

# Handbook for Parents of Students with Disabilities

The information in this handbook is primarily directed toward parents of students with disabilities; however, we hope that it is equally useful to high school teachers, counselors, and students. It introduces some of the legal and philosophical changes that occur for students with disabilities upon graduation from high school and entering University of California, Riverside.

## Contents

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1. Introduction
2. What is the difference between ‘entitled’ to education and ‘right to equal access’ to education?
3. Can a post-secondary institution deny my son or daughter admission because of a disability?
4. What are ‘reasonable accommodations’?
5. What are post-secondary institutions *not* required to do?
6. Do accommodations show on my son or daughter’s transcript?
7. Who will manage my son or daughter’s educational services and accommodations?
8. How does Services for Students for Disabilities work?
9. How does my role change?
10. Why doesn’t UC Riverside provide LD or ADHD assessments?
11. What about legal issues?
12. Is my son or daughter automatically registered with SSD by providing an IEP to Admissions?
13. What is my son or daughter responsible for?
14. Why can’t you disclose any information to me about my student?
15. What about Housing accommodations?
16. Conclusions

## Introduction

Once students turn 18 years old, they are legally an adult, responsible for their own actions and decisions. As they leave secondary school to enter college, fundamental changes occur with respect to their education as people with disabilities. Students attending public schools have, for the most part, a legal entitlement to an education, regardless of a disability. They must also receive their education in a least restrictive environment possible.

In college, students have a civil right to have access to their education. The fundamental principle at work is the assumption of integration and that students, not the institutions, are responsible for themselves.

We hope this handbook will help you better understand some of those distinctions and provide tips on how best to support your son or daughter in college.

Review the [Differences between High School and University Provisions of ADA Mandated Accommodations](#) to see the primary differences in student rights and responsibilities between secondary and postsecondary education.

## What is the difference between “entitled” to education and “right to equal access” to education?

Unlike elementary and secondary schools, postsecondary education offers access to rather than entitlement to academic programs. 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. Fundamentally, 94-142 and its successors (including the Individuals with Disabilities Education Act of 1990 and IDEA Improvement Act of 1997 and 2004) said that public schools would determine what was most appropriate for your son or daughter’s education. They were then required to provide that education. At the postsecondary level, the rules have changed. Public Law 94-142 and IDEA no longer apply, including the required IEP (Individualized Education Plan/Program) and 504 Plans. These are K-12 documents only.

In 1990, Congress passed the Americans with Disabilities Act. Modeled on section 504 of the Rehabilitation Act of 1973, ADA is a civil rights law. It prohibits discrimination on the basis of disability as long as the person is otherwise qualified. In the case of public-funded colleges and universities, ADA affirms the right of a student with a disability to equal access to coursework and the classroom. This means that University of California, Riverside must ensure access to all students who are otherwise qualified. Access means much more than ramps, elevators, and wide parking spaces. It also means access to information and technology. Therefore, University of California, Riverside must make reasonable accommodations for students’ disabilities in order that they may be able to demonstrate their ability. However, civil rights laws and reasonable accommodations are in no way intended to guarantee success. At most, students can expect a more equal chance to do the same work as their peers.

## **Can a postsecondary institution deny my son or daughter admission because of a disability?**

No. If your son or daughter meets the essential requirements for admission, a postsecondary institution may not deny admission simply because of a disability.

## **What are reasonable accommodations?**

Reasonable accommodations are made in order to level the playing field for qualified individuals with disabilities. As much as possible, accommodations are designed to minimize the functional limitations of an individual in a given task. These adjustments permit students with disabilities the opportunity to learn by removing barriers that do not compromise academic standards.

Examples:

Students who are deaf cannot hear class lectures. Provision of sign language interpreters as an accommodation gives students who are deaf access to the information discussed in the classroom at nearly the same time it is presented. Students who are deaf are also 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.

Students with learning disabilities may be accommodated in a variety of ways, depending on the limitations of their particular type of learning disability.

Students who are blind are accommodated by receiving printed materials in an alternate format such as audio CDs or in Braille.

Students with psychological disabilities may be provided additional time for exams as an accommodation due to medication side effects.

In providing an accommodation, UCR is not required to lower or effect substantial modifications to essential requirements. UCR does not have to make modifications that would fundamentally alter the nature of a service, program, or activity or would result in undue financial or administrative burdens.

## What are post-secondary institutions *not* required to do?

- Reduce or waive the essential requirements of a course or program including attendance requirements
- Provide disability assessment
- Provide personal attendants, individually prescribed devices, readers for personal use or study or other devices or services of a personal nature, such as typing
- Provide tutorial support beyond what is available to all students
- Prepare IEPs
- Ensure a student reaches his/her maximum potential
- Keep parents informed – see below

## Do accommodations show on my son or daughter's transcript?

No, all records and involvement with Services for Students with Disabilities remains confidential and is not noted on the students' transcript or given to any other university department. Only individual instructors are informed of a student's academic accommodations, and this is done by the students themselves.

## Who will manage my son or daughter's education and accommodations?

Your son or daughter is ultimately responsible for managing his or her own education, understanding functional limitations, requesting necessary accommodations, and meeting deadlines. Services for Students with Disabilities endeavors to promote self-advocacy. Self-advocacy skills are essential, because it is the students, not Services for Students with Disabilities, who will contact instructors and other staff to request the accommodations that are reasonable for them to receive. These are the skills all students need when they leave college and move successfully into their chosen careers.

## How does Services for Students with Disabilities work?

The following procedure applies to most students who register with Services for Students with Disabilities. Each student is seen and processed individually.

Students self-identify with Services for Students with Disabilities immediately after they have SIR'd. Students fill out the Student Data Sheet and Request for Services form.

Students provide approved documentation stating their specific disability and functional limitations.

[see **Documentation Guidelines**]

SSD verifies the student's disability and the functional limitations that result. Medical or psychological records are used in this process. Individualized Education Programs (IEP) or 504 Plans are NOT adequate to demonstrate the functional limitations of a disability. In some cases, SSD may determine that the documentation provided is too old to be considered accurate. If the documentation is too old,

SSD will recommend that the student obtain current assessments. This must be done by the student and at the student's expense.

SSD staff reviews the documentation and determines if the student is eligible for accommodations. SSD will notify the student if the documentation is complete or if additional information is needed. If the documentation is complete, SSD meets with the student to discuss the accommodations. SSD approves the accommodations and the student signs the Academic Accommodation Agreement and learns how to access the accommodations. The student will often be referred to the [Academic Support Center](#) in order to access the approved accommodations. Students must complete paperwork for the ASC, meet with faculty and be aware of ASC deadlines each quarter in order to receive services. SSD recommends that students identify and request accommodations once they have formalized admission through the SIR process.

## How does my role change?

At the postsecondary level, both parents and students experience a transition. All postsecondary institutions are an adult learning environment, and each student is treated as such. A parent's role shifts significantly when it comes to the process involved in the student's education at the college level. Encourage the student to take responsibility for academic concerns and limitations. Both the parent(s) and student should acknowledge the disability and the limitations that stem from it. This will allow the student to identify areas in which he/she should consider accommodations to level the playing field. It will also make it easier for the student to convey his/her requests for accommodations to instructors or anyone from whom he/she may seek assistance. The summer before college is a good transition time to allow the student to exercise self-advocacy skills. Encourage the student to register with SSD where he/she receive specific information on how to proceed in obtaining reasonable accommodations.

## Why doesn't UCR provide LD or ADHD assessment?

Neither the Americans with Disabilities Act nor Section 504 make it obligatory for institutions of higher education to evaluate and assess students with disabilities or suspected disabilities. In the logic of civil rights, students must assert and claim their right to equal access. The burden of proof is not on the institution. Students must identify themselves as a qualified person with a disability and be prepared to provide the documents that verify that claim.

## What about legal issues?

### Laws Impacting Postsecondary Education for Students with Disabilities

#### The Rehabilitation Act

Title V of The Rehabilitation Act of 1973 is generally regarded as the first civil rights legislation on the national level for people with disabilities. Section 504 of The Rehabilitation Act is a program access statute. It prohibits discrimination on the basis of disability in any program or activity offered by an entity or institution receiving federal funds.

Section 504 states (as amended):

*No otherwise qualified person with a disability in the United States...shall, solely on the basis of disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal financial assistance.*

Under Section 504, institutions were required to appoint and maintain at least one person to coordinate their efforts to comply with the requirements of Section 504 (Section 504 Coordinator). This individual or office has the ongoing responsibility of assuring that the institution/agency/organization practices nondiscrimination on the basis of disability and should be included in any grievance procedures developed to address possible instances of discrimination brought against the institution. At Valdosta State University, the established office is the Access Office for Students with Disabilities.

## **The Americans with Disability Act (ADA)**

The ADA is a federal civil rights statute that prohibits discrimination against people with disabilities. There are four sections of the law: employment, government, public accommodations and telecommunications. The ADA provides additional protection for persons with disabilities in conjunction with The Rehabilitation Act of 1973. The ADA is designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same opportunities that are available to persons without disabilities.

Postsecondary institutions are covered in many ways under the ADA. Employment is addressed by Title I, accessibility provided by public and Title II and III address private entities, and miscellaneous items are addressed under Title V and Title IV.

## **The ADA in relation to Section 504 of The Rehabilitation Act**

Institutions that receive federal funds (such as VSU) are covered under Section 504. The ADA does not supplant Section 504, but the ADA standards apply in those situations where the ADA provides greater protection. Therefore, postsecondary institutions must adhere to both The Rehabilitation Act and The Americans with Disabilities Act.

## **Is my son or daughter automatically registered with SSD by providing an IEP to Admissions?**

No. 504 Plans and IEPs from high school are for K-12 purposes only. They cannot be used to verify a student's disability for civil rights purposes. Each student must contact SSD to begin the process of verifying his/her disability since disability status is not a part of the admission process. SSD actively works to communicate services to prospective and currently enrolled students in an effort to encourage them to utilize all services that they may be eligible to receive. Documentation verifying a disability should not be sent to the Admissions Office; it should be sent directly to the Services for Students with Disabilities.

## **What is my son or daughter responsible for?**

- Act as an independent adult, self-advocating for services and accommodations.
- Self-identify or disclose their disability to Services for Students for Disabilities.

- Provide approved documentation that verifies the specific disability.
- Obtain assessment and test results and provide them to SSD, if required.
- Arrange weekly schedules and commitments
- Discussing classroom and testing accommodations with instructors in accordance with UCR policy each quarter and meet the ASC deadlines for accommodations.
- Arranging for personal attendants or specially designed assistive technologies or tutors.

## Why can't you disclose information to me about my student?

Once students, whether they are 18 years old or not, enroll in a postsecondary institution, they become the sole guardian of all records maintained by that institution. Under the Family Educational Rights and Privacy Act of 1976 (FERPA), students have the right to access their own records upon written request. The parent or guardian does not share that right. This means that parents do not have legal access to their student's grades, transcripts, or any information concerning the services being provided through SSD. This information is confidential. However, we understand that students may wish to share educational information with parents and guests. Students wishing to grant access to their educational records to parents are required to provide written permission and release of information to individual departments. The only time a student's record may be disclosed without written consent would be to comply with a subpoena or in an emergency situation where the health and safety of the student or another individual is threatened.

## What about Housing Accommodations?

Students are required to self-disclose to UCR Housing Services in order to discuss and request housing accommodations. UCR housing is readily accessible to and usable by students with many disabilities. Reasonable accommodations will be made to students with disabilities whose limitations require them.

## Conclusion

UCR Services for Students with Disabilities hopes this handbook has been helpful in preparing you and your student for the transition to college. Let us know if you have any further questions.

Services for Students with Disabilities, 125 Costo Hall, 951-827-4538.

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*Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities* from U.S. Department of Education Office for Civil Rights, May 2004

*Toto, I Have A Feeling We're Not In High School Any More* by Dan Burke from The University of Montana-Missoula Disability Services for Students, 2003

Pennsylvania College of Technology, Penn State.

