

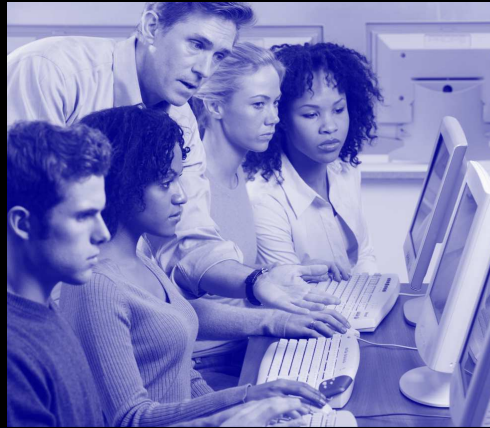
**A PROJECT OF THE
DISABILITIES LAW PROGRAM
COMMUNITY LEGAL AID SOCIETY, INC.**



Transition to Adulthood:
What you need to know as an individual with a disability.

Higher Education Rights

for Delaware Transition-Age Youth and their Families



**MADE POSSIBLE WITH SUPPORT
FROM THE DELAWARE
DEVELOPMENTAL DISABILITIES
COUNCIL**



Introduction

The transition from childhood to adulthood can be both exciting and challenging. There are many things to keep in mind as you (or your child) approach adulthood. While it is never too late to plan for the future, we recommend that you start thinking about and preparing for the transition to adulthood early in the teenage years.

There are many ways in which people with disabilities can pursue education after high school. Whether you are a student or the parent of a student, there are many things that you should think about if you are interested in exploring education after high school – which is often called “higher education.” The world of higher education will present challenges that are very different from the trials of high school.

This guide provides information to help you learn to advocate for yourself. There are fewer protections that are required by law for college-level students with disabilities, as compared to those protections provided by the Individuals with Disabilities Education Act (IDEA). Thus, learning how to advocate for yourself will be very important for you to navigate and succeed in higher education.

This guide provides an overview of common issues and questions that you will likely face about higher education. While this guide does not cover every topic related to higher education that you might encounter, it is here to offer you some insight into some common issues. Each individual’s situation is unique and this guide is not intended to constitute legal advice on your specific circumstances.

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Options for Education After High School

It's never too early to begin considering what types of education options might make the best sense for a student after high school. To start thinking about the options, consider things like:

- What are your educational goals? For example, do you want to prepare for employment or a career? Is your goal to get an academic degree or certificate? Are you interested to just take some classes that help you learn new skills or explore your areas of interest?
- What are your interests and abilities? What do you like? What activities do you enjoy the most? What activities are you good at?
- Are you interested in participating in social clubs or other activities outside the classroom with other students? Some types of schools offer many opportunities outside the classroom, while others do not.
- What type of housing situation is best for you? Are you interested to live in a dormitory or apartment with other students? Or do you want

to stay in your current home and commute to classes or attend remotely or online if possible?

There are many different types and sizes of schools that offer various class subjects and learning environments. First, you should understand what options are available to you for your own situation. Then, there are steps that you can take to prepare yourself for applying to these schools. Your high school's guidance office is a terrific resource to help you learn about your options and the steps you need to take to apply. You should also know that there are a number of searchable databases to help narrow down your school choices in addition to using the guidance office at your high school. For example, Big Future College Board offers an online search tool (<https://bigfuture.collegeboard.org/>).

Two-Year Colleges

Two-year colleges usually offer courses across a number of subjects. They may also offer occupational or technical training. Students who complete a two-year program may earn an Associate of Arts (A.A.) or Associate of Applied Science (A.A.S.) degree. Sometimes, credits that a student earns at a two-year college may be transferred to a four-year college. Two-year colleges typically are private institutions.

Community Colleges

Community colleges typically are public institutions. Similar to two-year colleges, community colleges usually offer courses across various subject areas. They may also offer occupational or technical training, to prepare students for specific careers. Many community colleges also offer continuing and adult education classes. Many students transfer to a four-year college or university after graduating from a community college.

Options Cont.

Four-Year Colleges and Universities

Four-year colleges and universities offer courses that allow students to earn a Bachelor of Science (B.S.) or a Bachelor of Arts (B.A.) degree. There is a wide range of four-year colleges and universities, which can be very different in terms of size, admissions criteria, cost, student population, and academic standards.

Life Skills and Other Programs

There are many educational programs after high school that help people with disabilities learn skills in areas like independent living, preparing for employment, time management, and many other areas. These programs may be offered in a residential or non-residential setting. Some programs allow students to get a certificate upon completion of the program.

One example of this type of program is the University of Delaware Career and Life Studies Certificate (CLSC) Program. To learn more about this program, see <http://www.udel.edu/cds/initiatives-adults-clsc.html> or call 302-831-2940.

Online or distance learning may also be an option for you to consider. Many programs or degrees can be completed partly through online or distance learning. This option may allow you to attend some class sessions from home, so that you do not always have to travel to the classroom to attend class. In some cases, an entire program or degree can be completed online. Make sure to check on the details of the class requirements, as each one may be different. Also, these classes usually will require that you have your own computer, Internet connection, and a minimum level of computer experience.

For example, Delaware Technical Community College offers Distance Education Courses. These courses include courses that are 100% online, plus "hybrid" courses that involve both face-to-face and online

coursework. For more information, see <https://www.dtcc.edu/academics/learning-options/distance-education>.

There are a number of trade schools that provide education and training in a particular trade, such as electrical or computer / technology support. Be aware that some schools may be less willing to provide adequate services for people with disabilities than others. Therefore, if you are interested in enrolling in a trade school, you should talk with the school about your specific needs, and whether they will accommodate them, in advance of when you apply or enroll.

Prepare to Apply

There are some steps that you should start early in high school, to make sure that you are ready to apply to the schools that interest you. These are a few examples:

- Consider whether documentation of your disability needs to be updated or refined. You will need to provide current documentation of your disability to request accommodations to take any standardized tests that the school requires for admission. For a learning disability, consider whether you should get additional diagnostic testing.
- Begin researching the schools that interest you. Visit the school's website to get more information. You may wish to arrange visits to the school campus. It is usually possible to arrange a tour of campus so you can see the school location and facilities.
- When you are researching schools, ask questions. For example, ask about the services they offer to assist students with learning challenges. You may also wish to ask about

Options Cont.

Prepare to Apply

classroom accommodations for students with learning disabilities or physical limitations. Or, you may wish to ask whether the school offers residential options or alternatives. Keep in mind that the school will be able to offer only general information about the services and facilities that they offer. The school will not be able to address your individual situation until you make a specific request for accommodation. (See section on "Accommodations.")

- Consider what accommodations for standardized tests you may need to request. (See section on "Standardized tests.")

For More Information

There are many organizations and resources where you can get more information about planning for education after high school. Here are just a few:

- College options for persons with intellectual disabilities, <http://www.thinkcollege.net/>
- National Center for Learning Disabilities, Planning for Post-secondary Education, <http://www.nclid.org/parents-child-disabilities/teens/planning-for-post-secondary-transition>
- Washington Post article on navigating admissions for students with learning disabilities, http://voices.washingtonpost.com/campus-overload/2010/08/navigating_college_admissions.html

The Delaware Division of Vocational Rehabilitation (DVR)

The Delaware Division of Vocational Rehabilitation (DVR) assists people with disabilities to prepare for, get, and keep jobs.

It offers various services, such as assessment, counseling and guidance, information and referral, physical/mental restoration services, rehabilitation technology, skill training, job placement assistance, interpreter services¹, and supported employment services. You can be referred to DVR through your high school, or you can contact them directly. In some cases, DVR may suggest that you pursue education after high school in order to reach your career objective. There are two DVR programs that may assist you in transitioning to education after high school.

- The **DVR Transition Services** program assists students transitioning from high school to adult life. It is implemented in all 19 public school districts in Delaware. It also is implemented at alternative and private high schools in the state. The program assists transitioning students by providing links to adult services and employment.
- **Supported Education at the Delaware Technical & Community College (DTCC)** is a program for students with disabilities who are beginning their first year of college. This program provides educational supports for transition students enrolled in remedial programs at DTCC.

You should also know that DVR can help pay for tuition, books, tutors, transportation and other needs related to your pursuit of education after high school. The DVR caseworker manual has an entire chapter on education after high-school (Chapter 15A, Post-Secondary Education”).

You can request a copy of this manual from DVR if you are thinking about asking DVR to support your college efforts.

¹Interpreter services can also be a responsibility of the university/school. See section on “Accommodations”, below. DVR and the university/school may have a formal or informal agreement with respect to when each party is responsible for the interpreter costs. Legally, both may have the responsibility at the same time.

Prepare to Apply Cont.

For more information, see
<http://dvr.delawareworks.com/job-seekers/transition-services.php>

Delaware's Pathways to Employment Program

You should also know that Delaware has a new program called Pathways to Employment, which assists eligible people with disabilities ages 14-25 with services such as:

- Employment Navigator
- Career Exploration and Assessment
- Supported Employment (Individual and Small Group)
- Benefits Counseling
- Financial Coaching
- Non-Medical Transportation
- Personal Care (including a self-directed component)
- Orientation, Mobility, Assistive Technology

You can learn more online at:
<http://dhss.delaware.gov/dhss/dsaapd/pathways.html>.

Understanding the Admissions Process

Each higher education institution will have different admissions requirements. Some schools have an "open door" admissions policy, which means that most people who apply will be admitted. For example, Delaware Technical Community College requires that a person who applies is a high school graduate or be at least 18 years old and able to benefit from instruction.

Other schools, like the University of Delaware, have more requirements, such as an application, essay, recommendations, and standardized tests. After these items are reviewed the University will then select the applicants it desires from the pool of

people who applied. Make sure you find out the requirements of the schools that interest you. Most school websites include a checklist of application requirements to help you in the process.

Standardized tests

Many colleges and universities require applicants to take a standardized test as part of the application process. The most common standardized tests are the SAT and the ACT.

You may be eligible to request an accommodation for either of these tests. To make your request, you will need to provide documentation of your disability. It's a good idea to start the request process early, so that there is enough time for your application to be processed. The process to request an accommodation may be different for each standardized test.

SAT

The SAT is a college admission test that tests your knowledge of reading, writing and math. Almost all colleges and universities use the SAT to make their admission decisions. The SAT is usually taken during the junior or senior year of high school. The SAT is offered several times a year.

To learn more about the SAT, see <http://sat.collegeboard.org/about-tests/sat>.

- To be eligible for an accommodation, your disability must affect your ability to take a test. Each student's situation will be different and will be evaluated on an individual basis.
- Your school may be able to assist you in making your request for accommodations. You may apply for accommodations online or on paper.
- You will need to provide documentation of your disability. This documentation should state the

disability specifically and describe how your disability impacts your ability to take a test. There are important documentation requirements that you (and your doctor) should become familiar with:

<http://professionals.collegeboard.com/testing/ssd/application/guide/guidelines>

- It's a good idea to start the accommodation request early, even during your freshman year of high school. Take note of deadlines. For more information, see <http://student.collegeboard.org/services-for-students-with-disabilities>.

ACT

The ACT also is a standardized test required by many colleges and universities. Like the SAT, the ACT is offered several times a year.

To learn more about the ACT, see <http://www.act.org/>

- Similar to requesting accommodations for the SAT, you must submit documentation to support your request for accommodations for the ACT.
- You may request a specific accommodation, extended time to take the test, or alternative location or testing format. For more information, see <http://www.actstudent.org/regist/disab/>.
- Take note of the important documentation requirements, located here: <http://www.actstudent.org/regist/disab/policy.html>.

Other Standardized Tests

Schools may require other standardized tests as part of the admission process or after a student has been admitted.

- ASSET is a test often used by community and technical colleges: <http://act.org/asset/>.
- ACT COMPASS evaluates students' skills in Reading, Writing Skills, Writing Essay, Math, and English as a Second Language: <http://www.act.org/products/higher-education-act-compass/>.

Test Prep Courses

Test prep courses should offer accommodations if you need them to participate in a test preparation course, such as a course to prepare you for the SAT. Test prep course providers should make appropriate accommodations, including providing auxiliary aids and services, or modify policies, practices and procedures, or removing barriers from test prep facilities. Contact the test prep course provider and ask to speak to their ADA administrator or coordinator to find out how to request any necessary accommodations.

Disclosure of Your Disability

You are not required to disclose your disability to a higher education institution. If you meet the requirements for admission to the school, you may not be denied admission because you have a disability.

However, you will need to disclose your disability if you need the school to make an adjustment or modification. You should consider disclosing your disability when you need to request that the school make reasonable accommodations. It's usually better to disclose your disability before you start experiencing problems at the school due to a lack of accommodations.

For example:

- If you need accommodations during the application process: disclose before you enroll
- If your disability requires accommodation in

choosing classes: disclose when you enroll

- If you need to request accessible housing on campus: disclose when you enroll
- If you have a learning disability and need to request extra time to complete exams: disclose after you enroll
- If you develop a disability during your time as a student: disclose when you need accommodations to complete your studies

If you do not need the school to make any adjustments or modifications, and you can accommodate your needs personally without the school's assistance, you are not required by law to disclose your disability.

For more information on making these requests, see the section on "[Accommodations](#)," below.

You may also wish to visit the webpage for the University of Delaware's **Disability Disclosure in/and Higher Education** at <http://www.udel.edu/csd/conference/index.html>.

You can also read a blog post about the 2013 conference and disclosing disability in higher education here:

<http://sites.udel.edu/csd/2014/03/03/perils-and-prospects-of-disclosing-disability-identity-in-higher-education/>.

Good to know! If you are denied accommodations, or a part of what you requested, you have the right to appeal. For example, if you requested double time but were only given time-and-a-half, you can appeal that partial denial. You must look into this immediately as the deadlines for these appeals are short. Documenting your need for the accommodations is key, such as obtaining a letter from your doctor supporting your requested accommodation. Please see the "[Filing a complaint](#)"

section, below, for more information.

Discrimination

By law, higher education institutions cannot discriminate on the basis of disability.² To be admitted to a school, you must meet the essential requirements for admission. You may not be denied admission on the basis of disability alone. If you feel that you have been discriminated against, see the section on "Rights and Legal Protections of Students with Disabilities," below.

Financing Higher Education

It is important to begin planning early how you will cover the cost of higher education. Although higher education can be costly, there are several sources of funding and financial aid that can help students and their families cover the cost. In addition, there are some sources of funding available specifically to assist students with disabilities to pursue higher education.

The Basics

What costs are associated with higher education? While costs will be different depending on your specific situation and what type of institution you attend, you should think about costs like:

- Tuition
- Books and classroom supplies
- School fees
- Room and board, if living on campus – or rent and meals, if living away from the school
- Transportation
- Health insurance
- Expenses for social activities

²With the exception of religiously-affiliated schools that do not accept federal funding.

Sources of Funding and Assistance

There are many types of assistance programs that can help students afford the cost of higher education. First, become familiar with the different types of programs:

- Grants and scholarships
- Merit aid (many schools have automatic merit aid – meaning financial aid based on your achievements, including your GPA and standardized test scores)
- Loans
- Work-study

Grants and Scholarships

Grants and scholarships typically do not require repayment. In most cases, grants are need-based. This means that they are available for students who demonstrate a certain level of financial need, usually due to low income. Eligibility for scholarships may also be based on financial need or other criteria.

Be sure to research what grants and scholarships you may be eligible to apply for. They can come from the federal government, state government, the school you wish to attend, or from a non-profit organization, such as one connected to your religious affiliation, community associations, or even parents' employers.

After you know which grants and scholarships you are eligible to apply for, make sure to meet the application deadlines.

Federal Government Grants

The federal government has several grant programs, such as:

- Federal Pell Grants³
- Federal Supplemental Educational Opportunity Grants (FSEOG)
- Teacher Education Assistance for College and Higher Education (TEACH) Grants
- Iraq and Afghanistan Service Grants

Each of these grant programs has different eligibility criteria. For more information, visit: <http://studentaid.ed.gov/types/grants-scholarships>.

Scholarships

There are many sources of scholarships, including general scholarships and scholarships available to students with disabilities. Scholarships available to students with disabilities may be available for students with a specific disability, such as hearing loss, visual impairments, mobility impairments, learning disabilities, and mental health challenges.

It is worthwhile to take the time to research what scholarships you may be eligible for, because scholarships usually do not need to be repaid, unlike a loan.

To research scholarships that you may wish to apply for, the U.S. Department of Education website is a good place to start:

<http://studentaid.ed.gov/types/grants-scholarships/finding-scholarships>

For a partial list of scholarships and other sources of funding that students with disabilities should be aware of, here are some resources:

- University of Washington, *College Funding for*

³ People with intellectual disabilities may receive funding from the Federal Pell Grant or Federal Supplemental Educational Opportunity Grant if they meet certain criteria. For more information, see <http://studentaid.ed.gov/eligibility/intellectual-disabilities>.

Students with Disabilities,

<http://www.washington.edu/doit/Brochures/PDF/financial-aid.pdf>

- Disability.gov's list of scholarships specifically for students with disabilities, <https://www.disability.gov/scholarships-specifically-students-disabilities/>
- Disabled World, *List of Disability Scholarships*, <http://www.disabled-world.com/disability/education/scholarships/#ixz2z2Atjq74hP>

There are many sources of scholarships that can easily be overlooked (credit unions, Lions Clubs, etc.), so be creative when looking!

State Government Grants and Scholarships

The government of the state where you live may also offer grants or scholarships. Usually these programs require you to be a resident of that state.

In Delaware, the Delaware Higher Education Office administers state-sponsored financial aid programs and private scholarship programs to help state residents continue their education after high school. There are several aid programs. A program may be based on financial need, academic performance, or for students in a particular technical or professional field.

To understand these programs and how to apply, the Delaware Higher Education Office's website is a good place to start:

http://www.doe.k12.de.us/infosuites/students_family/dheo/how_to_apply/financial_aid/default.shtml.

Student Excellence Equals Degree (SEED) Program

You can attend Delaware Tech tuition-**FREE** (you still have to pay for books and course fees) through the

SEED Scholarship program. You have to meet their eligibility criteria (be a Delaware resident, attended a Delaware high school, had grades that are at least a C+ or 2.5 average, not have felony convictions, etc. You can learn more online at:

- <https://www.dtcc.edu/admissions-financial-aid/financial-aid-scholarships/types-aid/seed>
- <https://www.dtcc.edu/admissions-financial-aid/financial-aid-scholarships/types-aid/seed/scholarship-requirements>

Loans

By taking out a loan, you borrow money in order to cover the costs of higher education such as tuition, books, supplies, and other expenses. After you graduate or complete your studies, you will be responsible for repaying the amount of the loan, plus interest.

Many students get a loan from the federal government. Loans also are available from private sources, such as a bank. However, a loan from the federal government typically has some benefits, compared to private loans. For example, the interest rate is usually lower and there usually are flexible repayment plans for student loans. Each student's situation will be different.

The federal government has two student loan programs: the Direct Loan Program and the Perkins Loan Program. These programs are similar but may have different criteria on who is eligible.

Before you apply for a loan, make sure you understand what your obligations will be, such as when you will need to begin payments. For more detailed information, visit

<http://studentaid.ed.gov/types/loans>.

To apply for a federal loan, you will need to complete and submit FAFSA (see "[For More Information](#)," below).

Work-study

The federal work-study program provides part-time jobs for students with financial need. By working in a part-time job while taking classes at school, a student can earn money to help pay for his or her expenses. This program is available to both part-time and full-time students. There are certain limits on how much you can work on the federal work-study program. The number of hours that you can work cannot be greater than the amount of your work-study award.

You should know that this program is available only to schools that participate in the federal work-study program. Not all schools participate in this program. Check with the school you want to attend to ask whether it participates.

For more information on the federal work-study program, see <http://studentaid.ed.gov/types/work-study>.

To apply for a work-study job, you will need to complete and submit FAFSA (see "[For More Information](#)," below).

If you have an intellectual disability, you may receive funding from the Federal Work-Study program if you meet certain criteria. For more information, see <http://studentaid.ed.gov/eligibility/intellectual-disabilities>.

Ticket to Work Program

The Ticket to Work Program is a program for persons with disabilities, receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) through the Social Security Administration, who want to work and participate in planning their employment. A Ticket increases your available choices when obtaining employment services,

vocational rehabilitation services, and other support services you may need to get or keep a job. A Ticket can also help you with funding your education. It is a free and voluntary service.

Find out more at Social Security's website:

<http://www.socialsecurity.gov/work/>

To search for a program in your area:

<http://www.chooseworkttw.net/resource/jsp/searchByState.jsp>

To download program materials:

<http://www.chooseworkttw.net/document-library/materials-for-beneficiaries/index.html>

Other

Depending on your specific situation, you may be eligible for other sources of funding or financial assistance. For example:

- Military service or family members of military personnel. Start here to understand what options may be available and for a list of organizations to contact for more information:

<http://studentaid.ed.gov/types/grants-scholarships/military>.

For More Information...

...On Financial Aid

The U.S. Department of Education website is a good place to start: Federal Student Aid Information Center at 1-800-433-3243 or 800-730-8913 (TTY) or <http://studentaid.ed.gov/>.

There is a single application for most types of student assistance from the federal government. This is known as the Free Application for Federal Student Aid, or FAFSA. This application gives you access to most types of student aid available from the federal government – including grants, loans, and work-study programs.

(<http://studentaid.ed.gov/fafsa>)

Also check with the financial aid office of the school that you wish to attend, or the guidance counselor at your high school.

...On Planning Your Finances for Higher Education

- Stand By Me, <http://standbymede.org/>
- The Money School / Del. Financial Literacy Institute, <http://www.dfli.org/index.cfm?ref=01000&ref8=1>
- Disability.gov Guide to Student Aid, https://www.disability.gov/?s=&fq=topics_taxonomy:Education%5E%5EA+Guide+to+Student+Financial+Aid%5E%5E
- Planning Ahead: Financial Aid for Students with Disabilities 2013-2014 Edition, http://www.heath.gwu.edu/assets/183/2013_2014_heath_financial_aid_publication.pdf

Financial Aid Complaints Process

If you think that your federal financial aid is not being processed or distributed properly, in most situations you should contact the school's financial aid office first to inquire. This is because federal financial aid is distributed by the school, not the federal government. For example, if your financial aid has not been paid to you on time or the amount is incorrect, your first step should be to contact the school's financial aid office.

If you believe that your school has violated its own policy or federal regulations in administering financial aid, and you have been unable to resolve your issue with the school directly, you may contact the Federal Student Aid Program Compliance Office at ComplianceComplaints@ed.gov, or call 1-877-557-2575.

Rights and Legal Protections of Students

with Disabilities in Higher Education

It is important for you to know what rights and legal protections are available for students with disabilities. Your experiences in higher education may be very different from the challenges you faced in high school. One important difference is that you will need to advocate for yourself more often. Because there are fewer protections that schools are required to provide by law, you will become your most important advocate. This means that you need to take responsibility and initiative to understand how your disability affects the way you learn and live. If you understand your rights and responsibilities, you will be better able to work with your college or university to help you be successful in your studies.

There are several laws that impact higher education. The main laws are:

- The Americans with Disabilities Act (ADA) – covers both public and private higher education institutions.⁴
- Section 504 of the Rehabilitation Act⁵ – covers all schools, colleges, and universities that receive federal funds.

The U.S. Department of Education, Office of Civil Rights (OCR), enforces both of these laws. It is important to know that a higher education institution could be subject to both of these laws. If you have concerns about what laws your college or university must follow, you should consult a lawyer who specializes in higher education law.

⁴ Title II of the ADA applies to public institutions; Title III applies to private institutions, with the exception of religiously-affiliated schools.

⁵ 34 C.F.R. Part 104.

The Americans with Disabilities Act (ADA)

Under the **Americans with Disabilities Act (ADA)**⁶, public and private higher education institutions may not discriminate against a person with a disability. This law applies to the application and admissions process, in addition to the time that a person with a disability attends the school.

For example, a higher education institution cannot exclude or screen out applicants who have a disability during the admissions process. The school also is required by law to make accommodations for students with disabilities in several areas, including education, transportation, and employment. For a school or university, this law applies to educational programs, as well as other, extracurricular activities conducted on or off campus.

Harassing a student because of his or her disability also is a form of discrimination. Disability harassment also is prohibited by the ADA and Section 504 of the Rehabilitation Act. Disability harassment is intimidation or abusive behavior toward a student based on disability that creates a hostile environment. This behavior interferes with the student's participation in the school's services or programs.

Examples of harassing behavior include:

- Name-calling
- Written statements that threaten or intimidate
- Conduct that physically threatens or humiliates the student

Harassing behavior usually must be severe or persistent in order to be considered discrimination. Discrimination, including harassing behavior, may also be prohibited by state and local laws.

⁶ 42 U.S.C. § 12101 et seq. 28 C.F.R. Part 35, 28 C.F.R. Part 36.

Section 504 of the Rehabilitation Act of 1973

Another federal law, **Section 504 of the Rehabilitation Act**⁷, applies to higher education institutions that receive funds from the federal government. Under this law, a student may request accommodations and services based on a disability. The student may be required to provide proof, through documentation, of her disability and how the disability affects life activity or academic performance. In addition to being required to provide appropriate academic adjustments, the school also may be required to provide comparable and accessible housing to students with disabilities at the same cost as it provides housing to students without disabilities. The Office of Civil Rights at the U.S. Department of Education also is responsible for enforcing this law.

In addition to the ADA and Section 504, there are other laws that are important to higher education institutions. The following sections describe some of those laws.

Higher Education Opportunity Act

The **Higher Education Opportunity Act (HEOA)**⁸ encourages colleges and universities to improve accessibility for students with disabilities, through support services and collaboration with other organizations.

There are several important parts of the HEOA:

- Provides grants to help fund the development of programs for college students with disabilities. These include programs to help students transition from high school to education after high school.
- Allows students with intellectual disabilities to

⁷ 29 U.S.C. § 794, 34 C.F.R. Part 104.

⁸ 20 U.S.C. § 1001 et seq.

qualify for certain types of federal financial aid for the first time.

- Encourages the development of instructional materials that are accessible for students with disabilities.
- Encourages greater accessibility of financial aid information for students with disabilities.

Because of funding provided through HEOA, there probably will be an increased number of programs at colleges and universities that are specially designed for students with intellectual disabilities.

Delaware Equal Accommodations Law

Under the **Delaware Equal Accommodations Law (DEAL)**⁹, a “place of public accommodation” cannot discriminate against people with disabilities. The term “place of public accommodation” means an area or organization that serves the general public. Some common examples are stores, restaurants, or banks. Examples also includes government agencies (state or local) and state-funded agencies that perform public functions. This may include institutions of higher education in Delaware.¹⁰

Complaints about discrimination in public accommodations under the Delaware Equal Accommodations Law are handled by the Division of Human Relations. You may call the Division at (302) 577-5050 or visit their website at <http://statehumanrelations.delaware.gov/services/di>

⁹ 29 U.S.C. Del. C. § 4500 et seq.

¹⁰ Under a prior version of the law, DEAL was found by the Division of Human Relations and Department of Justice to NOT apply to some institutions of higher education in Delaware. However, the definition of a “place of public accommodation” was changed in 2006 to add state agencies, local government agencies, and state-funded agencies performing public functions. The Disabilities Law Program is unaware of any cases that have looked at whether this new definition includes Delaware universities and colleges.

[scrimination.shtml](#).

Other Laws

- The **Workforce Investment Act (WIA)**¹¹ reforms federal job training programs that provides career and training assistance programs. These programs include vocational education after high school.
- The **Developmental Disabilities Assistance and Bill of Rights Act (DD Act)**¹² focuses on people with developmental disabilities. It provides federal financial assistance to states and public and non-profit agencies to support community services that promote independence and productivity.

Accommodations

Higher education institutions are required by law to make adjustments or modifications for certain classes or activities, to accommodate a student's disability. These adjustments are known as "reasonable accommodations." The purpose of reasonable accommodations is to provide students with disabilities the equal opportunity to perform, while not placing an overly heavy burden on the school to provide the accommodation.

You are responsible for making the request for a reasonable accommodation. You should make this request in writing to your school's office that assists students with disabilities. The name of this office will be different for each school. It may be called the Office of Disabled Student Services or a Disability Support Program. Sometimes the Office of Student Services may provide assistance to students with disabilities.

¹¹ 29 U.S.C. § 2801 et seq.

¹² 42 U.S.C. § 15001 et seq.

This office can provide assistance in determining what support services or modifications can be made. They also may request that you provide documentation of your disability, such as by providing documentation from your physician or other qualified professional. The school will determine the appropriate adjustment based on your disability and your individual needs.

The requirements for requesting reasonable accommodations will be different for each school. Also, some schools require that you submit requests each semester, since your accommodations may be different depending on what classes you take. Make sure to find out the specific requirements of your school for requesting accommodations.

Good to know!

It is really important to understand that this is a student driven process. **There is no such thing as an IEP or 504 Plan, which you may have had in high school.** You cannot just provide the university a copy of your IEP and expect that they will follow it. It is really important that you use the formal process and not rely on informal arrangements with specific professors. Everything should be set up at the beginning of each semester. If you encounter an issue with a specific professor, you should go through the disabilities services office to remedy the problem.

Classroom or Learning Accommodations

The most common type of accommodation in higher education is related to taking classes and studying.

Examples of reasonable accommodations that you may require are:

- Note-taking assistance in the classroom
- Braille class materials or textbooks or recorded lectures

- Preferential seating in the classroom
- Alternative testing methods
- Physical accommodations in the classroom or laboratory
- Assistive technologies, such as voice recognition or screen reading

It is important for you to understand that there are some limits to what your school needs to do, in addressing your request for accommodation. For example, the school is not required to:

- Modify or lower the difficulty of the academic content
- Provide devices or services of a personal nature, such as tutoring or personal attendants
- Make adjustments that result in undue financial or administrative burden for the school

Housing and Transportation

Higher education institutions also are required to make common, essential spaces (such as the library, classrooms, and residence halls) accessible.¹³ For example, a class that includes a student in a wheelchair must be held in a building with an elevator or be rescheduled to a classroom on the first floor.

Also, higher education institutions may not discriminate on the basis of disability in areas outside the classroom. They cannot discriminate in other areas where they provide facilities or services, such as housing, transportation, or extracurricular activities. You should know that these laws apply only to the facilities or services that the school provides.

There are other laws that prohibit discrimination in

¹³ With some exceptions, such as buildings built before 1977 which are exempt from Section 504, or pre-1992 buildings that are exempt from the ADA. And, in some instances it may be an "undue burden" to retrofit a building.

public transportation and public housing.

- For example, the Delaware Equal Accommodations Law prohibits discrimination in places that serve the general public. See the section entitled "Delaware Equal Accommodations Law," above.
- The federal **Fair Housing Act**¹⁴ and the **Delaware Fair Housing Act**¹⁵ prohibit discrimination in housing based on disability. Because of these laws, there are several things that landlords cannot do. For example, they cannot refuse to rent to a person because he has a disability. They also cannot refuse to let you make reasonable changes to your living area, if you pay for it.

If you believe that another housing provider is illegally discriminating against you because you have disabilities, you may be able to file a complaint, by contacting the Delaware Division of Human Relations:

<http://statehumanrelations.delaware.gov/index.shtml>.

Complaints about discrimination in public accommodations under the Delaware Equal Accommodations Law are handled by the Division of Human Relations. You may call them at (302) 577-5050 or visit their website at <http://statehumanrelations.delaware.gov/services/discrimination.shtml>

For more information, see *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities*, published by the U.S. Department of Education, Office of Civil Rights: <http://www2.ed.gov/about/offices/list/ocr/transition.html>.

For an example of a Request for Reasonable Accommodation, see "Sample: Request for

¹⁴ 42 U.S.C. § 3601 et seq.

¹⁵ 6 Del. C. § 4600 et seq.

Reasonable Accommodation Letter,” at the end of this guide!

Technology and Accessibility

Under the ADA and Section 504, higher education institutions are required to provide equal access to technology for students. This means that they cannot require students to use technology that is inaccessible to students with disabilities, unless they provide accommodations or modifications. (See “Accommodations” section of this guide.)

Usually the office of Student Services or Disability Services at a college or university can assist students in providing different forms of assistive technology for students who receive academic accommodations. One common example is called “alternate book formatting.” This accommodation allows a student to receive the information contained in a textbook in a different format – such as in audio files, enlarged print, or through screen reader technology. Other technologies may be available at your school.

Some examples of assistive technology are:

- Electronic textbooks
- Dedicated electronic book readers with text-to-speech capabilities to read text aloud and navigate menus. May also include special key strokes.
- Screen readers, that read text aloud as it appears on the computer screen
- Braille displays
- Note taking tools
- Voice technology

Accommodations Cont.

Filing a Complaint***Disability Coordinator***

Most higher education institutions have a specific person who is responsible to ensure that the school complies with federal law regarding the rights of students with disabilities. This person may be called a Disability Services Coordinator, Section 504 Coordinator, or ADA Coordinator. If you are not satisfied with the accommodation that your school has provided, if your request has been denied, or if you believe that you have been discriminated against because of your disability, you may want to contact your school's coordinator first.

Grievances

In addition, your school should have a policy or procedure on how you may raise your concerns. This usually is called a "grievance procedure." This procedure typically is included in the student handbook or a similar publication. You should become familiar with this publication and follow the steps provided to raise your concerns.

Academic Appeals

There is also a process for appealing your academic grades. Please make sure that you are using the proper appeal route, or both if applicable. If the issue you are appealing involves a grade, it is important to also use the academic appeals process. Typically, there is a short time frame for these appeals, so check your student handbook to see what deadline your school uses.

Office for Civil Rights of the U.S. Department of Education

Another option you have, if you feel that you are being discriminated against on the basis of disability (including being denied a reasonable

accommodation) is that you may file a complaint with the federal Office for Civil Rights. For more information:

See *How to File a Discrimination Complaint with the Office for Civil Rights*

(<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>)

Contact your local OCR office (find at <https://wdcrocolp01.ed.gov/CFAPPS/OCR/contactus.cfm>)

Call OCR at 1-800-421-3481

You should know that OCR complaints can be used for a single student or for a group of students. OCR complaints must be filed within 180 calendar days of the alleged discrimination, except in certain circumstances.

Voting

In Delaware, adult citizens have a right to vote in elections. This includes persons with disabilities, even those with guardians. Only a judge can remove the right of a person with a disability to vote based on a written order that clearly states that the person's mental disability prevents use of basic voting judgment.

You should register to vote as soon as you turn 18 (or before, if you will be 18 on the date of the next General Election) if you want to exercise this important right. You can register to vote:

- At any Department of Elections Office for your county;
- At a mobile registration site;
- By calling an Elections Office and have a registration form mailed to you;
- At the Motor Vehicle Office or a Social Service

Office; or

- Online at: ivote.de.gov.

Good to know! If you are a Delaware voter but are unable to go to your polling place to vote because you are a student away from home, you can apply for an absentee ballot. An absentee ballot allows you to vote by mail or electronically, instead of going in person to cast your vote. You can learn more at <http://elections.delaware.gov/voter/absenteeballot.shtml> and you can apply for your absentee ballot at <https://ivote.de.gov/>.

You can learn more about voting for people with disabilities at:

- <http://www.declasi.org/disabilities-law-program/your-rights-as-a-voter/> and
- <http://transition.declasi.org/voting-rights/>.

Helpful Resources

This guide provides general information to help you understand higher education as a person with disabilities. In addition to what we have provided here, there are many other resources that you might find helpful. Below is a list of some of those resources.

- Delaware Disability Hub higher education page: <http://deldhub.com/education/postsecondary.shtml>
- Achieving in Higher Education (AHEAD), a college support program for students diagnosed with an autism spectrum disorder or other learning differences, <http://www.ahead.org/index> or call 1-877-AHEAD-1.

- Association of Higher Education & Disability, <http://www.ahead.org/>
- College Planning Handbook for Students with Disabilities, http://apps.educationquest.org/pdfs/Disability_Handbook.pdf
- Resource guide for students with disabilities from bestcolleges.com (includes helpful links and list of useful apps) <http://www.bestcolleges.com/resources/disabled-students/>.
- Delaware Department of Education:
Transition resources for parents and students:
http://www.doe.k12.de.us/infosuites/students_family/specialed/transition/smartmoves.shtml and
http://www.doe.k12.de.us/infosuites/students_family/specialed/transition/transitionresources.shtml
- Delaware Technical Community College, Office of Disability Services, <https://www.dtcc.edu/student-resources/learning-support/disability-services>
- LD Online (website on learning disabilities and ADHD), <http://www.ldonline.org/indepth/college>
- Learning Disabilities Association of America, <http://ldaamerica.org/>
- National Center for Learning Disabilities
Post-high school options, <http://www.nclid.org/adults-learning-disabilities/post-high-school>

Legal rights and accommodations for students with disabilities, <http://www.nclid.org/adults-learning-disabilities/laws-accommodations/legal-rights-accommodations-adults-ld>

Getting access to assistive technology,
<http://www.nclid.org/adults-learning-disabilities/post-high-school/getting-access-assistive-technology-college>

- National Center on Secondary Education and Transition, <http://www.ncset.org/>
- National Information Center for Children and Youth with Disabilities (NICHCY), www.nichcy.org
- Navigating College: A Project of The Autistic Self Advocacy Network, <http://navigatingcollege.org/>
- U.S. Department of Education, Office of Civil Rights

Overview of disability discrimination policies,
<http://www2.ed.gov/policy/rights/guid/ocr/disability.html>

Transition of Students with Disabilities to Postsecondary Education: A Guide for High School Educators,
<http://www2.ed.gov/about/offices/list/ocr/transitionguide.html#admissions>

- U.S. Department of Labor, Office of Disability Employment Policy, <http://www.dol.gov/odep/>
- University of Delaware:

Office of Disability Support Services:
www.udel.edu/DSS or 302-831-4643

Center for Disabilities Studies: TEEM Unit (Transition, Education and Employment Model):
<https://www.udel.edu/cds/teem.html>

- University of Washington, College Funding for Students with Disabilities,
<http://www.washington.edu/doit/Brochures/PDF/financial-aid.pdf>

SAMPLE: Reasonable Accommodation Letter

Notes to letter writer:

1. Students should send this letter to the right person, such as an ADA coordinator, Disability Services Coordinator, or Section 504 Coordinator.
2. Students are not required by law to make a reasonable accommodations request in writing. Requests can be made orally. However, we recommend that they be made in writing.
3. When a student requests a reasonable accommodation in writing, the student should keep a copy.

School's Address

Date of Letter

Dear _____:

I was recently accepted (or: I am applying) as a student here at _____ (fill in school's name). I am writing to formally request a reasonable accommodation for my disability under _____ (choose one or both: "federal" and/or "state") laws governing reasonable accommodations for persons with disabilities. I have _____ (fill in disability) and, as a result, I have limitations in _____ (state type of tasks or activities

SAMPLE: Reasonable Accommodation Letter

SAMPLE: Reasonable Accommodation Letter

affected by your disability; for example, "processing auditory information," "use of my arms/legs," or "reading printed class materials.") Therefore, I will need accommodations in order to _____ (state task or activity for which you need accommodation; for example, "participate in class," "attend class in buildings without elevators," or "access class materials.")

From my experience with my disability, I know that _____ (state possible solution, for example, "sitting at the front of the classroom," "attending class via video conference," "being allotted more time for exams," or "using a sign language interpreter") would be a sufficient accommodation. However, I am open to other solutions that you may suggest. I also would be willing to meet with you to discuss other options.

If you would like medical verification of my disability, I can provide you with the appropriate documents upon your request. (Alternatively, "I have attached medical documentation verifying my disability.")

Thank you for your attention to this matter. I would appreciate a response to this letter within one week so that I can be successful in my studies. I look forward to cooperating with you to find an effective solution.

Thank you,

Student's Signed and Printed Name
Student's Mailing Address and Phone Number

NOTES

This guide has provided general information to help you learn about middle & high school rights for individuals with disabilities in Delaware and is not intended to be legal advice. Remember that every person's situation will be different. For questions on your specific situation, you may apply for free legal assistance from Community Legal Aid Society, Inc. (CLASI).

You can learn more about transition, or provide us feedback, at transition.declasi.org

Visit us on the web at www.declasi.org or contact us at one of our three office locations:

CLASI Offices

New Castle County

100 West 10th Street, Suite 801
Wilmington, DE 19801
302-575-0660
302-575-0696 (TTY/TDD also)
302-575-0666 - Elder Law Program
302-575-0690 - Disabilities Program
FAX: 302-575-0840

Kent County

840 Walker Road
Dover, DE 19904
302-674-8500 (TTY/TDD also)
302-674-3684 - Elder Law Program
302-674-8503 - Disabilities Program
FAX: 302-674-8145

Sussex County

20151 Office Circle
Georgetown, DE
302-856-0038 (TTY/TDD also)
302-856-4112 - Elder Law Program
302-856-3742 - Disabilities Program
FAX: 302-856-6133

This guide is current as of May 2014