From Documentation to Student Narrative and Professional Judgment

Slide 1

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Slide 2

ADA As Amended in 2008

Disability is

* an impairment that substantially limits one or more major life activities,
* a record of such an impairment,
* or being regarded as having such an impairment.

The definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis

Slide 3

Definition of Disability Changes

Broadens the definition of "disability" by modifying key terms of that definition by:

* expanding the definition of "major life activities";
* redefining who is "regarded as" having a disability;
* modifying the regulatory definition of "substantially limits";
* specifying that "disability" includes any impairment that is episodic or in remission if it would substantially limit a major life activity when active; and
* prohibiting consideration of the ameliorative effects of "mitigating measures" when assessing whether an impairment substantially limits a person's major life activities

Slide 4

Definition of Disability Changes (Continued)

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major Bodily Functions include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Department of Labor: <http://www.dol.gov/ofccp/regs/compliance/faqs/ADAfaqs.htm#Q4>

Slide 5

Implications for DS Offices

* Serve a greater range of conditions
* Cannot consider mitigating factors
* Service animals
* Standardized Testing Requests

Slide 6

AHEAD Guidelines

Sources for Documentation

1. Student self report
2. Observation and interaction
3. Information from external third parties

Purpose for gathering information

* Establishing Disability
* Impact of Disability
* Making informed decisions about accommodations

<https://www.ahead.org/resources/documentation-guidance>

Slide 7

AHEAD Guidelines (Continued)

Individual review

* Disability
* Experiences
* History
* Accommodation request
* Unique Characteristics of programs, curriculum, course requirements, activities

Non burdensome process

Current and relevant but not have to be recent

Slide 8

Information To Gather From Student

* History of condition(s)
* Symptoms that impact the college experience
* Frequency and duration of symptoms
* Barriers to academic access
* History of accommodations (formal and informal)
* Use of assistive technology
* Compensatory adaptations

Slide 9

Information Needed From Documentation

* Date of diagnosis and last evaluation
* Medication and treatment
* Duration of condition
* Impact on major life activities
* Specific symptoms impacted in the academic setting
* Recommendations
* Appropriate medical professional

Slide 10

What If There IS No Diagnosis or documentation?

* Look for what is observable through behavior or physical traits
* Look for evidence of functional limitations of major life activities
* Evaluate student self report and information to support accommodations
* Make appropriate referrals to medical professionals

Slide 11

Using Professional Judgment

* Inconsistent information between medical documentation and student self report
* Professional knowledge of how certain conditions impact functioning

Slide 12

Questions

Discussion