ADA Amendments Act and Accommodations

ADA Amendments Act (ADAAA)
Expansion of the definition of disability increased number of:
1) individuals covered by the ADA – not necessarily an increased # of people eligible for accommodation &
2) requests for accommodations – different types of accommodations based on the array of impairments now covered (e.g., bodily functions).

What is an Accommodation?
1) Modification or adjustment to the way things are usually done.
2) Changes to the physical environment that would enable someone with a disability to have equal access.
3) Use of assistive and/or accessible technology to enable someone to accomplish a task.

What is a “Reasonable” Accommodation?
1) Anything could be an accommodation ... *sky is the limit!*
2) Determined by the entity in light of impact on:
   a. financial resources – undue financial hardship to the entity &
   b. other aspects of operations and functions – is it an administrative hardship that negatively impacts how business is conducted??
3) “Reasonableness” is determined by the entity on a case-by-case basis:
   a. Sound process in place to evaluate “reasonableness.”
   b. Ability to defend the decision if needed.

What is NOT a “Reasonable Accommodation? Examples:
1) Removing and/or altering a requirement that would result in fundamentally altering the course of study.
2) Tolerating or excusing violent or abusive behaviors.
3) Non-adherence to policy and procedure that is consistent with the educational program.
4) Providing personal services such as toileting, clothing management, feeding, medication monitoring, etc.

Whose Responsibility Is It?
Educational Institution
1) Assure that qualified students receive appropriate accommodations to be successful in the classroom and to meet other degree requirements.
2) Provide auxiliary aids and services to enable equal participation.

Not Everything is About the Disability
Individuals with disabilities are people first and experience similar everyday problems as counterparts without disabilities.
1. Separate out what is “disability” and what is not.
2. Treat all individuals the same, do not make the disability the focus of interactions.
3. Hold students with disabilities to the same standards as those without disabilities.
4. Accommodations are to “level” the playing field, not to give an advantage to the student.
5. Be open to a wide range of options for accommodation, never say “no” unless you have explored and considered all of the options.
6. “My disability made me do it” is not a defense.

Jones, Robin. (3-25-13). ADA Amendments Act and Accommodations, Great Lakes ADA Center (*www.adagreatlakes.org/*), Chicago, IL.
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Whose Responsibility Is It?, cont.

Student
1) Disclose disability/accommodation need and engage in process to determine appropriate accommodation prior to academic or other activities. Cannot ask for a retroactive accommodation such as an exemption or “retake”, etc. based on disability.
2) Provide documentation to substantiate disability and need for accommodations in a timely manner.

What Should a Program Do?
1) Support faculty in changing the notion that there is only one way to “teach” something.
   • Must students be able to perform “all” activities and/or methods?
   • Be prepared with ideas and options (be prepared to respond to the question of patient safety)
   • Technical Standards
   • Educational criteria (not essential functions)

Forms of Reasonable Accommodation

Modified Schedules
Part-time versus full time
Flexibility in the schedule
“Breaks” in the schedule (e.g., semester off)

Auxiliary Aids and Services
Sign Language Interpreter
Real Time Captioning
Assistive Listening System

Modification in Policy or Procedure
Service animal into the classroom/clinic
Alternative clothing
Scent-free environment
Food/liquids in classroom/clinic setting

Materials in Alternative Formats
Large print/Braille documents
Electronic versus paper documents
Audio taped information

Accessible Information Technology
Accessible web based content
Course management tools (e.g., Blackboard)
Distance Learning Courses
Simulation Software
Faculty and university websites

Captioned Video (e.g., YouTube, Vimeo, DVD/VHS)

Modified Procedures/Requirements
Take home exam versus in-class exam
Oral exam versus written
Use of calculator during exams
More time to complete assignments/projects/exams
Exemption from course requirements – Substitute other requirements – unless creates a fundamental alteration

Assistive Technology
Computer/tablet to take notes, storage
Tape recorder
Timers/technology to manage “time”
Specialized equipment for specific limitations
Screen reader or Text-to-Speech software
Digital or amplified stethoscope
Note taker
Magnifiers
Digital an audible bar code reader
“Apps” on Smartphone's

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