# White Paper: Course Policy Accommodations – Guidance for Understanding and Implementing complex accommodations

***TMLS Consulting Inc. Tom L. Thompson, Principal Consultant, April 2021***

## Background

### What is included in Course Policy Accommodations?

These include accommodations (academic adjustments) that modify existing procedures or practices in a course or program. The modifications requested must NOT compromise:

* Course learning objectives
* Essential skills that are to be demonstrated
* Technical standards that are established for a program or course

The accommodations requested could modify non-essential elements or practices within a course or program. The accommodations requested could also enable a student to demonstrate mastery or knowledge in an alternative manner, as long as this method doesn’t compromise the essential elements or skills required.

The process of determining if a student is granted a course policy accommodation has two parts: first, *is the student eligible* to have this accommodation and second, *will the accommodation being considered become a “fundamental alteration” or an “undue burden*”. The answer to this second part of the process could limit or eliminate the use of this accommodation.

Examples of Course Policy Accommodations include:

*Most commonly, these are* -

* Excused absences
* Extensions of assignment deadlines
* Rescheduling of an exam date

*Less common, these requests could include* -

* Use of a “memory aid” while taking an exam
* Use of a calculator during a math exam
* Participation in an online course asynchronously versus in-person

### Who meets the qualifications for this accommodation? Is the student eligible?

For the common Course Policy Accommodations, these would include students who have a chronic physical and/or mental condition (disability) with brief, periodic flare-ups that legitimately impact course attendance or completing assignments when due (*language from University of Central Florida*). This accommodation is not intended to cover a large number of missed course activities. It is also not intended to cover personal circumstances that occur which interfere with attendance, exam dates or assignment deadlines.

The second step for approving the use of these accommodations is to consider, *a review of the course’s structure: learning objectives, group projects, use of lab or other equipment, field-based learning,* etc. Faculty or Academic Affairs input will be important to determine whether absences, missed exams/labs, late assignments would be considered a “fundamental alteration” or an “undue burden (administratively)”. This is the more difficult part to implement. Strategies for implementation will be covered later.

### Why do some students need more flexibility in using this accommodation?

First, it is important to clarify that some students may request more flexibility than what is approved, but the reasons for considering additional flexibility are related to:

* A student with a more severe condition or frequent incidences of flare-ups
* Considering whether additional flexibility is a “fundamental alteration or undue burden” for a particular course
* Discussing whether this request is a point of no return, i.e. unable to complete the required work and shifting to other options: medical withdrawal, taking an incomplete, planning to use a reduced course load in the future, etc.

Adverse personal circumstances could also be a reason for a student requesting more flexibility, but these may not be disability or health related.

## Determining Course Policy Accommodations – Processes and Guidelines

### Who should be involved in establishing the parameters/limits of these accommodations? Could there be a baseline (limit), i.e. how many absences or make-up exams; how many late assignments?

Some colleges use an “Agreement Form” to gather input from faculty. Faculty (or an Academic Affairs designee) may be asked to:

* Discuss and set the scope/limit of absences, number of make-up exams missed, number of late assignments turned into the faculty.
* Adhere to a baseline set of numbers developed by the Disability Resources Office

A key consideration is who should be involved in the setting/adjusting of limits on the use of these accommodations. There are three key people involved: the student, the faculty (or an Academic Affairs rep) and the Disability Resources Office.

Consider:

* If these accommodations are approved, does their implementation automatically apply to all of a student’s courses?
  + No, because each course must be evaluated as to whether these accommodations are a fundamental alteration or an undue burden
* Is it okay to tell a student to discuss this and work it out with their faculty?
  + No, because the Office of Civil Rights has determined that this could be detrimental to the student (power differential is too great), who might acquiesce to a faculty member’s decision.
* Since faculty or Academic Affairs input on whether a course policy accommodation is a “fundamental alteration or undue burden” is important, how can a Disability Resources Office design a collaborative process that:
  + Is easy to understand and complete
  + Results in a timely response (student is not kept waiting too long to use this accommodation
  + Ensures that the faculty or Academic Affairs input is based upon an analysis of the course/program – learning objectives, technical standards or essential skills to be demonstrated, classroom participation/interactions that are graded, etc.
* If a college/university establishes a limit to the use of these accommodations or has an existing baseline limit, can it be adjusted further?
  + Yes, the baseline is just a starting point and it could be adjusted up or down or eliminated altogether, if the proposed accommodations are determined to be a “fundamental alteration or undue burden”. Such adjustments are the responsibility of someone in Academic Affairs.
* How can the determination be made about whether absences, rescheduled exams and/or extensions of assignment deadlines is reasonable? Also, how can a university ensure that this determination is made in a timely manner? [*This becomes more important when course terms are short, i.e. two universities that teach predominantly online have respectively, a five week and an eight week term*.]
  + Input is vital from Academic Affairs who consider whether such accommodations significantly alter or negatively impact:
    - Course learning objectives
    - Level of participation expected in the course including group work
    - Use of specialized equipment, i.e. lab classes
    - Pose a direct threat to health and safety
    - Skills that must be demonstrated or course/program technical standards
  + DS personnel can facilitate this process of determination and provide consultation or guidance.
  + Developing processes to get faculty input:
    - Some universities are using an “Agreement Form” that requires input from the faculty and the student. DS develops this form and consults with Academic Affairs to determine who will complete it and to set an agreed upon turnaround time. Faculty set the limits. All three parties sign the completed form: faculty, DS and the student.
    - An alternate process is for DS to establish a “baseline or starting” limit to these accommodations (attendance, rescheduled exams, extensions of deadlines), then sending this information, with an Agreement Form, to faculty or an Academic Affairs representative to review and sign or to suggest new limits, along with a brief explanation about their decision.
    - If there is a dispute about the limits, a DS rep would consult with the faculty or Academic Affairs rep. If the accommodation is denied, students can file an appeal for reconsideration.

## Regarding Students – Guidelines about usage, communication and limits

### How would students qualify to receive this accommodation?

This accommodation is considered when a student has a *chronic physical or mental condition which include brief, unpredictable flare-ups that legitimately impact course attendance and/or assignment deadlines.* This accommodation, when granted, is designed to build in a limited amount of flexibility for attendance, missed exam dates and assignment deadlines. It is not designed to support many absences, missed test dates or assignment deadlines. It is also not designed to cover absences, missed exams or assignments which are for personal reasons.

Students who experience a severe, lengthy loss of functioning can discuss other alternatives or accommodations which may be of assistance, such as taking a medical withdrawal or an incomplete (if most of the work is completed), or considering a reduced course load in a future term.

### What do students, who have this accommodation, do when they experience a “flare-up”? What are your responsibilities in using these accommodations?

* 1. Students should *discuss this accommodation with faculty before they need to use it* (early in the course). It may not apply in all their classes.
  2. Students need to understand that this accommodation is *only to be used for the disability/medical/health reasons on file* with the DS office, not for a cold, a seasonal flu, etc.
  3. Students need to check with the DS office to *verify that faculty (or an Academic Affairs rep) signed off on the Agreement form*.
  4. *Communicate with your professor*(s) for *each occurrence* (flare-up), *as soon as you know* you will miss attending, taking an exam or a deadline. Be sure you have a way(s) to reach your professors: email, phone.
  5. Students need to understand that this *accommodation has limits* – can’t be used for every course session, exam or assignment deadline.
  6. Good time and project management skills are important for all students. *Take your current functioning into consideration* when you are planning how to complete all of your course work.

## Regarding Faculty – Guidelines about facilitating, limits and responding to students

### What is a “fundamental alteration” or an “undue burden” and how do they relate to ‘course policy accommodations’?

“Fundamental alterations or undue burdens” are legal terms or paradigms that can establish a limit on the use of a particular accommodation in a particular course. *Changes in a course or program’s structure cannot alter the essential purpose* (learning objectives) *of the course or program, or technical standards*, nor can the implementation of an accommodation impose a significant burden (much more than inconvenience or a change in routines) on a university.

### How are limits on the application of these course policy accommodations established? Who sets the limits?

The faculty member who is teaching a course or an Academic Affairs designee (Course Developer, Dean or Associate Dean, etc.) *reviews the course/program’s learning objectives, manner of learning, types of expected participation, required demonstration of skills, use of specialized equipment/labs, professional standards,* etc. to determine if absences, missed exams or assignment deadline extensions are reasonable. Limits on the use/frequency of these accommodations can be set by the faculty or Academic Affairs designee.

### How does the Disability Services office assist faculty or Academic Affairs with facilitating the use of these accommodations?

Disability Services professionals should provide consultation and collaboration with Academic Affairs representatives. This could include explaining how course/program-based limits can be established for these accommodations – through a deliberative review of the course/program (will these accommodations significantly alter the course/program’s purposes?). DS can also play an important role in facilitating the processes for making this determination – providing faculty with an Agreement Form, ensuring students, DS and faculty/Academic Affairs reps know their roles and responsibilities, and establishing a review guideline for the timely return of the form. [NOTE: *significant delays in a student using approved accommodations can be a basis for a grievance*.]

### What happens if a student exceeds the agreed upon limits for using these accommodations?

DS and Academic Affairs can agree upon and establish a “baseline” limit on the use of these accommodations, i.e. “x” absences, “y” rescheduled exams and “z” extended deadlines for assignments. This baseline could be adjusted up or down based upon the review of the course/program (which would be based upon a “fundamental alteration or undue burden” determination). If a student exceeds the limits set at the beginning of this process, DS personnel could meet with the student about their current functioning and then discuss options with the faculty. This could result in a slight increase in the use of the accommodation, or no increase. If there is no increase, DS personnel would discuss other options (medical withdrawal, incomplete, etc.) or accommodations with the student.

## Guidelines and Forms - Determining and Implementing Course Policy Accommodations

### What guidelines are helpful and to whom are they addressed?

Students, faculty/Academic Affairs and Disability Resources staff need a clear understanding of their roles and responsibilities for facilitating these accommodations (including adjusting the baseline limits, when necessary, i.e. because of a “fundamental alteration or undue burden”. Timeliness of the response is vital, particularly in colleges that have shorter course terms, i.e. 8 weeks or 5 weeks long versus the traditional 15-16 weeks. [Sample Agreement forms were created with this White Paper]

***Students*** need to understand that these accommodations are limited and not intended to cover every circumstance. Students also must notify faculty (email or another agreed upon method) as soon as they will miss a course session, exam or assignment date. Faculty will *want to reschedule exams as close as possible to the original d*ate. Students are *responsible for the content and information shared when they are ab*sent and should discuss with Disability Resources how to access this information. Students who *miss an assignment deadline, cannot ask for lengthy extensions* (the due dates are known from the beginning of the semester – in the syllabus).

***Faculty/Academic Affairs*** needs to provide input, by *completing an Agreement Form about the course and sending it* *to Disability Resources*. The form covers: learning objectives, group work, use of specialized equipment, methods of learning and of assessment, etc. to ensure that these accommodations are not a “fundamental alteration or an undue burden”. Disability Resources will confirm receipt of the Agreement Form and then inform the student that:

* Their accommodations are approved with the baseline limits
* Their accommodations were approved with different baseline limits
* Their accommodations were not approved and that Disability Resources would discuss other accommodations and supports with them

The ***timely return for the Agreement Form is vital***, especially if the university has a shortened course term, i.e. 5 weeks or 8 weeks long. If a student’s approved accommodations are delayed and negatively affect their access/progress in a course, this could be a “failure to accommodate grievance” and could result in an Office of Civil Rights investigation.

***Disability Resources*** need to create an Agreement Form that includes *clear guidance* for **faculty** about the *course information needed* and for **students** about *how to utilize these accommodations:* related to attendance/absences, assignment deadlines and rescheduling of exams/tests. Students also need to *understand their notification responsibilities to faculty*, when they want to use these accommodations and that these accommodations have a limit.

### Why is there a baseline/limit for these accommodations and how is it determined?

A baseline/limit for these accommodations is established because this is not an ‘unlimited accommodation’ in terms of usage. Since these accommodations could constitute a “fundamental alteration or an undue burden” for a particular course, they cannot be unlimited and the baseline could be altered after the course is reviewed. Secondly, baselines already exist for another common accommodation, extended time on exams: usually set at 1.5X or 2.0X. When this accommodation was first utilized, it was not empirically based. Secondly, there are instances, though rare, where students are granted longer than 2.0X or double time.

### Can the baseline limits be altered and under what circumstances?

Yes, this is possible. It depends on one of two circumstances. First a *student with a chronic condition, that is severe and that is currently impacting their health in unpredictable ways*, could petition Disability Resources for additional flexibility – beyond the baseline limits. DR would review the student’s current health, prognosis and the time left in the semester to finish the required work and could consult with the professor/Academic Affairs. A decision would be made, requiring faculty support, to extend the limits or to explore other options open to this student. Second, a *faculty/Academic Affairs member reviewing a course’s essential requirements could determine that the current baseline limits are NOT acceptable and would recommend lower limits*.

### How can baseline limits be determined?

Below is a brief explanation of setting a limit for different course elements, including:

* Attendance – Participation – Absences
  + To set a baseline limit consider how long are the course terms. Many universities/colleges have a 15–16 week term, but others have shorter terms, i.e. 5–8 weeks. The term length affects the total number of class sessions.
  + For a 15-16 week term, consider 3-4 absences. For an 8 week term, consider 2-3 absences. For a 5 week term, consider 1- 2 absences.
  + Courses with *significant student or group participation*, should have lower limits.
* Assignment Deadlines – Extensions of Deadlines
  + Students have responsibility to plan in advance for projects/assignments identified in the course syllabus and to consider how/when they will use their accommodation of a deadline extension. This *accommodation is NOT intended to cover all assignment deadlines*.
  + The baseline limits for this accommodation should relate to the number of assignments in a course and the length of the course term.
  + In many courses, assignments will be interspersed in the syllabus with exams or quizzes.
  + For longer term courses, consider 2-3 extended deadlines. For shorter term courses, consider 1 – 2 extended deadlines.
* Missed Exams – Rescheduled Exams
  + Students should *be aware that instructors will want to reschedule missed exams as soon as possible*. This is important as it informs the instructor of how each student is doing in their course. Also, since exams are often returned to students and/or discussed in future course sessions, it is vital to reschedule a missed exam as soon as possible.
  + **Note**: many students will use other accommodations when taking exams, such as extended time or alternate formats of the exam. The Disability Resources office would therefore be a part of planning a rescheduled exam, after the faculty member has set a new date with the student.
  + For the reasons noted above (release of completed exams to students and the need to set up test accommodations), this accommodation could be more limited.
  + For courses with longer terms, consider 2-3 rescheduled exams. For courses with shorter terms, consider 1 – 2 rescheduled exams.

### Summary: there are two basic steps in the process of approving Course Policy Accommodations (and/or other accommodations) for a student with a disability.

* 1. **Step One**: Disability Resources determines whether a student is eligible to use these accommodations. This is determined when a student:
     1. Self discloses to Disability Resources – completes an application for accommodations
     2. Provides medical and psychological documentation obtained directly from their providers and/or has providers complete Disability Verification Forms provided by the college/university.
     3. Participates in an interactive, deliberative interview with a Disability Specialist. The Specialist focuses on how the individual’s disability(s) impacts their daily functioning in an academic environment. They also discuss with the student, what their major/program and current courses will require of them (the environments where they learn and how their learning is evaluated/assessed).
  2. **Step Two**: Disability Resources sends an Agreement Form to the faculty member (or a designated Academic Affairs representative), who provides information about the course requirements and input about the baseline limits