# Field Experiences/Placements: Due Diligence for Students with Disabilities

Modified by TMLS Consulting Inc

## Introduction

Section 504 of the Rehabilitation Act of 1973, includes a citation about the treatment of students with disabilities who participate in educational programs or activities not operated wholly by the university, and which are a part of their educational program.

It states, “that recipients (i.e. colleges or universities) shall assure itself that the other educational program or activity, as a whole, provides an equal opportunity for the participation of qualified persons with disabilities.”

This assurance/duty pertains to field experiences including practicums, internships, clinical rotations or other off-campus affiliated learning. In addition, other entities which offer field- based learning in conjunction with a college/university are also covered by federal and state regulations, i.e. such as Section 504 and Title I of the Americans with Disabilities Act.

## Recommended Best Practice Examples

There are many best practices that can be drawn from practitioners and from the resolution of complaints of discrimination filed by individuals with disabilities. These include:

* Building explicit processes for student disclosure, securing accommodations (how/when), and for determining accommodations that make sense in specific field experiences.
* Ensuring that placement site coordinators and supervisors understand the interactive process of determining accommodations, including input from Disability Services
* Ensuring that students understand the ‘essential skills and technical requirements’ expected of all students before going to a placement site.
* Building a process to determine accommodations for field-based learning that is individualized and that considers legitimate health and safety concerns.
* Educating placement site personnel about the mutual responsibilities of the college and the site, regarding non-discrimination and the provision of access and accommodations.
* Maintaining confidentiality regarding participants’ disabilities and accommodations
* Establishing a liaison person at each site. Planning check-ins with this person regarding the student’s progress.
* Reporting any concerns or problems with a student in placement, to the university liaison(s), which would include academic personnel and disability resources personnel.

The Student Accessibility Services (SAS) is interested in developing protocols and procedures with Brandman’s academic programs to ensure that students with disabilities will have an equitable experience in field placements. SAS is also interested in ensuring that the provision of accommodations and/or the mitigation of access barriers can be explored.

## Dual responsibilities and dual liability

There is dual responsibility when the placement is:

* A program of the college
* The site receives significant assistance from the college

There can be dual liability because the college and the site are covered entities regarding federal (and possibly state) legislation.

When a student alleges discrimination (unfair treatment, failure to provide approved accommodations) there should be an investigation and a timely attempt to resolve the matter. This would include:

Talking with the student and others at the site

Gathering evidence of actions (omission or commission)

Following up with each party

Reaching a conclusion

Documenting each parties involvement and actions taken

Corrective actions being taken, when appropriate

If discrimination is found, the college should consider:

Inducing the entity to act appropriately

Changing its relationship with this entity, if the recommended actions are not taken

When facilities barriers are a concern, ask “is there access in the experience as a whole”

Are alternate placements (comparable to the current location/opportunities) possible?

## Summaries of Three Complaints Resolved – Examples

### Griesinger v. University of Cincinnati (2016)

Student with a brain tumor, who’d had surgery & chemo in health careers. This resulted in her having a learning disability and memory impairment. She had used academic accommodations.

* She failed two clinicals – poor performance in essential recordkeeping & clinical skills
* She and parents asked for consideration of accommodations in this placement:
* The college turned down her requests
* The Office of Civil Rights found against the college because they did not engage in an interactive process to determine if accommodations were possible and reasonable.

### OCR Letter to Milligan College (2011)

Student with cerebral palsy was enrolled in a program like Early Childhood Education. Had speech and mobility impairments (used a wheelchair). The program had concerns about meeting the physical requirements of the role. The Dean told the student that the practicum was essential. The student was told that they should ‘visit the hospital so that the hospital could decide if you’re physically able.

* OCR found that the College had not done enough to establish that the practicum was essential nor to investigate whether an alternative experience would satisfy their requirement, despite the fact that the Dean and professor had reviewed the syllabus, the course description and had spoken to the Child Life Council. OCR declared this as an example of “process based noncompliance”.

### Christ v. University of Findlay (2018)

Nicole Christ was a student in Occupational Therapy who had anxiety, ADHD and possibly auditory processing deficits. She failed a clinical site placement and the College sought to dismiss her. She claimed her actions were due to a failure to accommodate her. Her requested accommodations were: to see no more than two patients at a time, extra time to chart and a quiet place to chart. A court prevented her dismissal. The college sought to dismiss her again when she, on three occasions, failed to meet traditional patient safety standards.

* The court stated that “her failure pertained to her ability to not be distracted and to stay focused on the patient’s well-being; not the timely production of documents.”
* Even though she had been successful in a previous placement, where she received accommodations, this did not prevail in the current circumstances.