

Your Rights in College

Colleges must treat students with disabilities as equals to students without disabilities. Every college, whether it is a community college or a private university, must follow this rule. The goal of this fact sheet is to teach you about your educational rights and how to stand up for them.

From High School to College

Public schools have a responsibility to identify students with disabilities in grades K-12 and provide these students with a free and appropriate education. Schools often fulfill this responsibility by developing an IEP (an individualized education plan) or a Section 504 plan, which provide for equal access to school.

Colleges do not have a responsibility to identify students with disabilities or provide students with a free and appropriate education. This means an IEP or Section 504 plan does not follow a student from high school to college. However, colleges are prohibited from discriminating against students with disabilities, and must work with students to ensure their disability-related needs are met in the classroom and in student housing.

Are You Protected From Discrimination Under the Law?



If you have a health condition that affects your day-to-day living and you meet the school's eligibility criteria for admission, you are probably a person with a disability protected by the law.

You do not lose the protection of the law if you use medication or equipment, like a wheelchair or hearing aids, to minimize or eliminate the effect of your condition on your daily life.



You are not protected under the law if your health condition is temporary and will heal fully. For example, a broken bone or a sprain is not a disability. Also, the law does not recognize ordinary bad vision as a disability.

Your Rights

Your school must treat you the same as it treats students without disabilities. Specifically:

Schools cannot make enrollment decisions based on disability, or make rules that prevent or limit students with disabilities from attending the school.

Example: A school cannot ask if you have a history of mental illness, work with a service animal, or if sign language is your primary language on its application. These questions identify you as a student with a disability, which the school is not allowed to consider when deciding whether to admit you to the school.

- 1) School buildings and services must be accessible.

Example: A school must have accessible transportation services. It would be a violation of this rule if a student who uses a wheelchair could not ride the university bus system.

- 2) Schools must accommodate students with disabilities.

Example: A school must provide a Deaf student with sign language interpreter services or other communication aid during classroom time. Similarly, a school must provide textbooks or reading materials in an alternate format for a student with a learning disability.

Reasonable Accommodations/Academic Adjustments

It is your responsibility to tell the school what accommodations or adjustments you need because of a disability. You should make your needs known to the disability services office as early as possible. A good time to begin talking about the accommodations and adjustments you will need is when you enroll. All accommodations and/or academic adjustments must be provided at no cost to you.

Your school should have written instructions on how to request accommodations and adjustments. If you are not already connected to the disability services office, this information may also be available on the student services or accessibility page of your school's website. If your school does not have instructions, there is a sample letter at the end of this document you can use to request accommodations and adjustments.

A school does not have to make modifications to the essential nature of an academic program. For example, it is reasonable to ask the school for more time on a test. It is not reasonable to ask to answer fewer questions than other students or change the test questions.

If you ask for accommodations, your school may ask you for documentation of your disability and need for accommodations. You may be asked to provide documentation

prepared by an appropriate professional, such as a medical doctor, psychologist or other qualified diagnostician. Documentation may have to include one of the following: a diagnosis of your current disability; the date of the diagnosis; how the diagnosis was reached; the credentials of the professional; how your disability affects a major life activity; and how the disability affects your academic performance. The documentation should provide enough information for you and your school to decide what is a reasonable accommodation or academic adjustment.

A good place to begin is by providing your most recent IEP and/or Section 504 plan to the school. You may also want to ask your high school for copies of the results from your most recent evaluations. If you need a new evaluation, you are responsible for the cost. If you are eligible for services through your state vocational rehabilitation agency, you may qualify for an evaluation at no cost to you. You may locate your state vocational rehabilitation agency at <http://askjan.org/cgi-win/typequery.exe?902>.

Examples of Accommodations/Academic Adjustments



Additional time for tests.

May be helpful if you have difficulty writing, learning disabilities, or other condition that interferes with testing performance.



Permission to record lectures.

May be helpful if you have a learning disability or other condition that limits the ability to receive information and/or take notes during class.



Assistive Technology.

“Smart pens,” screen magnifiers, text-to-speech software are some examples.



Note taker.

May be helpful if you have a physical impairment that makes writing or typing difficult, have difficulty hearing, or your learning disability impedes note taking.

Service Animal.



You may ask for your service animal to live in your dorm room and accompany you everywhere you go on campus, including the cafeteria and other places that have “no pets” or “no animals” signs.



Alternate formats.

May help you if need an audio or electronic text book or other course material in Braille.



Permission to have an aid or helper stay in your room.

Helpful if you need assistance transferring from a wheelchair to the bed, assistance with bathing, dressing, etc.



Modified deadlines, reduced course load, alternate work assignments, or excused absences while you seek treatment.

Helpful if you miss school because of a hospitalization, or experience a flare up or worsening of your condition that keeps you out of school.



Retroactive withdrawal and/or a leave of absence.

Helpful if you are unable to complete the semester.

These are just examples. You may ask for an accommodation even if it is not listed here.

Student Codes of Conduct

As a student with a disability, you still have to follow the student code of conduct. You may ask for reasonable accommodations to help you adhere to the code of conduct.

For example, a person with mental illness is concerned that she may become agitated or have trouble controlling her anger during a meeting with a professor about a poor grade on a writing assignment. The student code of conduct requires that students treat their professors with respect and courtesy at all times. The student may ask, as a reasonable accommodation for her disability, that a friend or another trusted person attend the meeting with the professor. This person assists the student by reminding the student to take breaks when she starts to feel angry, or to use other coping strategies as needed.

If you disclose your disability for the first time after learning that you have violated the code of conduct, the school does not violate your rights if it continues with disciplinary proceedings. It is still a good idea to disclose your disability and request accommodations that will help you follow the code of conduct. It may help the school better understand why you behaved the way you did, and may open the door to a non-disciplinary resolution. If you disclose your disability, the school is allowed to ask that you provide medical documentation of your disability. The school may only ask for enough documentation to confirm your disability and identify appropriate accommodations for you. You cannot be required to turn over your entire mental health or medical file.

Compensatory Education

Compensatory Education is a community college program for adults with intellectual disabilities, including those caused by head injuries. It teaches basic information and skills to help the student to be as independent as possible. Like all college programs, compensatory education classes and the facilities where they are taught must be accessible for students with disabilities. You may ask for accommodations for a disability such as having a service animal in class or help with taking medication.

FERPA – the Family Educational Rights and Privacy Act

As a student, you have a right to see your educational records and to ask your school to correct any records you believe are inaccurate or misleading. You may already be familiar with this law if you were asked to sign a “FERPA release” in order to get a copy of your IEP and evaluations from your high school to provide to your college disability services office. You may also want to invoke your FERPA rights if you need access to your educational records to prepare for a disciplinary hearing. You may learn more about FERPA on the Department of Education website at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

Resources

Your first stop when you are having trouble related to your disability should be your school’s disability services office or staff person. The disability services staff is dedicated to helping students with disabilities succeed.

Vocational Rehabilitation (VR) is a State agency that helps people with disabilities prepare for and find work. All of its services are free. If higher education is in your plan for employment, VR may help you pay for school. You can learn more about VR at www.ncdhhs.gov/dvrs.

The Job Accommodation Network is a federal agency that helps people identify and implement reasonable accommodations. All of its services are free. You can learn more about the Job Accommodation Network at www.askjan.org.

The Office of Civil Rights at the federal Department of Education (“OCR”) is a federal agency that enforces the rights of students with disabilities. OCR provides information about the educational rights of students with disabilities online at <http://www2.ed.gov/policy/rights/guid/ocr/disability.html>.

Complaining Against Your School

If your school has violated your rights, you may complain to the Office of Civil Rights (OCR) at the federal Department of Education. OCR can be contacted by phone at (202) 453-6020, (800) 877-8339 (TDD), or by e-mail at OCR.DC@ed.gov. You may also visit the OCR webpage at <http://www2.ed.gov/about/offices/list/ocr>. There are strict deadlines for filing a complaint with OCR.

You may also complain to the U.S. Department of Justice (the DOJ). The DOJ enforces Title II and III of the ADA, which apply to public and private higher education. The form for you to fill out is on the DOJ’s website at www.ada.gov/filing_complaint.htm. If you have trouble filling out the form you may request assistance by calling (800)-514-0301 (voice) or (800)-514-0383 (TTY). There are deadlines to file a complaint with DOJ.

Complaining About Your Student Loans

If you have a dispute or problem related to your federal student loan, the Federal Student Aid Ombudsman Group may be able to help. You can learn more about the Ombudsman Group by visiting its website online at <https://studentaid.ed.gov/repay-loans/disputes/prepare>.

If you have a dispute or problem related to your private student loan, the Consumer Financial Protection Bureau may be able to help. You can request help online by visiting <http://www.consumerfinance.gov/complaint/#student-loan> or calling 1-855-411-CFPB.

College Checklist

HIGH SCHOOL

Sophomore Year (or age 14) If the student has an IEP and is 14 years old, his or her IEP includes a statement about the student's goals for education, employment, and living arrangements after high school.

If the student wants to go to college or pursue vocational training, it is identified in the IEP.

Junior Year (or age 16) At age 16, the IEP includes "transition services" that help the student reach the goals he or she has set for after high school.

The student requests Vocational Rehabilitation services. Does not matter if the student has an IEP; all people with disabilities are eligible.

(VR may help pay for college or training!)

During College Visits and Tours Ask the tour guide about accessibility of the campus or referral to staff who knows about accessibility.

Visit the disability services office. Request information about accommodation and academic adjustment policies.

Some colleges have student organizations of students with disabilities. Meet with one of the students to get the scoop on what it's really like to be a student with a disability at this school.

End of Senior Year Request copy of most recent IEP or Section 504 plan and evaluations.

AFTER ENROLLMENT

Begin reasonable accommodation process.

Immediately follow up with disability services with any problems regarding accommodations or academic adjustments.

Meet with disability services at least once a semester to check in.

Sample Accommodation/Academic Adjustment Request

Dear Disability Services:

I am a student with a disability. I need accommodations and academic adjustments to have full access to my education. Specifically, my disability limits me in

(taking notes, writing, concentrating, hearing, seeing, etc.). In the past, these challenges have been accommodated with _____

(note taker, smart pen, CART system, interpreter, etc.).

So that you may better understand my disability-related academic needs, I am providing you with copies of my most recent IEP and/or Section 504 plan and evaluations from high school. I've also attached records from _____.

In addition, I will be living in on-campus, student housing. I need accommodations for my disability in my housing. Specifically, I need _____

(permission to have a service animal in my room, a room located near the exit, a room located near a bathroom, permission to have an aide present in my room to assist with bathing and dressing, etc.).

Please contact me so we can set up a meeting to discuss my request for accommodations and academic adjustments. I can be contacted by phone at _____, or by e-mail at _____. I look forward to hearing from you soon!

Sincerely,

(your name)

Disability Rights North Carolina is a 501(c)(3) nonprofit organization headquartered in Raleigh. It is a federally mandated protection and advocacy system with funding from the U.S. Department of Health and Human Services, the U.S. Department of Education, and the Social Security Administration.

Its team of attorneys, advocates, paralegals and support staff provide advocacy and legal services at no charge for people with disabilities across North Carolina to protect them from discrimination on the basis of their disability. All people with disabilities living in North Carolina are eligible to receive assistance from Disability Rights NC.

Contact us for assistance or to request this information in an alternate format.

Disability Rights North Carolina

3724 National Drive, Suite 100

Raleigh, North Carolina 27612

www.disabilityrightsnc.org

919-856-2195

877-235-4210 (toll free)

888-268-5535 (TTY)

919-856-2244 (fax)