

Would This Be a Fundamental Alteration? Practical Guidance For Working with Students and Faculty

Jamie Axelrod, Northern Arizona University

Adam Meyer, University of Central Florida

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Although some accommodation requests are fairly routine to consider, other requests could fundamentally alter the course, program, or activity, and therefore may not be an appropriate accommodation to implement. How can we make that determination and feel sure about our decision? This workshop will guide practitioners through scenarios that frequently arise in this work, including requests for remote attendance, extra time on skills-based or lab exams, and flexible deadlines. The presenters will provide a framework for consulting with faculty, eliciting necessary information from students and establishing a sound process for evaluating the request and when necessary, determining if it constitutes a fundamental alteration.

Our Purpose in Facilitating Accommodations

Nondiscrimination

- As stated in 504:
 - No otherwise qualified individual with a disability in the United States, as defined in section 705 (20) of this title, shall, solely by reason of his or her disability, be **excluded from the participation** in, be denied the benefits of, or be **subjected to discrimination** under any program or activity receiving Federal financial assistance
 - In its course examinations or other procedures for evaluating students' academic achievement, a recipient...shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills **as will best ensure that the results of the evaluation represents the student's achievement in the course**, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).

Equitable Access Means No Barriers

Disabled people experience equitable access when they are able to:

- Fully engage and participate in the same activities;
- Utilize the same information shared with everyone;
- Have the same opportunity to achieve;
- Have the same opportunity to enjoy the same campus services, benefits and experiences offered to a person without a disability.

Adapted from Section 504, 104.4 Discrimination Prohibited

Therefore, a barrier is...

Anything within the academic and/or campus environment that interferes with a student's ability to :

- Fully engage and participate in the same activities;
- Utilize the same information shared with everyone;
- Have the same opportunity to achieve;
- Enjoy the same campus services, benefits and experiences as a person without a disability.

DUE TO:

- The interaction of the student's disability with the activity or environment.

**Accommodations, when essential to facilitate,
should remove unnecessary academic or
environmental barriers**

Before we can discuss fundamental alteration...

Is this a student with a disability?

- Is there a substantial limitation in one or more major life activities?
 - Beyond a diagnosis
 - Condition, Manner or Duration analysis
- What are the functional limitations at the intersection of the environment?
- If there is no disability, there is no discrimination on the basis of disability

Is the requested accommodation logical, reasonable, and necessary due to disability?

- If the accommodation cannot be logically connected to the disability while reasonably removing academic barriers, it is likely not necessary.
 - Is the proposed accommodation necessary to ensure that any academic requirements or technical standards do not discriminate or have the effect of discriminating on the basis of the student's disability?
 - Is the proposed accommodation necessary to provide the student with a disability meaningful access or an equal opportunity to gain the same benefits as their non-disabled peers?
 - Is the proposed accommodation logically connected to the impacts of the student's disability and the barriers to access they experience in the academic and/or campus environment?
 - Is the proposed accommodation logically designed to address and remove the identified barrier to access?
 - If implemented, would the proposed accommodation be effective in removing the identified barrier to access?

Is the requested accommodation logical, reasonable, and necessary due to disability? (2)

- Accommodations remove academic barriers. The primary goal of accommodations should not be to...
 - Enhance academic success
 - Increase student comfort
 - Satisfy a student want without addressing an access need
 - Reduce academic standards and expectations
 - Release us from having to say “no”

Don't Bypass the Reasonable Accommodation Assessment Process

Samantha comes to your disability office to ask about waiving the presentation requirement for a Biology class because she does not like presenting in front of people due to her anxiety. Samantha said the professor is fine with it if your disability office is fine with it (which you later confirmed in an email with the professor).

Since the professor will explore an alternative option upon disability office approval, should this just be supported/approved?

Examples of Accommodations Disability Office Can Determine Unreasonable without Lengthy Analysis?

- Unproctored exams
- Waiver of essential academic standards
- Waiver of essential technical standards
- Waiver of compliance with code of conduct
- Study guides not provided to other students
- Prior access to exam questions not provided to other students
- Individualized instruction
- Provision of personal services

When Analyzing Fundamental Alteration

Fundamental Alteration Definition

A "fundamental alteration" is a change that is so significant it alters the essential nature of a course or a program of instruction.

- A major change in the nature of the program
- Lowering an academic standard
- Removing or waiving acquisition of a skill that is essential
- Removing or waiving acquisition of a skill that is directly related to the health and safety of others
- Removing or waiving requirements that are directly related to qualifying for that license
- Possibly the implementation of an accommodation that would deny nondisabled students an otherwise reasonable expectation just to accommodate a student with a disability. (Converting a weeklong trip into the Grand Canyon into a didactic presentation in a Geology course)

Resources to Gather Information

- Conversation with professor
- Conversation with department leaders and deans as necessary
- Course syllabus of course in question
- Possibly course syllabi of other sections of the same course
- Program/Degree Standards
- Course Catalog
- Accreditation standards
- Researching what is done on other campuses

Questions to Ask and to Assess

- How is the requirement or expectation communicated in program materials and/or course materials (usually the syllabus) through outcomes, learning objectives or other end goals?
- What are the unique qualities of the course that individual instructors believe are essential to teaching the course/program and/or assessing student learning and performance?
- Would a specific accommodation invalidate these requirements, reduce academic standards?
- Why was the specific academic standard (such as a presentation) chosen for the course? How does this align with the bigger picture learning objectives for the course or program?

Questions to Ask and to Assess (2)

- Has the program or professor ever made modifications to the standard, learning outcome, or expectations in other student situations? If yes, how is the current situation different?
- Is there another path to access in this situation? Can another accommodation be applied without hindering the standards or expectations?
- Is the requirement similar to other instructors in different sections of the same class? If not, why is the standard in one class different from the other course sections?
- Have other postsecondary institutions identified alternatives that achieve the objectives of the college without fundamentally altering requirements?

Scenarios

Student A

- **Recognized Disabilities**
 - Crohn's disease
 - Learning disability in reading
- **Functional Limitations**
 - Student experiences a Crohn's flare-up approximately once per 3 – 4 weeks
 - Reading speed slower than average; benefits from listening to content
 - Challenges with processing multiple-choice exam questions
- **Approved Accommodations:**
 - Flexible attendance (will likely miss 3 – 5 classes per semester due to Crohn's)
 - Time-and-half for exams
 - Text-to-Speech technology for use during exams
 - Texts in alternate format

Student B

- **Recognized Disabilities**

- Generalized anxiety
- Social phobia
- Autism

- **Functional Limitations**

- Student can be in the classroom but becomes emotionally distraught when working with other students for projects, labs, presentations, etc.
- Student cannot speak in public without vomiting, sweating profusely, and shaking
- Student does not like being in tight spaces surrounded by many people

- **Approved Accommodations:**

- Alternative to presentations
- Alternative to group projects

Student C

- **Recognized Disabilities**
 - Fine motor skill limitations in both hands
 - ADHD
- **Functional Limitations**
 - Student cannot grasp a pencil or similar objects
 - Student types very slowly
 - Can navigate computer (such as websites and research article searches) but slowly
 - Speech-to-Text is not effective; better to type slowly
 - Difficulty maintaining focus for extended moments of time
- **Approved Accommodations:**
 - Course note-taker
 - Double-time for exams
 - Speech-to-Text technology for exams
 - Texts in alternate format
 - Extra time for short turnaround assignments (3 or less days)

Student D

- **Recognized Disabilities**

- Severely compromised immune for the next 6 months while undergoing treatment

- **Functional Limitations**

- Student cannot interact with multiple people within enclosed spaces
- Student enrolled in an in-person cohort program. For the upcoming semester, 3 of the 4 required courses are only taught once every 3 semesters and are prerequisites for the following semester.

- **Approved Accommodations:**

- Remote attendance / participation for in-person classes

History 209- US History from The Revolution to Reconstruction

- **Course Design features**

- Didactic lecture in a large lecture hall which seats 150 students
- Course shell in LMS provides access to an electronic textbook which includes homework assignments (open for 7 days) and weekly quizzes (open for 24 hours).
- Class has a proctored midterm and final exam which include multiple choice, short answer and essay questions.

- **Course Policies**

- Class attendance is a requirement and students are permitted three absences. After the third absence students see a 5% grade reduction for each absence.
- Assignments turned in after the official deadline receive an immediate 10% penalty.

History 209- US History from The Revolution to Reconstruction (2)

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English 200- College Level Writing

- **Course Design features**

- Meets 4 times per week
- No timed assessments (exams or quizzes)
- Students complete 2 weekly writing assignments: 1 short paper based on a prompt provided on Monday and due on Thursday; 1 “workshop draft” each week that students have from Friday to Friday to complete.
- One class period each week is used to share workshop drafts with a small group and group members provide feedback to one another about their drafts. Each draft review builds on the previous one.

- **Course Policies**

- Students are permitted 4 absences and no more than 2 small group day absences. After 4 absences, students receive a failing grade.
- Late assignments are not accepted.

English 200- College Level Writing (2)

- **Course Design features**

- Meets 4 times per week
- No timed assessments (exams or quizzes)
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English 200- College Level Writing (4)

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Chemistry 181L-General Chemistry 1 Lab

- **Course Design features**

- Performance of basic chemistry experiments in a wet lab setting
- Class has three facilitated lab quizzes and lab based final exam which involves demonstrating lab skills at multiple stations.
- Lab sessions meet once a week for 90 minutes. Students work with a lab partner.
- Students submit a lab notebook and lab report for each experiment completed. The lab report and notebook are due one week after the lab meeting.

- **Course Policies**

- Class attendance is a requirement and students are permitted to miss two lab sessions. After the second absence students see a full letter grade reduction for each absence.
- Assignments turned in after the official deadline receive a 10% penalty.

- **Note**

- There are 85 sections of lab scheduled each week
- The last week of the semester is reserved for students to complete “make-up” labs.

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Math 122- Quantitative Analysis

- **Course Design features**

- Meets in-person 3 times per week and students are required to complete an additional 50 min. per week in person at the “Open Math Lab” at their convenience (with lab open from 7am to 11pm during the week).
- There are weekly quizzes and homework assignments delivered through an online platform. They open Saturday at 7am.
- There are three exams and a final exam which are taken in person during a scheduled class period.
- There are 4 random “notebook checks” during in person class time over the course of the term.

- **Course Policies**

- Students are permitted 3 absences
- Weekly homework assignments and quizzes are due by 11:59 p.m. on Friday each week. Homework and quizzes may be submitted late with the ability to earn 75% credit.

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