

Academic Adjustments (Accommodations) and Course Requirements Process for Determining – Fundamental Alteration or Undue Burden

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Background

Some academic adjustments (accommodations) that are approved by personnel in the Disability Resources department could pose a “fundamental alteration” or an “undue burden” of a course/program’s key elements (learning objectives, demonstration of requisite skills, satisfying technical standards which are part of the acceptance process), so Colleges must develop a collaborative process for making a determination.

The Office of Civil Rights (OCR), in Settlement Agreements, has defined some parameters and procedures to consider as a part of the Interactive Process – to determine whether a recommended academic adjustment is reasonable. These include:

1. A group (panel) of knowledgeable faculty and/or academic affairs reps and a Disability Resources rep should participate in the decision making. The group should be trained about their responsibilities.
2. They should consider a wide range of ‘qualification questions’ regarding the course elements, asking – “is this essential”? Is there a way to overcome this barrier, i.e. provide a different academic adjustment? The course syllabus and course outline can be valuable tools in the process.
3. The process must be individualized – consider this student in this course. *Example: a student requested using a ‘formula sheet’ during a Math exam and the department chair said this was unreasonable, but a trained group had not reached this decision so OCR ruled the College failed in their duty.*
4. Due diligence must be exercised in each decision.
5. Sample questions faculty/academic affairs could consider are listed below.

Procedures

- **Disability Resources**
 - The OAS department determines whether a student is ‘eligible’ for a particular accommodation, i.e. an academic adjustment such as extended time for turning in assignments, leniency with attendance, offering digital access to a course, etc.
 - The OAS department also provides guidelines (developed by them and reviewed/approved by Academic Affairs, Legal Counsel) for the decision making and participates in the panel review of the requested adjustment, for a particular course.
 - The OAS department informs the student about the process and notifies them of its outcome, verbally and in writing.
 - If the academic adjustment is denied, the OAS rep assists in discussing other alternatives with the faculty and the student.

- **Faculty/Academic Affairs**

- A panel for the review of a requested academic adjustment convenes as needed and in a timely manner, to make a determination.
- The panel considers key elements of entry standards, course objectives and the means of assessing learning, including answering sample questions such as:
 - Is attendance in person necessary and integral to the course: How and Why?
 - Do students work in groups? What types of assignments or work are they doing?
 - Are there core competencies that students demonstrate during class?
 - Do students work in a specialized environment, i.e. with lab equipment or specialized tools (as in Chemistry or Auto Mechanics)?
 - Can students demonstrate acquired skills in various ways, with or without an accommodation?
 - Would remote participation be a barrier to learning or demonstrating competency? How? In What Way?
 - Are there field assignments embedded in this course, study and work done off campus?

The goal of these questions is to determine critical elements of a course/program and to consider whether they are essential or non-essential. Customary practices or individual person's decisions will not meet the standard for proper determination.