strained against accepted family routines.

At the post-secondary level, this transition continues. You increasingly give your support in a slightly different fashion. Your role shifts to a subtle hand of guidance when it comes to the process involved in your student's education. Encourage them to take responsibility for academic concerns and limitations. Both of you should acknowledge the disability and the limitations that stem from it. This will allow them to identify areas in which they should consider accommodations to level the playing field. It will also make it easier to convey their requests for accommodations to instructors, other students, and anyone from whom they may seek assistance. Encourage your student to register with the Office of Disability Services (ODS) where they will be coached on how to proceed in obtaining reasonable accommodations. College is the first testing ground where your new student will and must be their own advocate. Expect them to develop their independence further through making the suitable arrangements to ensure success in their classes.

My son or daughter had some subjects waived in high school -- why aren't they automatically waived in college?

There are no "automatic" waivers in higher education. In fact, there are no waivers at all. Rather, under certain circumstances, students may be granted substitutions for some courses. But substitutions will be considered only when the student demonstrates that they are both OTHERWISE QUALIFIED, and that the substitution removes a disability-related barrier to their academic program. Remember that ADA provides for reasonable accommodations for students with disabilities. Under ADA, however, it is not reasonable to lower the academic standard. Therefore, requests for substitutions must be accompanied by convincing documentation supporting the claim. For example, a student with a specific learning disability affecting their ability to learn math processes is majoring in English literature. They have good documentation of their learning disability that strongly supports their claim that the resulting functional limitations may prevent them from succeeding in a college math course. Perhaps they already tried a lower level math course and have been unsuccessful even with reasonable accommodations and tutoring. This student may ask ODS for a course substitution for the math requirement in their general education area. The director would decide, based on the verification of functional limitations and the classes requested, and the impact on the student's course of study. The committee must determine that the substitution would not reduce the academic standard and that it would be a reasonable accommodation for an otherwise qualified student with a disability.

Now consider the same student with a learning disability affecting math, but who plans a degree course in physics or chemistry. These disciplines will have additional degree requirements in mathematics. A course substitution for general education requirements in math will not prepare the student for what is to come in these fields of study. Certainly, they will have a much more difficult time negotiating such a degree program. In fact, their major department would have the right to deny math substitutions, as they could be considered unqualified for such a degree on this basis.

Why does my son or daughter need a label?

Parents and students are often understandably sensitive about the use of labels. None of us wish to be described or defined by what is wrong with us, or by what our problems might be. Students may have been consistently compared against normal expectations, and understandably felt embarrassed or even ashamed of their disabilities. Your student may feel that they want to be considered normal now that they are out of high school and going to college. Our vision at ODS is that disability is a natural part of life. People with disabilities have always been around and they always will be. And they have every right to be here! Further, students with disabilities have every bit as much to cont

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disability, and determining which accommodations may be reasonable for them to request. From there, your student will be coached on how to obtain those accommodations. Remember, 504 Plans and IEPs from high school have no weight in higher education -- they are neither binding on a college or university, nor can they be used to verify a student's disability for civil rights purposes. Urge your student to be active in requesting their accommodations. Do not assume the professor will take care of it, that ODS will pull your student through school, or that you will do it for them -- this is college, they are capable adults, their education is largely their own responsibility. Also, your student's registration with ODS is confidential. The disclosure of this information to faculty, other students, or university staff -- including their parents -- is their prerogative as an adult.

What do you mean you cannot disclose any information to me about my son or daughter's services?

Once your student enrolls in a post-secondary institution, whether they are 18 years old or not, they become the sole guardian of all records maintained by that institution. Under the FERPA, the student is responsible for the accuracy of the information provided. The student is also responsible for the accuracy of the information provided. The student is also responsible for the accuracy of the information provided.

What services does ODS provide?

ODS coordinates and provides accommodations for academic programs. Services may be individualized to address a specific functional limitation. ODS services are optional and students may select one or more services to best accommodate their functional limitations. Experimentation with accommodations is encouraged. Some accommodations may have qualifying factors so that not all students may be eligible. Some examples of ODS services include priority registration, scribes, note-takers, assistive technology, interpreter services, relocation of classes to accessible facilities, and various other accommodations.

What does my son or daughter do when a faculty member or

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- Space for equipment such as battery chargers or Hoyer lift
- Provision for personal services
- Personal Care Attendants
- Scheduling
- Parking

Conclusion: Off to See the Wizard

So here you are, your child is entering the world of adulthood, and taking the first steps of a marvelous journey. It's a world completely different from any other -- both strange and wonderful. As they enroll at the University of Mary Washington, the things that you and your student came to expect before, almost as black and white at times, are gone. It's all in Technicolor now.

We hope this handbook has been helpful in preparing you and your student for what's coming next. It may be very trying at times, but we know it can also be extraordinary. *Welcome!*