

WESTERN
DAKOTA



TECHNICAL COLLEGE

**Student Disability Services Handbook
2023-2024**

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Section One: Legal Requirements

Introduction

This handbook is designed to help faculty, staff, and students understand the Student ADA & Section 504 accommodation process. Faculty, staff, and students are encouraged to discuss questions with the Disability Services Office. Conversations before the semester starts are best to help ensure services can be implemented when they are needed, but questions are welcome at any time. Please contact the Disability Services Office by emailing disabilityservices@wdt.edu.

Disability services follow standards set by the Americans with Disabilities Act (ADA) of 1990, Section 504 of the Rehabilitation Act of 1973, and Family Educational Rights and Privacy Act (FERPA). Western Dakota Technical College (WDTC) is a member of the Association on Higher Education and Disability (AHEAD) and adheres to their code of ethics.

History of Accommodations

WDTC provides accessible programs, services, activities, and reasonable accommodations for any student with documented disability as defined by Section 504 of the Rehabilitation Act of 1973 and by the Americans with Disabilities Act of 1990. Disability Services works to ensure students with disabilities have an equal opportunity to pursue higher education based on their ability rather than their disability.

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) define disability as any major medical, physical, learning, or psychological condition that substantially limits someone from a major life activity such as seeing, hearing, learning, and self-care.

Disability services assists students with documented disabilities. These include, but are not limited to, the following: Learning Disabilities, Attention Deficit/Hyperactivity Disorders, Psychiatric Disorders, Sensory Disabilities, Physical Disabilities, and Health Impairments. Students Registered¹ with disability services are provided reasonable accommodations on a case-by-case basis. These accommodations give the student equal access to the institutions' programs, activities, and services.

Reasonable accommodations might include extended time for exams, exams given in a low distraction environment, note taking assistance, recording class lectures, sign language interpreters, audiobooks, or brailled book class material. Our goal is to create an accessible environment to help students become independent, self-empowered, and self-advocating.

Differences between High School and College for Students with Disabilities

The chart that follows highlights primary differences between high school and college ADA/504 accommodations including laws, required documentation, self-advocacy, and the parental role.

¹ Registered – for WDTC Disability Services, this term means a student has completed all required steps required through the Disability Services Office to be approved for specific accommodations in a given semester. A student's Registered status is valid for one semester, and therefore, the student must ensure they have received "Registered" status with the Disability Services Office each semester that they are requesting accommodations. A student will not be granted requested accommodations until they are Registered through Disability Services.

Laws	
High School	College
IDEA (Individuals with Disabilities Education Act)	ADA (Americans with Disabilities Act of 1990, Title II) ADAAA (Americans with Disabilities Act Amendments Act of 2008)
Section 504 of Rehabilitation Act of 1973	Section 504 of Rehabilitation Act of 1973
<i>IDEA is about success.</i>	<i>ADA is about access.</i>

Required Documentation	
High School	College
IEP (Individual Education Plan) and/or 504 Plan	Interactive Process
Students are provided evaluation at no cost to the student or family.	Student first works with the Disability Services Office.
Documentation focuses on determining whether student is eligible for services based on specific disability categories in IDEA.	Should 3 rd Party documentation be deemed necessary, the documentation must provide information on specific functional limitations and demonstrate the need for specific accommodations in an academic environment.
	Documentation must provide clear rationale for each accommodation being requested. Please keep in mind not all recommended accommodations may be approved.

Self-Advocacy	
High School	College
Student is identified by the school and is supported by the parents and teachers.	Student must self-identify to the Disability Services Office.
Primary responsibility for arranging accommodations belongs to the school.	Primary responsibility for self-advocacy and arranging accommodations belongs to the student.
Teachers approach you if they believe you need assistance.	Faculty are usually open and helpful, but most expect you to initiate contact if you need assistance.

Parental Role	
High School	College
Parent has access to student records and can participate in the accommodation process.	Parents do not have access to the student records without student's written consent.
Parent can speak to educators regarding student.	Conversations regarding the student will take place as allowed by FERPA consent.
Parent advocates for the student.	Student self-advocates.

Higher Education and the Law

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) 1990, as Amended (ADAAA, 2008) prohibit discrimination against individuals with disabilities and mandate the provision of reasonable accommodations to ensure equitable access to programs and services. Per these laws, “no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.”

A disability is defined by any medical, learning, physical, or psychological impairment that substantially limits one or more major life activities. To have a record of such impairment; or be regarded as having such impairment constitutes a disability.

Medical, learning, physical, or psychological disability may be (but not limited to) AIDS, HIV, cancer, cerebral palsy, diabetes, epilepsy, traumatic head injury, specific learning disability, loss of limbs, multiple sclerosis, muscular dystrophy, psychiatric disorders, speech impairments, spinal cord injuries, hearing impairments, and visual impairments.

Major life activities are defined as (but not limited to) walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, and working.

Section 504 of the Rehabilitation Act of 1973

Section 504 is a program access statute. Subpart E of Section 504 deals specifically with institutions of higher education. “It requires that an institution (public or private) be prepared to make appropriate academic accommodations and reasonable modifications to policies and practices in order to allow the full participation of students.”

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 reinforced the provisions of the Rehabilitation Act by requiring that all public facilities, services, and communications be accessible to persons with disabilities. This includes providing auxiliary aids and services unless an undue burden would result. Disability does not require higher education institutions to lower academic standards or fundamentally alter the nature of programs provided nor are reasonable accommodations intended for success within courses/programs. Adherence to the College’s code of conduct as well as adherences to faculty directions and instructions are expected.

The US Department for Education Office for Civil Rights (OCR) explains the rights and responsibilities for students in postsecondary education. You may visit their website for the full article – <https://www2.ed.gov/about/offices/list/ocr/transition.html>. The article explains the obligations of postsecondary schools to provide academic accommodations, including auxiliary aids and services, to ensure the school does not discriminate based on disability. OCR encourages students to know their responsibilities and those of postsecondary schools under Section 504 and Title II. Knowledge improves students’ opportunities to succeed.

Section Two: Frequently Asked Questions

As a student with a disability leaving high school and entering postsecondary education, will I see differences in my rights and how they are addressed?

Yes. Section 504 and Title II protect elementary, secondary, and postsecondary students from discrimination. Nevertheless, several requirements that apply through high school are different from the requirements that apply beyond high school. For instance, Section 504 requires a school district provide free appropriate public education (FAPE) to each student with a disability in the district's jurisdiction. Whatever the disability, a school district must identify an individual's education needs and provide any regular or special education and related aids and services necessary to meet those needs. In addition, the district is responsible for meeting the needs of students without disabilities.

Unlike high school, postsecondary school is not required to provide FAPE. Your postsecondary school is required to provide appropriate academic accommodations as necessary to ensure that it does not discriminate based on a disability.

May a postsecondary school deny admission because a student has a disability?

No. If you meet the essential requirements for admission, a postsecondary school may not deny any student's admission simply because of a disability. Please note, WDTTC is an open enrollment Higher Education Institution.

As a student, do I have to inform a postsecondary school that I have a disability?

No. Disclosure of a disability is voluntary. However, if you want WDTTC to provide accommodations, you must self-identify as having a disability to the Disability Services Office and follow the required steps to become Registered with the Disability Services Office. Likewise, you should let WDTTC Disability Services Office know about your disability if you want to request assigned accessible facilities.

Can I bring my service animal to campus?

Yes, but you must meet with the Disability Services Office before obtaining full campus access. Some areas may be off-limits where there is potential danger to the service animal. Please see Policy 4013 – Service Animals for details <https://www.wdt.edu/assets/docs/uploads/about/policies/4013.pdf>.

A service animal is individually trained to do work or perform tasks for an individual with a disability. The work or task completed by the service animal must directly relate to the individual's disability.

Can I bring my emotional support animal to campus?

No. You must meet with the Disability Services Office before obtaining access to campus locations owned or leased by WDTTC. Please see Policy 4017 – Emotional Support Animals for details <https://www.wdt.edu/assets/docs/uploads/about/policies/4017.pdf>.

Emotional support animals are sometimes referred to as therapy or assistance animals. The support provided by an emotional support animal must directly related to and alleviate one or more identified symptoms or effects of an individual's disability as demonstrated by reliable third-party documentation. Emotional support animals are not capable of serving as service animals and are currently only allowed in off- campus housing facilities leased by WDTC.

What is a reliable-third party?

A reliable-third party is a trained professional who by virtue of their expertise, scope of practice, and familiarity with a person with a disability can verify that their accommodation request is directly related to their disability, that it would alleviate one or more of the identified symptoms or effects of the disability, and that the accommodation is necessary to provide that individual with an equal opportunity.

What accommodations must a postsecondary school provide?

Appropriate accommodations are determined on a case-by-case basis. Your disability and individual needs will play a role in deciding how best to proceed. Accommodations may include auxiliary aids among other academic accommodations to ensure equal educational opportunities. Examples of accommodations include alternate textbook format, note taking assistance, sign language interpreters, extended time on quizzes/tests, and usage of testing rooms.

Postsecondary schools are not required to lower or affect substantial modifications to essential requirements. For example, although your school may be required to provide extended time for testing, it is not required to change the content of the test. In addition, postsecondary school 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. Finally, postsecondary school does not have to provide personal attendants, individual prescribed devices, readers for personal use or study, or other devices or services of a personal nature, such as tutoring or typing. Personal aids and individual prescribed devices are the responsibility of the student. Please visit the OCR website to learn more at <http://www2.ed.gov/about/offices/ocr/docs/aucaids.html>.

If I want disability accommodations, what must I do?

If you want WDTC to provide disability accommodations, you must first self-identify as having a disability to the Disability Services Office and follow the required steps to become Registered with the Disability Services Office. Please note, others contacting the Disability Services Office on the student's behalf does not substitute for students' self-disclosure. The process to become Registered with the Disability Services Office can vary in time requirements and is often dependent upon things outside of the control of WDTC or the student such as obtaining required documentation from an approved reliable 3rd party.

Once Registered with the Disability Services Office, you must adhere to the deadlines given by the Disability Services Office and support personnel to ensure accommodations can be implemented as needed. Most requests will require a minimum of 5-working days' notice.

Are accommodations retroactive?

No. You must be Registered with the Disability Services Office each semester that you are requesting accommodations.

Do I have to prove I have a disability to obtain accommodations?

Yes. WDTC's Disability Services Office will determine if 3rd party documentation is necessary to verify a valid disability and necessary accommodations. If this documentation is deemed necessary, it is the student's responsibility to provide this information.

What documentation should I provide?

The Disability Services Office follows a reasonable standard for documentation. Typically, required documentation is prepared by an appropriate professional – such as a medical doctor, psychologist, or clinical social worker. The appropriate professional cannot be of any relation to the student. The required documentation may include one or more of the following: a diagnosis of your current disability; the date of the diagnosis given; what tests were performed to determine diagnosis; the credentials of the professional/evaluator; how your disability affects a major life activity; and how the disability affects your academic performance. The professional/evaluator can and should provide any recommended accommodations. The documentation should provide enough information for you and the Disability Services Office to determine the necessary and appropriate accommodation(s). Please keep in mind, not all recommendations may be appropriate at a higher education level.

If you have an Individualized Education Program (IEP) or Section 504 plan, it may help identify services that have been effective for you, but it may not be adequate documentation to become Registered with the Disability Services Office. This will be determined on a case-by-case basis. If documentation does not meet the requirements, the Disability Services Office will provide you with a list of some local resources to have an evaluation completed. Diagnostic evaluations must be paid for by the student.

What if I disagree with the accommodations provided by the ADA/504 Coordinator?

If a student disagrees with a decision made by the ADA/504 Coordinator, they can reach out to WDTC's compliance office.

Kelly Oehlerking, VP for Institutional Effectiveness and Student Success
Kelly.Oehlerking@wdt.edu; 605.718.2931

What if the identified accommodation is not working?

Communicate with the Disability Services Office about accommodations not working as you expected as soon as you have a concern. You and the Disability Services Office should work together to resolve any problems. It may be too late to correct the problem, if you wait after you first had the concern, after an activity is completed, or until the end of the course. It may be necessary for you to discuss the situation with your treatment provider. Accommodations are not retroactive.

What if I feel faculty has denied the accommodations?

You will need to make the Disability Services Office aware immediately. The Disability Services Office will work with faculty to ensure the appropriate accommodations are provided to you.

Section Three: Rights and Responsibilities

Confidentiality and Family Educational Rights and Privacy Act (FERPA)

FERPA governs the confidentiality of students' educational records which includes services and student records related to WDC's disability services. Please see Policy – 4004 FERPA for details <https://www.wdc.edu/about/policies-and-procedures/>.

Disability records that contain diagnosis and treatment information are kept in a separate secure file. Unless there is an educational need to know under FERPA, disability services personnel are unable to release information about you without your written consent. If you discontinue your enrollment at WDC, you may contact disability services and request your file be destroyed. If you are not enrolled in courses for 3 years, your file – including any paperwork – will be destroyed.

Please note, there is a limitation of confidentiality for the following: threats of violence and/or suicide are taken seriously, and the appropriate steps completed. The law mandates any reports of child abuse or adult abuse reported to local Social Services Office. Disability services will adhere to the required mandated reporting law.

Students, Disability Services, and Faculty

- Students with disabilities rights include:
 - Equal access to services, programs, facilities, and employment at WDC.
 - Accessible digital materials including videos, third-party software, and other items.
 - Reasonable and appropriate accommodations and auxiliary aids determined on an individual basis.
 - Confidentiality of information related to disability issues.
 - Have the VP for Institutional Effectiveness and Student Success do a second review if they do not agree with the ADA/504 Coordinator's accommodation decision(s) (appeal the decision by the ADA/504 Coordinator)

- Students with disabilities responsibilities include:
 - Self-identify disability status to the Disability Services Office.
 - Complete all required steps to be Registered with the Disability Services Office each semester in advance of the need for accommodations.
 - Meet WDC academic and institutional standards.
 - Comply with the WDC Student Code of Conduct.
 - Follow the specific guidelines established for obtaining reasonable and appropriate accommodations and/or auxiliary aids.
 - Notify Disability Services Office of any changes to your schedule and/or status as a student at WDC.
 - Notify the Disability Services Office of any concerns or difficulties in the receipt of accommodations.

- Disability services has the right to:
 - Maintain WDC's academic and institutional standards.

- Request current documentation that adheres to disability eligibility guidelines to verify the need for reasonable accommodations and/or auxiliary aids.
 - Select effective communications and auxiliary aids in consultation with the student on individual basis.
 - Deny an accommodation request and/or auxiliary aids if the documentation fails to verify the need for the requested service or if the documentation is not provided in advance.
 - Refuse an inappropriate or unreasonable accommodation request and/or auxiliary aids that pose a direct threat to the health and safety of others, constitute an alteration to an essential element of a course program, or pose an undue financial or administrative burden to WDTA.
- Disability services responsibilities include:
 - Provide reasonable accommodations for students' disclosed disabilities to ensure students have equal access to courses, activities, and programs.
 - Provide policy and procedure information to students with disabilities.
 - Provide appropriate supportive services to students, faculty, and staff.
- Faculty members have the right to:
 - Establish course content and academic standards.
 - Request written notification from the Disability Services Office of a student's need for accommodation. Faculty and staff do not have the right to access disability documentation.
 - Contact the Disability Services Office to clarify student requests for accommodation and/or auxiliary services.
- Faculty members responsibilities include:
 - Provide recommended reasonable accommodations and/or auxiliary aids in a timely manner.
 - Work with the Disability Services Office and respective offices to facilitate recommended accommodations both within and outside of their classroom.
 - Meet with students who have provided a faculty notification letter to discuss requested accommodations and establish the procedure for providing accommodations and/or auxiliary aids in the course.
 - Maintain confidentiality regarding disability issues.
 - Alter the form of a testing procedure to measure proficiency in course knowledge based on ability of the student, not the disability. There may be an exception when the purpose of the test is to measure a specific skill.
 - Make course materials on reserve in the library available in alternative formats for students with disabilities when requested by disability services.
 - Ensure software and "new" technology is accessible before implementing into a course.
 - Contact the Disability Services Office for consultation regarding students with disabilities and accommodation concerns.

Section Four: Disability Services Processes

Registration with Disability Services Office and Implementing Approved Accommodations

As stated previously, students in higher education are required to self-identify to the Disability Services Office and request accommodations. Notification to a faculty or staff member does not qualify as self-identification to begin this process.

The steps a student must take to self-identify and for accommodations to be implemented include the following:

1. Complete the Disability Services Request Form² in My.WDT <https://my.wdt.edu/ics> . To access the form –
 - a. You must login to My.WDT with your username (student ID#) and your password;
 - b. Go to Student Forms;
 - c. Click on Disability Services Request Form link;
 - d. Read the Form and complete required fields; and
 - e. Click Submit
2. Be prepared to provide a copy of your most recent Individualized Education Plan (IEP), 504 Plan, or evaluation documents. Students with disabilities are required to provide medical and/or other appropriate diagnostic evaluations to help support their ADA request. Documentation must include (as appropriate) physical description, medical or clinical cautions, and recommendations for necessary accommodations in an academic setting. See the FAQ section of this handbook for more information - *What documentation should I provide?*

Documentation described above must be on file with the Disability Services Office in order for them to evaluate your accommodation request. Documentation may be emailed to disabilityservices@wdt.edu or faxed to 605.394.1789 Attn: Disability Services Office.

Students cannot be Registered with disability services until required documentation is received and evaluated.

3. Interact with the ADA/504 Coordinator as requested by the Coordinator. The Coordinator may have questions and need further documentation. It is important to watch your student emails, answer phone calls, and have your phone set to allow voicemail messages to not hinder the process. Contact the Coordinator by emailing disabilityservices@wdt.edu.
4. Complete the AdobeSign forms sent to your school email account by the ADA/504 Coordinator. Once the form is completed with all needed signatures, you are Registered with the Disability Services Office.

² This process may vary if for students Registered with the Disability Services Office in the prior semester. Follow the instructions sent to you via your school email account by the Disability Services Office.

5. You are required to communicate with your faculty members in advance when you would like to use specific accommodations as accommodations are not retroactive. This communication needs to be done as early as possible (not right before the due date in a course). Also, some specific accommodations require a minimum additional 5-working day's advance notice by your faculty member to the Student Success Center which includes accommodations for extended test time, distraction free testing, and reading of tests. WDTC cannot guarantee that we will be able to implement the accommodation the date/time you request. Flexibility in scheduling may be required if requested by support personnel.

Other useful information:

- Students with disabilities are not required to register with the Disability Services Office if they are not seeking accommodations.
- Students seeking accommodations are strongly encouraged to work with the Disability Services Office prior to the start of the semester as accommodations are not retroactive and the process to become Registered can be lengthy. With that said, students can register at any time during the semester.
- The following WDTC policy and procedure provide more information.
 - Policy 4018 – Student ADA/Section 504
<https://www.wdt.edu/assets/docs/uploads/about/policies/4018.pdf>
 - 4018.Procedure - Student ADA/Section 504
<https://www.wdt.edu/assets/docs/uploads/about/policies/4018procedure001.pdf>

Service Animals

Service Animals are addressed in WDTC Policy 4013 – Service Animals.

<https://www.wdt.edu/assets/docs/uploads/about/policies/4013.pdf>

Emotional Support Animals

Emotional Support Animals are addressed in WDTC Policy 4017 – Emotional Support Animals.

<https://www.wdt.edu/assets/docs/uploads/about/policies/4017.pdf>

WDTC Housing may request to have an emotional support animal removed from the property if Policy 4017 and the provisions in the Handler Responsibilities Form are not being followed. The terms include, but are not limited to, proper cleanliness, noise level, and overnight restrictions.

Temporary Medical Conditions

Students experiencing short-term or temporary changes in their medical, functional or mobility status are advised to meet with the Disability Services Office. Temporary disability accessibility and accommodations will be discussed to determine if WDTC can meet your needs.

A temporary medical condition may not legally qualify as a disability. Therefore, it may not be covered either under the ADA of 1990 or under Section 504 of the Rehabilitation Act. It is possible that students experiencing temporary medical conditions will not qualify for legally mandated accommodations.

Timeframes for Alternative Format Requests

If your accommodations require alternative formats of textbooks or materials, please make your request as soon as possible at the start of the new semester or, better yet, before the semester starts to help ensure you have the resources you need when needed.

Students will be required to show proof of purchase prior to any request for alternative textbooks granted. The accommodation notice includes usage guidelines for alternate textbooks. Students that violate this agreement could face a WDTC Code of Conduct.

Audio Recording of Lectures

If an accommodation allows for audio recording of lectures, the student will be required to sign an audio recording agreement with the Disability Services Office. In some cases, faculty may allow any student to record lectures at their discretion, confirm with your faculty regarding their classroom policy. Students are responsible to purchase their own audio recording devices.

Student Success Center – Testing and Reading Services

The Student Success Center may be asked by faculty to assist with specific accommodations³ such as extended test time, distraction free testing, and reading of tests. Students are required to discuss arrangements with faculty before scheduling with the Student Success Center. Student Success Center support personnel will coordinate all details regarding the test with the faculty member to promote test security.

If a student has an accommodation that requires support personnel in the Student Success Center, the student must schedule with the Center a minimum of 5-working days in advance. The student may stop in the Center, call 605.718.2955, or email StudentSuccessCenter@wdt.edu to schedule. The Center cannot guarantee that we will be able to implement the accommodation the date/time a student requests even if the request is made at least 5-working days in advance – flexibility in scheduling may be needed if requested by support personnel.

The day of the event, students need to be prepared to show a photo ID if asked.

³ The Student Success Center is only available to proctor accommodated tests.

Section Five: Resources

Campus Resources

WDTC Disability Services

Email: DisabilityServices@wdt.edu

Local Resources

Communication Services for the Deaf

Website: <https://www.csd.org/> and <https://sddrop.org/>

Phone: 605.394.6864

DakotaLink

Website: <https://www.dakotalink.net/>

Phone: 605.394.6742

Transition Services Liaison Project – Western Region

Website: www.tslp.org

West River Mental Health

Website: <http://www.bmscares.org>

Phone: 605.343.7262

South Dakota Resources

Disability Rights South Dakota

Website: <https://drsdlaw.org/>

Phone: 800.658.4782

South Dakota Department of Human Services Division of Rehabilitation Services

Website: <https://dhs.sd.gov/en/rehabilitation-services>

Phone: 605.773.3195

South Dakota Regional Office

Kansas City Office

Office for Civil Rights

U. S. Department of Education

Phone: 816.268.0550

TDD: 800.877.8339

Email: OCR.KansasCity@ed.gov

Address: One Petticoat Lane

1010 Walnut St., Third Floor, Suite 320

Kansas City, MO 64106

National Resources

Academic Software, Inc (ASI)

Website: <https://www.acsw.com/>

Americans with Disabilities Act

Website: www.ada.gov/

National Federation of the Blind

Website: <https://www.nfb.org/resources>