



**BLACK RIVER**  
**TECHNICAL COLLEGE**

## **STUDENT HANDBOOK**

# **AMERICANS WITH DISABILITIES ACT (ADA)**

Revised September 2022

Black River Technical College seeks to be in compliance with both the spirit and the letter of the law as stated in Section 504 of the Rehabilitation Act, as amended, and the Americans with Disabilities Act (ADA). According to the ADA, an individual with a disability is defined as a person who 1) has a physical or mental impairment that substantially limits one or more life activities 2) has a record of such impairment or 3) is regarded as having such impairment.

Major life activities as amended in 2008 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.

Also included are major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, circulatory, respiratory, endocrine, hemic, lymphatic, musculoskeletal, special sense organs and skin, genitourinary, cardiovascular systems and reproductive functions.

Black River Technical College will provide **reasonable** accommodations. Any accommodations cannot fundamentally alter curriculum in a course or program.

### **Confidentiality**

Information that the student provided Disability Services remains confidential. The information will remain in the student's disability services file. The Disability Services office will not provide what the student's disability is to anyone without permission from the student. Accommodations provided will only be released to the student's current instructors.

### **Students Rights and Responsibilities**

If you have a disability, you can receive accommodations under Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. Under these laws you cannot be discriminated against based on your disability. At BRTC, this means that you should receive equal access (accommodations must be made in the classroom or in testing). Some disabilities are not visible by others, but they are also covered under ADA. Examples are learning disabilities, psychiatric disabilities or medical disabilities.

Students with disabilities are not required by law to identify themselves to BRTC and the Accessibility/Disability Services office, or to provide documentation of a disability. However, if a student desires accommodation (particularly such things as extended time on exams), the student is obligated to complete necessary forms and provide disability documentation to support accommodation requests.

## **Steps for Requesting Accommodations**

1. Any student who will need accommodations must complete the Intake and Assessment form. Bring the form into Student Affairs and give to the Coordinator. If you are a Paragould student, you may take it to Student Affairs at Paragould.
2. Bring in documentation of your disability. These documents must include what your disability is and can include an IEP/504 Plan from High School dated within the last three years, a letter from your Physician along with additional documentation (the letter must be on letterhead and signed by the Physician), documentation from your Vocational Rehabilitation counselor.
3. Once the Coordinator has the proper documentation, they will review it and discuss with you before deciding on the proper accommodations.
4. The Coordinator will email the accommodations to each of your instructors.

## **Additional information regarding requests**

- Academic accommodations related to a student's disability are provided whether attending on campus or online.
- A student can request accommodations throughout the semester, but accommodations are **not retroactive**.
- Keep in mind that certain requests, such as books in a different format take more time to complete. The sooner you request accommodations, the quicker you will receive them.

## **Examples of Accommodations/Assistive Technology**

- Extended time for exams
- Low distraction testing room
- Oral reader for testing
- Interpreters
- Notetaker
- Copy of Notes/PowerPoints
- Use of Recorder
- Books in digital format
- Preferred seating
- Use of scribe
- Magnifiers
- Screen reader
- Text to speech

**Note: The list of accommodations/assistive technology is extensive. This is a list of the most common things used.**

## IDEA vs. Section 504/ADA

Section 504 and the ADA, which apply to postsecondary education, are very different from the Individuals with Disabilities Education Act (IDEA), which covers grades pre-K – 12. This means that some adjustment of the perspectives of students, parents, and instructors is necessary when making the transition from high school to college.

<b>IDEA</b>	<b>Section 504/ADA</b>
<b>Every Child</b> is entitled to a <u>Free and Appropriate Public Education</u> (FAPE) in the “least restrictive environment” possible.	Students compete for admission and must be “otherwise qualified” to enter college, <b>without consideration of disability</b>  Students participate in the general curriculum of the college. No continuum of placement exists.
Focused on creation of an Individualized Education Plan (IEP) that will help the student participate in the general curriculum as much as possible.	Few colleges have “plans” for students with disabilities. Most outline accommodations without regard to goals or progress.
Requires yearly meeting of general education teachers, special education teachers, and auxiliary service personnel to discuss progress and set goals.	The student is responsible for meeting with disability services and with instructors to discuss needs and concerns.
Often involves significant modification of the curriculum and of assessments (e.g., students may learn only the major concepts of a unit, may be able to take shortened tests, or be exempt from certain assignments).	Instructors are NOT required nor encouraged to fundamentally alter the content or goals of their courses, though they may be required to make changes that do not affect essential content or goals.
Classroom teachers receive a copy of the IEP and should have a thorough understanding of the disability and the plan.	Instructors receive a brief summary of the disability in accommodation letter, but are not given access to specific diagnostic data unless provided by the student.
There is often pressure on special education and general education teachers to do whatever is necessary to help students move on to the next grade level.	Students with disabilities should be graded by the same standard as other students, regardless of the means through which their responses are provided (on tape, orally, typed rather than handwritten).
<u>Law of Entitlement</u> Guarantees SUCCESS	<u>Civil Rights Law</u> Guarantees ACCESS

## **Disability Services Cannot Do These Things**

- We cannot provide personal aid/service such as a personal aid assistant or someone to sit in the classroom with you to help keep you on track.
- We cannot allow an accommodation of unlimited test time.
- We cannot allow an accommodation that will change the curriculum or fundamentally alter the program.
- We cannot decrease the amount of questions on the exam or take away answer choices.
- Accommodations will start the day you bring in documentation and it has been approved by the Coordinator; they are **not retroactive**.

## **Seizure Disorders**

If a student has a seizure disorder, it is a possibility that the student may have an episode while on campus. Every student who has a seizure disorder should notify the ADA Coordinator of the degree of the disorder, preferred procedures, and emergency contacts. A “Student Seizure Disorder Agreement Form” will then be turned into the ADA Coordinator. For the student’s safety, a copy of this agreement will be given to instructors, security, and administrators as needed or at the discretion of the student.

## **Service Animals**

Black River Technical College is committed to compliance with state and federal laws regarding individuals with disabilities. Service animals are regulated under the Americans with Disabilities Act because they are considered an accommodation needed by a person with a disability to perform specific tasks. All questions regarding service animals should be directed to the Coordinator.

By law, we can only ask two questions:

1. Do you have the service animal because of a disability?
2. What task is it trained to do?

Individuals with disabilities may be accompanied by their service animals in all Black River Technical College buildings where members of the public or participants in services, programs or activities are allowed to go. By law, a service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such tasks include, but are not limited to: assisting an individual with low vision with navigation; alerting individuals who are hard of hearing to the presence of people or objects; pulling a person's wheelchair; or aiding with stability or balance to an individual with a mobility disability.

Federal law does not require the individual to provide documentation that an animal has been trained as a service animal. BRTC may, however, ask if the animal is required because of a disability, as well as what work or task the animal has been trained to perform.

## **Exceptions**

BRTC may exclude a service animal from campus if its behavior poses a direct threat to the health or safety of others or when its presence fundamentally alters the nature of a program or activity. Furthermore, BRTC may ask an individual with a disability to remove a service animal from campus if the animal is out of control and the individual does not take effective action to control it; or if the animal is not housebroken. The service animal is considered an extension of the student and thus, is subject to the same code of conduct as a student would follow. Disruptive behavior by a service animal will be grounds for removal from an academic setting in the same manner that a disruptive student will be removed from the same environment.

## **Responsibilities of Individuals with Service Animals**

BRTC is not responsible for the care or supervision of a service animal. Individuals with disabilities are responsible for the control of their service animals at all times and must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws. A service animal shall be restrained with a harness, leash, or other tether, unless an individual's disability precludes the use of a restraint or if the restraint would interfere with the service animal's safe, effective performance of work or tasks. If a service animal is not tethered, it must be otherwise under the individual's control, whether by voice control, signals, or other effective means.

## **Grievances**

Students having concerns pertaining to the compliance of Section 504 of the Rehabilitation Act of 1973 should direct their concern directly to the Vice President of Student Affairs.

## **Frequently Used Phone Numbers**

### **Pocahontas Phone Numbers**

Academic Affairs	870-248-4092
Admissions	870-248-4000
Bookstore	870-248-4040
Campus Security	870-248-4034
Career Pathways	870-248-4067
Computer Services	870-248-4053
Director of Student Development	870-248-4158
Disabilities	870-248-4014
Distance Education	870-248-4058
Fax	870-248-4100
Finance	870-248-4016
Financial Aid	870-248-4017
Library	870-248-4060
Loan Default Counselor	870-248-4019
Moodle	870-248-4058
Transcripts and Records	870-248-4015
Tutoring	870-248-4159
Veteran's Affairs	870-913-9602 or 870-913-9605

## **Paragould Phone Numbers**

Admissions/Student Affairs	870-239-0969
Bookstore	870-239-5250
Campus Security	870-239-5006
Fax	870-239-2050
Veteran's Affairs	870-913-9602 or 870-913-9605

