

HOUSTON COMMUNITY COLLEGE

College Success for Students with Different Abilities

HCC ADA Council

2009

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Although every effort has been made to create an accessible book and workshop materials, there may still be some inconsistencies. This is a work-in-progress (WIP).

Please let us know if you require an alternative format.

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Statement of Purpose of CTLE ADA Workshop

Within the United States, about one out of every five persons reports having a disability (LaPlante, 1995). Postsecondary education represents a microcosm of the greater society with over 10% of students reporting a disability (U.S. Department of Education, 1999). Add to this returning Afghanistan and Iraq veterans with special needs attending college to pursue their education. The purpose of this course is to provide a framework for understanding various educational principles and practices related to the Americans with Disabilities Act and how they impact and foster the success of HCC students with differing abilities; in addition to how faculty can support and promote successful student outcomes. Developed and facilitated by Donna Price and the ADA Council.

Course Objectives of this ADA Workshop

1. Increase your knowledge of disability legislation as it relates to postsecondary education.
2. Review accommodation procedures for students with disabilities.
3. Increase your knowledge with regard to best instructional practices with students with differing abilities.
4. Identify and understand principles of Universal Design and how to incorporate it into your classroom instruction.
5. Gain practical strategies in dealing with difficult student behaviors.
6. Increase your understanding of various disabilities and how they impact the learning process.
7. Recognize the impact of returning Iraq and Afghanistan veterans and how to meet their special needs inside the classroom and within the campus community.
8. Provide an overview of available adaptive equipment and technology.
9. Introduce participants to the VAST program and demonstrate how it serves students with more severe cognitive deficits.
10. Identify disability-related resources located at Houston Community College and elsewhere.

Introduction

FACULTY:

Have you ever received an accommodation letter from a student and wondered what you should do? What are YOUR obligations and responsibilities as a faculty member and instructor? What if you have absolutely no idea how to teach this student? What if you have a student in your class who doesn't have a letter but is behaving in a very disruptive or bizarre manner? What can you do to get help?

ADMINISTRATORS:

As a dean/administrator, what are your responsibilities to your faculty and to the students to make buildings, instructional materials, and facilities accessible? Is there money in your budget for compliance? What is your responsibility to the individual student? What about safety, security, and confidentiality/privacy rights? Do you know where to turn?

Why do HCCS Employees need to know about Disability Law?

The Houston Community College System is experiencing a greatly increased enrollment of students with disabilities. Both Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA) places obligations on institutions of higher education to provide academic adjustments to enable students with disabilities to access all college programs. Access means much more than removal of architectural barriers. Colleges and universities receiving federal financial assistance must not discriminate in the recruitment, admission, or treatment of students. Students with documented disabilities may request modifications, accommodations, or auxiliary aids which will enable them to participate in and benefit from all post-secondary educational programs and activities. Post-secondary institutions must make such changes to ensure that their programs and activities are accessible, to the greatest extent possible, to all students with disabilities who meet enrollment requirements.

What is the Americans With Disabilities Act?

The Americans With Disabilities Act (ADA), (Public Law 101-336) passed in 1990, protects the civil rights of people who have disabilities. Under ADA a disability is defined as a physical or mental disability which substantially limits a major life activity.

The law is intended to enable individuals with disabilities to attend college on an equal basis with all other students. Colleges and universities cannot refuse to accept an otherwise qualified person simply because of a disability. If the person

with a disability meets established entry criteria, then the college must ensure the student has an equal opportunity to attend and participate in "all" college courses and programs for which e/she qualifies. This means providing "reasonable accommodations" on a case by case basis.

Quotes:

"I congratulate President Obama for taking some time today to remember the 19th anniversary of the Americans with Disabilities Act. There is no place in our society for prejudice of any kind, yet it was not that long ago when Americans with disabilities were often not given equal rights and opportunities. Whether the cause was ignorance or indifference, it was not acceptable. We can all take pride in how much the ADA has accomplished, which is evident every time you attend a sporting event, ride the subway, or go to work. Yet, there is always more to be done, which is why it's good not only to celebrate our successes, but to look forward at what still must be done. As long as we never forget that every life is a miracle and each person has something to contribute, we will finish the job." - **Statement from Former President George H.W. Bush on the Anniversary of the Americans with Disabilities Act - July 24 2009.**

"I am only one, but still I am one.
I can not do everything, but still I can do something.
And because I can not do everything, I will not refuse to do something I can do." - **Helen Keller**

"Not only do physically disabled people have experiences which are not available to the able-bodied, they are in a better position to transcend cultural mythologies about the body, because they cannot do things the able-bodied feel they must do in order to be happy, 'normal,' and sane....If disabled people were truly heard, an explosion of knowledge of the human body and psyche would take place." - **Susan Wendell**

"For me, the wheelchair symbolizes disability in a way a cane does not." - **Annette Funicello**

"Disability is a matter of perception. If you can do just one thing well, you're needed by someone." - **Martina Navratilova**

"Congress acknowledged that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment." - **William J. Brennan, Jr.**

"It is a lonely existence to be a child with a disability which no-one can see or understand, you exasperate your teachers, you disappoint your parents, and worst of all you know that you are not just stupid." - **Susan Hampshire**

"It was ability that mattered, not disability, which is a word I'm not crazy about using." - **Marlee Matlin**

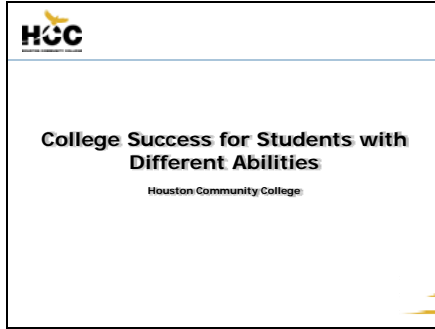
"The problems of deafness are deeper and more complex, if not more important, than those of blindness. Deafness is a much worse misfortune. For it means the loss of the most vital stimulus--the sound of the voice that brings language, sets thoughts astir and keeps us in the intellectual company of man." - **Helen Keller**

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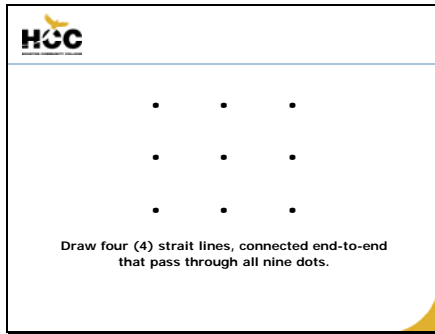
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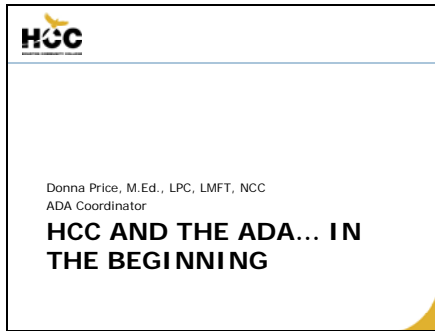
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HCC HCC and the ADA

In the beginning –there was the LAW

- Section 504 of the Rehabilitation Act of 1973—Civil rights legislation intended to prevent discrimination against individuals with disabilities
- ADA Act of 1990 – implemented Section 504—Applied to all colleges and universities receiving any type of federal financial assistance



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HCC HCC and the ADA (cont.)

Houston Community College responded:

- Project SOAR—Dr. Weldon Elbert, David Cross
- Central College President Dr. James Engle receives Texas Governor’s Award for People with Disabilities
- Model Programs –Dennis Heller, Dr. Maya Durnovo, Dr. Martin Houg, Donna Price
- HCC ADA Transition Program –Dr. Pat Williamson
- VAST & Office Occupations – Sue Moraska


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HCC HCC and the ADA (cont.)

The Law changes with court rulings: HCC becomes confused -

- ADA Amendments Act (ADAAA) becomes law January 1, 2009
- HCC back on track under new stars: Dr. Mary Spangler, Dr. Cheryl Sterling, and Dr. Art Tyler with guidance of HCC District ADA Council
- HCC focus changes from law to
 - attitudes
 - inclusion
 - student success


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Kim Ingram, M.A, CRC
ADA Counselor, HCC Northeast

COMPARISONS OF IDEA, SECTION 504 & ADA

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Requirements of the Law

IDEA: Individuals with Disabilities Education Act
– Provides a free, appropriate public education in a least restrictive environment.

Section 504-Rehabilitation Act
– Requires any agency, school or institution receiving federal assistance to provide persons with disabilities an opportunity to be mainstream.

ADA: Americans with Disabilities Act
– Extends coverage of section 504 to employment, public & private educational institutions, transportation providers & telecommunications regardless of the presence of any federal funding.

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Requirements of the Law

Who is Covered (IDEA):
Students that require special education services ages 3-21 or until graduation.

Who is Covered (504 & ADA)
Protects all persons with a disability from discrimination in a educational setting.


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 Requirements of the Law

Services Provided (IDEA)
– Offers educational services that are remedial in addition to services available to all mainstream students.

Services Provided (504 & ADA)
– Eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population.


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 Requirements of the Law

Funding (IDEA)
– Schools receive federal funding to provide remedial services.

Funding (504 & ADA)
– Schools must provide accommodations but they do not receive any additional financial support for support services.


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 Requirements of the Law

Evaluation/Documentation: IDEA
– School district is responsible for identifying and evaluating students with disabilities.
– Evaluations are performed at no expense to the student/parent.
– Parents must consent to evaluations and placement decisions.

Evaluation/Documentation: ADA
– Students **must** self-identify as having a disability and must provide adequate documentation of the disability.
– Evaluation/Documentation of disability are student's responsibility and expense.
– Student has responsibility for advocacy of accommodation plans.

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Requirements of the Law

Advocacy

<ul style="list-style-type: none"> - Student: Acts as a self-advocate with faculty and staff regarding access to college learning and activities. - DSSO: Counsels student on self advocacy skills. 	<ul style="list-style-type: none"> - Instructor: Meets with the student to discuss accessibility needs. <p>If an agreement cannot be reached, the instructor meets with the ADA Counselor & Student to reach a resolution.</p>
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DSSO: Disabled Student Services Office

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Requirements of the Law

IEP/Accommodations: IDEA & 504

- Individual Education Plan (IEP) is developed with parents, instructors and other specialists involved.

IEP/Accommodations: ADA

- Accommodation plan developed with student & ADA Counselor on campus.


Classroom Placement: IEP

- Placement must be in the least restrictive environment; may be special classrooms, resource or regular classroom.

Classroom Placement: ADA

- All courses are mainstream with accommodations.


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Mahnaz Kolaini, LPC
ADA Counselor, HCC Northwest

ADA AMENDMENTS ACT OF 2008 (ADAAA)


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ADA Amendments Act Of 2008 (ADAAA)

On September 25, 2008, the President signed the Americans with Disabilities Act Amendments Act of 2008 ("ADA Amendments Act" or "Act"). The Act makes important changes to the definition of the term "disability" by rejecting the holdings in several Supreme Court decisions and portions of EEOC's ADA regulations. The Act retains the ADA's basic definition of "disability" as an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. However, it changes the way that these statutory terms should be interpreted in several ways.

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ADA Amendments Act Of 2008 (ADAAA) (cont.)

Most significantly, the Act:

- directs EEOC to revise that portion of its regulations defining the term "substantially limits";
- expands the definition of "major life activities" by including two non-exhaustive lists:
 - the first list includes many activities that the EEOC has recognized (e.g., walking) as well as activities that EEOC has not specifically recognized (e.g., reading, bending, and communicating);
 - the second list includes major bodily functions (e.g., "functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions);
- states that mitigating measures other than "ordinary eyeglasses or contact lenses" shall not be considered in assessing whether an individual has a disability";

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ADA Amendments Act Of 2008 (ADAAA) (cont.)

- clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active;
- provides that an individual subjected to an action prohibited by the ADA (e.g., failure to hire) because of an actual or perceived impairment will meet the "regarded as" definition of disability, unless the impairment is transitory and minor;
- provides that individuals covered only under the "regarded as" prong are not entitled to reasonable accommodation; and
- emphasizes that the definition of "disability" should be interpreted broadly.
- EEOC will be evaluating the impact of these changes on its enforcement guidance's and other publications addressing the ADA.
- The ADA Amendments Act is effective as of January 1, 2009.

<http://www.dol.gov/eisa/efccp/regs/compliance/faq/ADAfaq.htm>
<http://www.ada.gov/>


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Dr. Raj K. Gupta, ADA Counselor - HCC Coleman
&
Jette Lott, ADA Counselor - HCC Southeast

**STEPS TO RECEIVE DISABILITY
SUPPORT SERVICES (DSS)
ACCOMMODATIONS**


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STEPS TO RECEIVE ACCOMMODATIONS

- Schedule an appointment with your ADA counselor.
- Bring your Comprehensive Individual Assessment, ARD, and/or comprehensive Medical/Psychological evaluation with you to your scheduled appointment.
- Your ADA Counselor will review your documentation and determine which accommodations are granted.
- Accommodations are granted on a semester-by-semester basis. You must visit with an ADA counselor each semester to obtain a current accommodations letter.
- Read DSS Student Handbook posted on HCCS web page: www.hccs.edu.
- Self-identify to the disability support service office at the college they attend.


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Student Responsibilities

- If the student chooses not to self-identify to the designated office, the college is not obligated to provide accommodations.
- Provide documentation of a qualifying disability in order to access support services.
- Request accommodations early to allow time to obtain appropriate documentation and prepare a letter for reasonable accommodations.
- Inform the assigned counselor if accommodations are not adequate, need to be adjusted, or are not being provided in accordance with the letter for reasonable accommodations.


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Process & Procedures

- Fill out forms for the disability support service office
 - Participant profile - intake form
 - Support services checklist
 - Information release form
- Participate in an in-take interview to determine eligibility for services.
- If no documentation is available the counselor will refer the student out (DARS, Mental Health, Mental Retardation Services of Harris County, the Neuhaus Learning Center, and others).
- The college is not required to test for disabilities and does not provide this service.


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Donna Price, M.Ed., LPC, LMFT, NCC
District ADA Coordinator

**ACCOMMODATING STUDENTS
WITH PSYCHIATRIC
DISABILITIES**

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What is Mental Illness?

Mental illness is a term that refers collectively to all diagnosable mental disorders causing severe disturbances in thinking, feeling, relating and functional behaviors. These disorders result in substantially diminished capacity for coping with the ordinary demands of life.

Postsecondary Students with Psychiatric Disabilities

More than 400,000 students enrolled in U.S. postsecondary institutions report having a mental illness or emotional disturbance.
(National Center for Education Statistics, 1999)

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HCC ACCOMMODATION

Accommodation is: on THE REMOVAL OF BARRIERS to PARTICIPATION	The Emphasis is: on ACCESS NOT on outcome
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HCC Reasonable Accommodations


- Laws Requiring Reasonable Accommodations
 - 1973 Rehabilitation Act, Section 504
 - 1990 Americans with Disabilities Act

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HCC Symptoms of a Mental Health Problem

- Chronically missing class
- Assignments consistently late
- Extreme highs or lows in mood, anxieties
- Problem concentrating, remembering
- Marked personality change
- Confused or disorganized thinking
- Thinking or talking about suicide
- Denial of obvious problems


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Major Depression

- Mood disorder
- Depressed mood over long period
- Lack of pleasure in activities
- Thoughts of suicide
- Sleep and appetite changes
- Low self esteem
- Feeling guilty and/or worthless


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Bipolar Affective Disorder

- Previously Manic Depressive Disorder
- Mood disorder
- Revolving periods of mania and depression
- Either grandiose, euphoric, highly productive/creative, or depressed, withdrawn, hopeless


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Post Traumatic Stress Disorder

- Anxiety Disorder
- Exposure to traumatic event
- Flashbacks
- Dissociations


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Schizophrenia

- Thought Disorder
- Delusions, hallucinations, paranoia
- Difficulty with daily functional tasks
- Poor interpersonal relationships
- Concrete thought processing
- Need for structured routine


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Anxiety Disorders

- Generalized Anxiety Disorder
 - Excessive worry in general
- Obsessive-Compulsive Disorder
 - Consuming fixation and ritualistic behaviors
- Panic Disorder
 - Overwhelming physiological event
- Social Phobias
 - Incapacitating fear of social interactions
- Specific Phobias
 - Intense fear of specific object, event


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 **HCC**
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Medication Side Effects


- Drowsiness
- Fatigue
- Excessive thirst
- Blurred vision
- Hand tremors
- Initiating Interpersonal contact

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 **Functional Limitations**


- Screening out environmental Stimuli
- Sustaining concentration
- Maintaining stamina
- Handling time pressures and multi-tasks
- Interacting with others
- Fear of authority figures
- Responding to negative feedback
- Responding to change
- Severe test anxiety

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 **Strategies for Inclusion in College**


- Teach to various learning styles--visual, auditory, kinesthetic
- Increase experiential learning activities
- Increase knowledge and acceptance of mental illness
- Be prepared to set behavioral limits
- Know campus mental health resources
- Work cooperatively with students
- Assist students with time management

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 **Principles of Accommodation**

- Address individual needs
- Respect student's desire for confidentiality
- Engage in joint problem solving
- Make all accommodations voluntary
- Review accommodations periodically
- Be flexible in enforcing policies
- Identify accommodations clearly


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Accommodations are NOT Reasonable if they...

- Pose a direct threat to the health or safety of others
- Make substantial changes in essential elements of the curriculum
- Require substantial alteration to educational opportunities/course objectives
- Pose undue financial or administrative burden


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Possible Classroom Accommodations

- Preferential seating, near door
- Assigned classmate as assistant
- Beverages permitted
- Prearranged or frequent breaks
- Tape recorder, note taker
- Early availability of syllabus, text
- Text, assignments in alternate formats
- Personal and private feedback


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Possible Examination Accommodations


- Change in test format:
 - written to oral and vice-versa
 - dictation
 - scripted
 - typed
- Permit use of computer software
- Exams in alternate format
 - portfolio
 - demo
- Extended test taking time
- Individual proctoring
- Separate, quiet room for testing
- Increased test frequency

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 **Possible Assignment Accommodations**

- Substitute assignments in specific circumstances
- Advance notice of assignments
- Allow assignments hand written
- Written rather than oral, or vice versa
- Change format:
 - drama
 - role-play
 - sculpture
- Assignment assistance -- ASK!
- Extensions on assignments


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 **Common Myths**

Myths

- Students with disabilities have lower IQ's than non-disabled students.
- Students with disabilities rarely complete a course.
- Students with disabilities are helpless.
- Students with disabilities have an unfair advantage when provided accommodations.
- Students with disabilities


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 **Laddle Rat Rotten...**

A COGNITIVE EXERCISE

1. Pair up
2. Have 1 person read the text while the other person listens. **DO NOT** try to analyze what you are hearing or reading. **Just read and listen.**
3. Switch, listener is now reading to the first person.
4. Discuss with facilitators.


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Dr. Becky Hauri, ADA Counselor – HCC Southwest

STUDENTS WITH LEARNING DISABILITIES


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Some characteristics of Students with Learning Disabilities

- Difficulty with one or more areas in reading, writing, math, oral language
- Reading slow-paced, skips word or sentences.
- Writing grammatically and spelling errors, writes slowly, poor penmanship, inconsistent punctuation errors
- Math-reverse numbers, confuse symbols (+ for X)
- Oral Language-pronouncing words, expressing ideas, poor comprehension when reading aloud


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Some characteristics of Students with Learning Disabilities

- Inconsistent (understanding content one day and not remember the next)
- Difficulty processing information
- Memory deficits
 - long term or short term
 - auditory memory
- Contrast in strengths and weaknesses
 - learn well by listening
 - extreme difficulty with reading
 - possess great oral skills
 - spell or write poorly




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Andrea Guerrero, Interpreter Coordinator
&
Martha Scribner, ADA Counselor - HCC Central
**SERVICES TO STUDENTS WHO ARE
DEAF OR HARD OF HEARING**


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 **Services to Students who are Deaf
and Hard of Hearing**


- Interpreting vs. CART
 - Who uses an Interpreter
 - Who uses CART
 - Increase in demand for CART. (veterans, seniors, etc.)
- How are Interpreter/CART services requested, when, by whom
- Specialized Classes and On-Line Orientation

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PepNet
**WORKING WITH DEAF AND
HARD OF HEARING STUDENTS
IN THE CLASSROOM**


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**TIPS FOR WORKING WITH DEAF AND
HARD OF HEARING STUDENTS IN THE CLASSROOM**

- Investigate accommodations and/or modifications each student requires. Students with hearing loss vary in what they can or cannot hear, their individual learning styles, and their educational preferences and abilities! Some students may benefit from having a "buddy" or note taker.
- Deaf and hard of hearing students will usually require seating at the front of the classroom, near to and facing the instructor, to make optimum use of visual cues.
- **Face the student** when using a blackboard and visual aids, even when wearing a microphone for a student's assistive listening device. Turning your back does not allow for lip reading cues. Speak clearly at a normal (moderate) rate.
- **Speak in a natural tone of voice.** Face the student with a hearing loss directly. Direct eye contact is important whenever possible, and is a good reminder that the exchange is between you and the deaf or hard of hearing student.


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**TIPS FOR WORKING WITH DEAF AND
HARD OF HEARING STUDENTS IN THE CLASSROOM**

- Also ensure that lighting is adequate and that speakers are alerted to **potential distractions such as gum chewing and hand placement that may interfere with lip reading.**
- Visual Aids should be used whenever possible. Use the board, maps, charts, illustrations, and captioned movies. The connection between illustrations and text is very important. A student with hearing loss does not have the ability to learn vocabulary and concepts vicariously, but the student may have mental picture of a concept without knowing the vocabulary.
- **When showing slides or videos, provide an outline or summary of the materials to be covered in advance to the student.** Please provide captioned programs whenever they are available. During video and slide showings, be careful not to speak over sound portions even if the student is using an assistive listening device.


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TIPS FOR THE CLASSROOM (cont.)


- Please **repeat questions from others in the classroom** before answering, except when the student indicates the ability to see/comprehend each participant, as in round table discussions when speakers face one another.
- Beware of giving procedural information while handing out exams, papers, etc. Make sure that instructions/information are clearly understood by the student after handouts are viewed.
- Emphasize important information such as assignments or schedule changes by writing details on the chalkboard and providing written handouts.
- Make sure the student understands. Do not accept a nod or smile as an indication of understanding. Ask the student content questions rather than yes/no questions. Be aware of vocabulary limitations or difficulties with English idioms. Check to make sure major points and assignments are understood.

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 **TIPS FOR THE CLASSROOM** (cont.)

- Include the student with hearing loss in all class experiences. Include the student in conversations and encourage the student to join in group activities.
- Assist the student in understanding words with multiple meaning, figurative language or English idioms. Hard-of-Hearing students typically show about a 2-year lag in vocabulary development and deaf students demonstrate a 4-to 5-year lag.
- Keep in close communication with qualified specialists on the student's team, especially the Itinerant teacher for the deaf/hard of hearing. The student may not yet have developed skills to advocate for himself/herself in a general education setting.


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 **Mainstreaming the Student who is Deaf or Hard of Hearing - Preferential Seating**

Both noise and lighting impact a D/HH student's ability to hear and receive information visually. Please consider the following when assigning student seating:

- Seat the student with his/her back towards the light source (typically a window or open door) since it is difficult to speechread or see other visual clues when looking into the light.
- If a student has a "better" ear seat him/her with his/her better ear towards the teacher.
- During group activities, encourage the student to watch the faces of the other students when they speak. Semi-circle seating is especially helpful to a D/HH student.
- Seat the student near the front of the classroom with good visual access to the teacher. Sitting off to one side also allows greater access to the majority of students in the room during class discussions.


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 **Classroom Tips for Working with the Deaf and Hard of Hearing Students - Improving Communication**

Many D/HH students rely on speechreading to obtain information from a speaker's facial expressions to supplement their auditory input. Here are some ideas for a number of common-sense accommodations the teacher can do to improve both auditory and visual communication:


- Speak naturally at normal volume. Exaggeration and over emphasis of speech will hinder the student's ability to speechread and auditorily process language.
- Get the attention of the student before addressing him/her (call the student's name or tap his/her shoulder).
- Make sure the speaker's face is visible to the student, trim large mustaches, avoid covering the mouth or chewing on pencils, etc.
- Do not talk while walking around the room or turn towards the white board while giving instructions. (An overhead projector can be effective teaching tool if the fan noise doesn't overwhelm the D/HH student).

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 **Classroom Tips for Working with the Deaf and Hard of Hearing Students - Improving Communication** (cont...)

- Since D/HH students have difficulty following conversations that move around the room, identify who is speaking and repeat peer comments during class discussions. Repeat any announcements given over the PA system.
- Restate rather than simply repeat information when the student is having difficulty understanding after one repetition.
- On the white board, write instructions and information such as new vocabulary words, assignments, announcements, simple outlines for the lesson, and key words or phrases as the lesson progresses.

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 **COMMON QUESTIONS for Instructors Who Work With Students Who Have Interpreting Services**

Q: Do I have to change my teaching methods now that I have a student in my class who is deaf/hard of hearing?

A: Not much. Students who are deaf or hard of hearing have access to the same information as the hearing students: through the interpreter, their notes if they have a notetaker, and their meetings with the Itinerant Teacher of the Deaf. It is helpful for the student to have things presented visually whenever possible (i.e.: overhead transparencies, maps, diagrams, etc...)

- For those students who benefit from lipreading, it is helpful when you face the class while talking. Some students do choose to use their residual hearing (whatever hearing they do have) as well as use the interpreter. These students will be looking back and forth between you and the interpreter.

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 **COMMON QUESTIONS for Instructors Who Work With Students Who Have Interpreting Services**

Q: Do I have to change my teaching methods now that I have a student in my class who is deaf/hard of hearing?

A: Not much...

- The student may wear an FM amplification system which allows him/her to hear you more clearly in a classroom situation. This would require you to wear a small unit with a microphone.
- Be aware that there is often lag time between the time you ask a question and the time the student receives it, causing his/her response to be delayed. When asking a question of the whole class, it would be helpful to wait a few seconds before you call on anyone to give the student a chance to "receive" the entire question from the interpreter.


Slide 58

 COMMON QUESTIONS for Instructors Who Work With Students Who Have Interpreting Services

Q: Do the other students in the classroom need to know anything special about the student who is deaf or hard of hearing?

A: Feel free to introduce the interpreter and student to the class since the other students will wonder what they are doing there. Feel free to discuss anything else the class might be curious about, such as an FM system and don't hesitate to ask the interpreter for input.

Slide 59


 COMMON QUESTIONS for Instructors Who Work With Students Who Have Interpreting Services

Q: What is the interpreter's role in the classroom?

A: The interpreter is there to facilitate communication between the student and his/her teacher, and between the student and his/her classmates.

- The interpreter will sign everything that is spoken, as well as extraneous sounds and voices, to give the student access to the same information that the other students in the classroom receive from hearing.
- If the student does not speak clearly enough to be understood, the interpreter will say what the student is signing.
- The interpreter is not there to make judgments about what takes place in the classroom, but is there to relay information in an impartial manner.

Slide 60


 COMMON QUESTIONS for Instructors Who Work With Students Who Have Interpreting Services

Q: Does the interpreter need me to do anything special?

A: The interpreter will need a copy of the textbooks and all handouts. Being prepared to interpret is important. You can help the interpreter prepare by offering him/her materials such as movies and videotapes ahead of time whenever possible. It is also helpful when you can give advance notice of field trips, guest speakers, presenters, or other special events.

- Any time you are able to access videotapes or TV shows with closed captioning you will need a closed caption decoder. Closed captioning allows the student to watch the screen and "see" the audio at the same time instead of having to glance back and forth between the screen and the interpreter. The interpreter or Teacher of the Deaf can help you with this.

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COMMON QUESTIONS for Instructors Who Work With Students Who Have Interpreting Services

Q: Does the interpreter need me to do anything special?

- It is often difficult to hear responses from students in the class. It would be less difficult to interpret if you would encourage the class to respond loudly and clearly.
- Many interpreters like to sit down while interpreting. A comfortable chair would be helpful. Unfortunately upper extremity disorders are common in the profession.
- The interpreter may move around the room at times depending on how you are teaching your lesson.
- Please be sure to include a note about the interpreter in your substitute information.


Slide 62



Sue Moraska, Associate Chair VAST

V.A.S.T. - DEPT. OF OCCUPATIONAL LIFE SKILLS
(*VOCATIONAL ADVANCEMENT AND SOCIAL SKILLS TRAINING*)

Slide 63



V.A.S.T. Dept. of Occupational Life Skills
(*Vocational Advancement and Social Skills Training*)

Programs for "differently abled" students with a broad-range of ability levels.

```

graph TD
    A["CEU  
Life Skills  
Job Readiness  
CE-Enrichment"] --- B["Office Skills  
Certificate  
Internships  
SCH"]
    B --- C["Pre-College Skills  
Academic  
Study Skills  
Career Planning  
SCH  
Like Developmental"]
  
```

Slide 64

HCC Purpose

VAST provides educational training opportunities to "differently abled" individuals with a broad-range of ability levels that helps to further their:

- vocational
- social skills
- independent living
- employment goals

Pre-College Skills courses are offered to help students transition to:

- "credit"
- certificates
- programs

Slide 65

HCC Benefits

- Provide Career Exploration & Job Readiness
- Enhance Basic Academic and Computer Skills
- Develop Pre-College Skills to prepare for "credit" courses and certificates.
- Provide Life-long Learning and Enrichment




Slide 66

HCC Courses Offered

<ul style="list-style-type: none"> • Life Skills • Academic Skills • Career Vocational • Computer Technology • Independent Living • Health & Fitness 	<ul style="list-style-type: none"> • Social Skills • Pre-College Skills • SCH Bridge Courses <ul style="list-style-type: none"> • GUST 0339 Intro to Reading • POFI 1104 Computer Applic. • Job Readiness
--	--

Slide 67



OFFICE SKILLS TRAINING PROGRAM: Purpose


This program offers customized training to students with disabilities in the Office Occupation Area. Students complete 8 courses, and an internship. Upon successful completion students are trained for entry level positions in areas such as:

- Office assistants, Receptionist.
- Data entry
- Filing Clerks
- Mail Center clerks

• Upon successful completion of the 8 courses, students are placed at a 10 week internship site in an office setting, either on campus or in the business community.

• Student interns also attend a weekly job readiness course to gain skills in interviewing, resumes, and how to begin their job search

Slide 68




Charlene Kinsey, Professor of Government and Economics & Toni Rao-Delgado, Manager of Operations HCC TV

UNIVERSAL DESIGN FOR INSTRUCTION (UDI)

"Teaching Every Student in the Digital Age"

Slide 69



Universal Design for Instruction (UDI)
"Teaching Every Student in the Digital Age"

Who is every student?

- High achieving students
- Students with average intelligence
- Students from different cultural backgrounds
- Students with different learning styles
- Students who may or may not be computer "savvy"
- Students whose first language is different than the language taught in the course
- At-risk students
 - Students with different socio-economic backgrounds
 - Students with varying degrees of physical abilities/disabilities
 - Students with varying degrees of learning abilities/disabilities

Students WITH and WITHOUT Accommodation Letters "Every Student"

Slide 70

HCC Universal Design for Instruction (UDI)
"Teaching Every Student in the Digital Age"

Year 2000

- Experienced and new faculty challenged with **41%** of new community college students who were under-prepared for college
(Students required to take remedial/developmental courses)
(Community College Review, 2005)

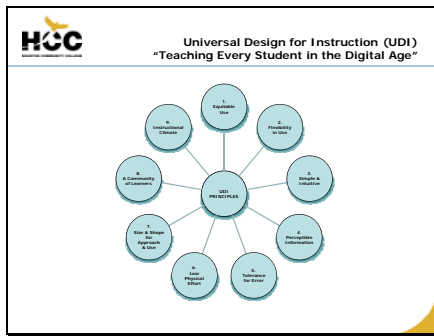
Year 2006

- Experienced and new faculty challenged with **70+%** of new community college students who were under-prepared for college
(Students required to take remedial/developmental courses)
(The Chronicle of Higher Education, 2006)

Year 2009

- Student percentage increasing

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HCC Universal Design for Instruction (UDI)
"Teaching Every Student in the Digital Age"

Recent Research:
Perceptions of community college faculty concerning implementation of UDI

- They became more aware and felt more sensitive to the diverse needs of the community college student of today and learned to anticipate students' needs
- They naturally tended to teach the way they learn best or the way they were taught, but the UDI concept opened the door to fresh ideas
- They engaged students (and looked at the student perspective) and made their subject matter relevant to the students to support and encourage student success
- They emphasized accessibility of material for all students through websites, easy to follow handouts, Internet communication, faculty office hours, college provided tutors, diversified teaching strategies and other means


Slide 73

 **Universal Design for Instruction (UDI)**
"Teaching Every Student in the Digital Age"

Recent Research:
Perceptions of community college faculty concerning implementation of UDI

- They wanted to participate in more collaborative faculty sessions to share ideas that incorporate the UDI concept of teaching and learning
- They appreciated learning about new technology to help more students learn better
- They understood the difference between "inclusion" and "accommodation"
- They learned better ways to communicate with students and encourage teamwork
- They learned to teach "how to learn" to students and helped students with time management for better student success


Slide 74

 **Universal Design for Instruction (UDI)**
"Teaching Every Student in the Digital Age"

Create an exercise and demonstrate how to teach at least five (5) different students at the same time how to

- Bake a cake
- Change a tire

Slide 75




John London, ADA Technician, HCCS Central
&
Norma Jean Brand, ADA Technician, HCCS NW

ASSISTIVE TECHNOLOGY

Slide 76

HCC JAWS for Windows


- The most popular screen reader worldwide works with your PC to provide access to today's software applications and the Internet.
- With its internal software speech synthesizer and the computer's sound card, information from the screen is read aloud, providing technology to access a wide variety of information, education and job related applications.
- JAWS also outputs to refreshable Braille displays, providing unmatched Braille support of any screen reader on the market.



Slide 77

HCC Wynn Wizard/Reader


- **WYNN Wizard** - is a scanning and reading software. It includes optical character recognition (OCR), the ability to scan printed pages and convert them into electronic text. Speech synthesis enables this scanned text to be read aloud.
- Additionally, WYNN Wizard can read word processing documents, Adobe Acrobat PDF files, text files, and the Internet.
- **WYNN Reader** - includes all features of WYNN Wizard except OCR, or scanning capability. Additionally, files that have been previously scanned and saved using WYNN Wizard can be read with WYNN Reader.



Slide 78

HCC ZoomText Magnifier/Reader

The world's best magnification and reading software for the vision impaired. Whether you're surfing the web, creating a document or mailing your friends, ZoomText lets you see, hear and use all of your applications easier than ever.



Slide 79

HCC Dragon NaturallySpeaking: Speech-to-Text Technology

Who Benefits from using Dragon NaturallySpeaking?

<p>Student Driven:</p> <ul style="list-style-type: none"> • Students with physical difficulties that prevent them from using the keyboard or mouse • Students with learning differences who experience difficulties getting their thoughts down on paper. • Dictation represents an easier alternative, even to typing, as it prevents the student from getting "bogged down" with spelling or losing their train of thought. 	<p>Faculty Driven:</p> <ul style="list-style-type: none"> • Repetitive Strain Injuries • Other physical difficulties • Learning differences • Dictate lecture notes! • Upload to <ul style="list-style-type: none"> • Learning Web • Blackboard • Reviewing assignments and providing dictated feedback • Podcasting! Got transcript? Captioning? • ESL? Guided Studies?
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Slide 80

HCC Using Dragon NaturallySpeaking:

- Student/Faculty dictate written work.
- Dragon always spells words it recognizes correctly.
- Student/Faculty can program in unique words from different subject areas.
- Student/Faculty can copy and paste text into Microsoft Word for editing.
- Dragon NaturallySpeaking also offers speech output capabilities so that student/faculty can have text read aloud to them.
- The system works with most popular screen readers, such as JAWS, helping visually impaired students to work more effectively.
- Installed on a laptop computer, speech recognition can be used by student/faculty at home as well as in multiple classroom locations throughout the school day.

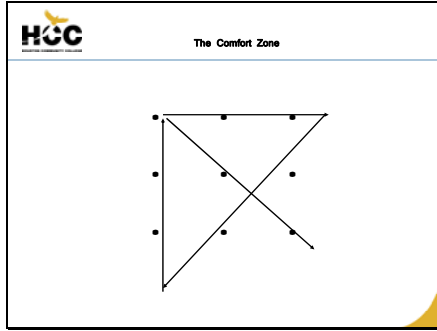



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HCC Other Assistive Technologies:

 <p>Keyboard, over/low keyboard</p>	 <p>CCTV video magnifier for low vision</p>	 <p>Onscreen keyboard low vision, mobility, cognitive, many users</p>
 <p>Hearing Aided Dog</p>	 <p>Different size/style chair mobility, other users</p>	 <p>Qip ASL video phone</p>
 <p>Braille notetaker: Blind, low vision</p>	 <p>Livescribe pen: mobility, cognitive, many users</p>	 <p>Sight Guide Dog</p>

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Slide 83


HCC
The Comfort Zone

Q & A

Discussion

Supplemental Information


Slide 128



Norma Jean Brand, ATAC, ADA Technician

SECTION 508

Slide 129



So What is Section 508?

In 1998, Congress took a major step in responding to the problem encountered by many people with disabilities, specifically,


- accessibility to technology (software/hardware),
- the World Wide Web and other technology based opportunities including **DE classes** or as it is commonly know, the **e-learning** dilemma.

This includes all learning materials disseminated through

- **the web,**
- **CD/DVD/VHS** or
- **non-print** based mediums

must conform to 504/508 standards.

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More on Section 508

Both Section 508 of the Rehabilitation Act of 1973 and the accompanying standards are key steps toward making electronic and information technology (EIT) and e-learning non-print based mediums must accessible to people with disabilities. Affected agencies include all

- federal,
- state and
- local governments and agencies which receive federal funding e.g., colleges, universities, research facilities, etc.

Since the amendment, industry has responded quickly and permeates the marketplace at all levels of electronic and information technology.


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Application of Section 508

- Applies to the various ways information is disseminated, including
 - computers,
 - software and
 - electronic office equipment
- Applies to the Federal , State and Public pages on the
 - Internet or
 - World Wide Web and
 - web-based e-learning
- Applies to any program using electronic and information technology (EIT) if they are procured after June 21, 2001.


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Application of 504 & 508 to Technology as a Whole

- Any electronic or information technology which is available to the general population (students in this case) must be made accessible.
- Students with disabilities cannot be discriminated against on the basis of their disability.
- Students must self-disclose and request accommodations/modifications or they cannot be provided.
- It's federal, state and civil law.

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More on 504/508

In Sept, 1996, the Civil Rights Division of the Department of Justice issues an opinion statement which directly addressed the issue of web accessibility. "States and governments as well as places of public accommodations are required to . . . provide effective communication whether they are generally communicated through

- print media,
- audio media or
- computerized media such as the Internet.

(<http://www.dlr.state.tx.us/standards/crrpub11-accessibility.htm>)

Slide 134

 **Texas Administrative Code 206.2**
Applications to Higher Ed

- Web pages published/hosted by public/state entities should be accessible.
- On request, information containing academic information should be accessible.
- UT Austin wrote the guidelines for TAC 206.2 and cites this as evidence that they comply with Section 508


http://info.sos.state.tx.us/pls/pub/readtacSext.TacPage?sl=R&app=9&_dir=&p_loc=&p_tloc=&p_ploc=&pg=1&p_tac=&t=1&pt=10&ch=206&ri=2

http://info.sos.state.tx.us/pls/pub/readtacSext.TacPage?sl=R&app=9&_dir=&p_loc=&p_tloc=&p_ploc=&pg=1&p_tac=&t=1&pt=10&ch=206&ri=70


Slide 135

 **W3C Initiatives**

- The World Wide Web Consortium (W3C) has invested considerable resources and created various initiatives to ensure accessibility to all uses.
- Accessibility to electronic information is imperative for individuals with disabilities to be competitive in the areas of
 - employment,
 - education and
 - learning.




Slide 136

 **Implementations of 504/508 to E-Learning Environments**

- All students must have access to information provided through graphics, audio, video and image bits.
- On-line materials available in text form
- Frames vs no-frames (decision of the instructor)
- Tables -must have transcript(s) or summary/descriptions
- Audio – must have transcript(s)
- Video – must have transcript(s)
- Graphics – must have transcript(s)
- Charts, graphs – must have transcript(s) or summary/descriptions


Slide 137



Accommodations in Higher Education

- Must be requested by the student
- Must be based on documentation provided by the student.
 - Physician's,
 - psychologist, psychiatrics,
 - ISDs,
 - State Agencies (TRC, State Hospitals, etc.)
- Must be requested on a semester by semester basis
- Are designed to equalize a student's performance in the classroom/on-line
- Must be person specific
- Must be reasonable

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Reasonable vs Unreasonable

- **Reasonable** accommodations are "as limitless as a willing imagination can conceive." *Galloway v. Superior Court of the District of Columbia*, 816 F.Supp. 12 (D.D.C. 1993).
- **Unreasonable**: The court would not be required to provide you with personal devices such as
 - wheelchairs
 - individually prescribed devices such as prescription eyeglasses
 - hearing aids
 - readers for personal use or study or
 - services of a personal nature such as help in eating, toileting, or dressing.

(28 Code of Federal Regulations, Section 35.135)


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Compliance vs Accessible

- If you are compliant within the guidelines of Sections 504/508, then in all probability you are accessible.
 - To be sure, test your site with a screen reader.
 - Offer transcripts of graphics/tables and/or audio used in your classes.
 - When in doubt, ASK!

Slide 140




In your classroom or online

EXAMPLES OF TYPICAL ACCOMMODATIONS

Including but not limited to...


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For Students Who Are Blind or Low Vision

- Extended time for tests and timed in-class and on-line activities and tests
- Access to a testing center and a computer/ printer for tests and in-class assignments
- Use of a Readers and Scribe
- Use of a CCTV
- Access to JAWS, ZoomText and WYNN software (screen readers)
- Preferential Seating in the classroom
- Use of a guide dog
- Copies of all over-heads
- Assistance of a note-taker
- Use of a tape recorder


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Blind or Low Vision: More Accommodations


- Access to large hand held calculators, large keyed keyboards
- Accessible versions of textbooks and supplemental readings must be provided. Options include
 - books on tape
 - Audio books (mp3s, etc.)
 - e-books
 - Braille text
 - and/or a reader
- Students may require
 - assistance (readers or scribes) during testing.
 - prefer oral exam
 - use talking calculators/spell checkers

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 **Blind or Low Vision: Problems**


- Assignments that involve visiting external sites (businesses, museums, etc.) may not be possible for some students due to transportation or accessibility issues.
- Malfunctioning adaptive technology may require extensions on assignments.
- **Websites may not be easily navigated using screen readers.**
- Screen reader and Braille software can only access electronic text.

Slide 144

 **Blind or Low Vision: More Problems**


- Screen reader/Braille software has its limitations, it cannot
 - read photos (PDFs not properly tagged are photos)
 - Drawings, graphics, tables, graphs or image maps
- Limited access to CCTV's if the student does not have access to HCCS resources
- May be dependent on a reader/scribe to assist in proctored testing (Testing Center scheduling, etc.)
- Chat rooms may pose a problem for students who are using adaptive hardware such as screen reading software

Slide 145

 **Student who are Color Blind**

- Access to black and white text
- Alternative forms to indicate direction, stress a point, etc. such as dots, underlining or italics.


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 **HCC**
Harris County Community College

Deaf or Hearing Impaired Students

- Audio content of a course requires transcripts of audio clips
- Closed captioning if/when available
- Interpreters, real-time captions, or telephone relay services for telephone or video conferences
- Extended time for tests and timed on-line assignments
- Access to spell check/grammar check for tests and essays
- Preferential seating in the classroom
- Assistance of a note taker in traditional classes


Slide 147

 **HCC**
Harris County Community College

Deaf or Hard of Hearing: Problems

- Deaf or hard of hearing students may present some, or all, of the characteristics below. Bear in mind that these characteristics are just as true for many college students as well:
- Lack of academic preparation
- Lack study skills
- Lack of transcripts for audio clips
- Lack employment skills/ career awareness
- Lack of self-advocacy skills
- Chat rooms may pose a problem if using voice-only


Slide 148

 **HCC**
Harris County Community College

Students with Mobility Issues


- Extended time for test and in-class assignments
- Access to scribes if the student is unable to write/type
- Frequent breaks during testing if fatigue is an issue
- Certain community based assignments may not be possible if the facility is not accessible.
- Transportation issues if they rely on MetroLift or other agency outside of metropolitan area (Katy, etc. outside of boundaries of MetroLift)
- Use of a microphone to use with adaptive software such as Dragon Naturally Speaking.
- KeyGuard™ for proctored tests.

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 **Mobility: Problems**


- Timed Tests/Proctored tests may need to be given in two/three sessions due to fatigue
- Malfunctioning software impacts the student's ability to test, participate in on-line activities
- Chat rooms may pose a problem for students who are using adaptive hardware such as a head mouse or adaptive equipment

Slide 150

 **Students with Cognitive or Learning Disabilities**


- May use alternative versions of textbooks and readings (books-on-tapes or e-books).
- May use a reader to complete assignments and exams.
- Proctored/timed tests may include extended time to complete exams
 - distraction-free testing areas,
 - oral instead of written exams,
 - assistance during exams (readers)
 - access to spell check, grammar check, calculator, or other tools.

Slide 151

 **Cognitive or Learning Disabilities: Problems**

- Problems understanding the website because
 - information is/appears cluttered
 - difficult vocabulary is used or content is/appears vague
 - the screen layout changes from one page to the next
 - the navigation scheme is complex
- Students may not be able to mark exam answers on a Scantron form for proctored tests.
- Malfunctioning adaptive technology may require flexible submission dates.


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Students with Psychiatric Disabilities

- May require extended time to process information
- Extended time for timed/proctored tests and on-line timed assignments
- Absences if the student requires frequent hospitalization
- May require frequent contact with instructor


Slide 153



Psychiatric: Problems

- Students may process information slower than other students
- Chat rooms may be overwhelming
- Problems understanding the website because
 - information is/appears cluttered
 - difficult vocabulary is used or content is/appears vague
 - the screen layout changes from one page to the next
 - the navigation scheme is complex or intuitive


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Generic Problems


- Websites using color to emphasize meaning, illustrate a point or indicate important information
- Side to side scrolling, graphic images and websites using multiple tables or require moving from area to area/page to page may be problematic.
- Frequent use of color may be problematic

Slide 155

 **Responsibilities of the College with respect to E-learning**


- Ensure that eligible students receive accommodations based on appropriate documentation on a case by case basis.
- We provide Interpreters as needed, access to adaptive equipment on a case by case basis for students who have access to HCCS resources.
- We provide access to appropriate software, hardware and other resources for students who have ready access to HCCS facilities.
- For students who do not have access to HCCS facilities, we still have a responsibility to ensure compliance and accessibility. The College does not provide personal software/hardware for students.
- We ensure confidentiality of all students.
- We ensure that essential requirements for courses are met.

Slide 156

 **Responsibilities of Instructors**

- Create accessible F2F, hybrid, DE classes and/or e-learning formats
- Notify all students regarding accommodations (syllabus)
- Ensure that applicable accommodations are provided once you receive the accommodations letter
- Date all materials provided to you by the student (e.g. accommodations letters)
- **ASK** questions when in doubt!

Slide 157

 **Responsibilities of Students**

- Request Accommodations on a semester by semester basis
- Provide instructors with accommodations letter at the beginning of the semester
- Communicate with instructor on issues relating to tests, problems, etc.
- Participate in the educational process
- Meet all deadlines set by instructors
- Access local resources provided by HCCS

What is Assistive Technology?

Four major concepts related to assistive technology (AT) and the delivery of AT services are presented.

The Impact of Environmental Demands

People with disabilities often experience difficulties coping with the demands that are placed upon them from the environment. For example, people with severe visual impairments may encounter problems in traveling from place to place. Those with hearing losses may have difficulty understanding information presented on television. Children with severe speech impairments may have difficulty communicating with others in school. Others with physical disabilities may be unable to control common appliances in their environment. Adults with severe learning disabilities may not be able to read printed materials required for them to perform their jobs.

It is possible to use a variety of devices and services to respond to needs such as the ones just described. Some devices help people with disabilities perform a given task. These often are called assistive devices. For example, a lap board with pictures on it may assist a person who cannot talk to communicate. Other devices change the environment or help the person to modify the environment. These are called adaptive devices. A switch that would allow control of different appliances from a wheelchair would be an example of an adaptive device. Another adaptive device is a ramp that could be used in place of steps for someone in a wheelchair.

The terms, **assistive device** and **adaptive device**, are frequently used as a single phrase when discussing the general topic. In reality, many people use them interchangeably. The evolving trend is to use the term, **assistive technology**, to encompass both types of devices, plus services associated with their use.

The Federal Definition-with Embellishments

The potent Wednesday, August 16, 2006f PL 100-407, the Technology-Related Assistance for Individuals with Disabilities Act. The definition of assistive technology that was included in PL 100-407 was modified slightly in the federal regulations for the Individuals with Disabilities Education Act (PL 101-476) to make the definition more applicable to children with disabilities:

Assistive technology means any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities.

--(Federal Register, August 19, 1991, p. 41272)

The federal regulations went on to state that an array of services also is included when considering applications of assistive technology. Such services include activities such as evaluation of a person's needs for assistive technology devices, purchasing or leasing assistive technology devices for people, designing and fabricating devices, coordinating services offered by those who provide assistive technology services, providing training or technical assistance to a person who uses assistive technology, and training and technical assistance to those who work with people who use assistive technology devices, such as teachers or employers.

To elaborate further on the definition:

Assistive technologies include mechanical, electronic, and microprocessor-based equipment, non-mechanical and non-electronic aids, specialized instructional materials, services, and strategies that people with disabilities can use either to (a) assist them in learning, (b) make the environment more accessible, (c) enable them to compete in the workplace, (d) enhance their independence, or (e) otherwise improve their quality of life. These may include commercially available or "home made" devices that are specially designed to meet the idiosyncratic needs of a particular individual.

--(Blackhurst & Lahm, 2000, p. 7)

The functional model that is being used to guide many of the National Assistive Technology? Research Institute activities addresses a number of areas of human function that people need to be able to perform in order to respond successfully to demands placed upon them from the environment. Assistive technology devices and services can be used to enhance those functions. A full description of the functional model can be accessed from the article, called [A Functional Approach to the Delivery of Assistive Technology Services](#), on the Assistive Technology Fundamentals Menu. When you review that information, note how the functional model relates to the definition of assistive technology provided in the federal regulations cited above, which specifically addresses the improvement of functional capabilities.

The Assistive Technology Continuum

When many people think of assistive technology, they think primarily about computers or sophisticated electronic devices. However, It is important to

realize that assistive technology applications can be viewed as a continuum that ranges from "high-tech" to "no-tech".

High Tech

High-tech devices incorporate sophisticated electronics or computers.

Medium Tech

Medium-tech devices are relatively complicated mechanical devices, such as wheelchairs.

Low Tech

Low-tech items are less sophisticated and can include devices such as adapted spoon handles, non-tipping drinking cups, and Velcro fasteners.

No Tech

No-tech solutions are those that make use of procedures, services, and existing conditions in the environment that do not involve the use of devices or equipment. These might include services such as physical therapy, occupational therapy or the services of other specialists.

An Example of Applying the Technology Continuum

In making decisions about the type of technology tools a particular person might require, a good approach is to start with the no-tech solutions and then work up the continuum, as needed. For example, in teaching a student with one arm to use a mixing bowl to prepare ingredients for cooking, it might be better for a home economics teacher to teach that student how to wedge the bowl into a drawer and hold it with a hip while stirring, rather than request the purchase of an expensive medium-tech electric mixer that is equipped to stabilize the mixing bowl while it is being operated.

Too often, when making technology decisions, there is a tendency to start at the upper end of the technology continuum when, in fact, it is better to start at a lower point. For example, when making decisions about a person whose handwriting is difficult to recognize, it is not uncommon to hear recommendations that a laptop computer should be provided that can be taken to various environments in which written products are required (cost: \$1,000 - \$4,500). In reality, an electronic keyboard with memory that can be downloaded into a desktop computer later in the day may be more appropriate (cost: less than \$250). Although the student in this example may eventually require a laptop computer, the electronic keyboard may be a better place to start. Additional information about assistive technologies, including devices and services that they encompass is provided by Blackhurst and Lahm (2000).

The Importance of Assistive Technology

One of the greatest potentials for the use of technology is in the education of children with disabilities. In one of the first published reports on the implications of technology in special education, Blackhurst (1965) speculated about ways that a variety of technological devices could be developed to enhance the learning and independence of students with a variety of disabilities. Devices such as computer assisted instruction, adjustable electronic magnification of text, touch sensitive response pads, specialized switches, and auditory displays were envisioned, among others.

Within the ensuing 15 years, many of those devices (and others) were developed, thus confirming those earlier speculations. As noted in their review of the history and status of technology, Blackhurst and Hofmeister (1980) concluded that applications of technology could have significant implications for special education. The early work in technology, particularly after the invention of the personal computer, often focused more directly on equipment and devices that were available and training programs concentrated primarily on how to operate them. Often, the emphasis was on computer programming and other technical considerations rather than on the best ways to integrate those devices into the lives of people with disabilities. Fortunately, this trend is changing. The functional model, mentioned earlier, helps to place assistive technology into its proper perspective (i.e., as an external support) that can be used to enhance the person's ability to function within the environment. While ability to use a technology device is still important, primary emphasis should be placed on arranging circumstances to enable the device to be used in the most effective and efficient manner.

Although the focus of technology applications appears to be changing, one thing seems clear: Most researchers and other authorities who are knowledgeable about technology (e.g., Behrmann, 1984, 1988; Blackhurst & Edyburn, 2000; Bowe, 1984; Church & Bender, 1989; Goldenberg, Russell, & Carter, 1984; Johnson, 1987; Lewis, 1993; Lindsey, 2000; Male, 1994) have concluded that technology has the potential for dramatically improving the quality of education and the quality of life for people with disabilities.

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Credits

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Comparison of the ADA (as construed by the courts) and the ADA, As Amended

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<http://www.acslaw.org/node/14142>

Each issue is followed by an explanation of how the ADA (as construed by the courts) views it, then as it is viewed under the ADA, As Amended by the ADA Amendments Act.

Issue - Scope of the Definition of Disability: In General

ADA (as construed by the courts)

The ADA defines a “disability,” in part, as a physical or mental impairment that substantially limits a major life activity of an individual. (This is the first prong of the definition of disability.)

In several cases, the Supreme Court has narrowly construed this definition in a way that has led lower courts to exclude a range of individuals from coverage, including individuals with diabetes, epilepsy, cancer, muscular dystrophy, and artificial limbs.

ADA, As Amended by the ADA Amendments Act

The ADAAA defines a “disability,” in part, as a physical or mental impairment that substantially limits a major life activity of an individual. (This is the first prong of the definition of disability.)

The ADAAA rejects the Supreme Court’s interpretation of “substantially limits” by providing a rule of construction stating that the term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADAAA.

Findings and purposes make clear that Congress intended to apply a less demanding standard than that applied by the courts, and to cover a broad range of individuals.

A rule of construction provides that the definition of disability shall be construed in favor of broad coverage of individuals, to the maximum extent permitted by the terms of the ADA.

Issue - Mitigating Measures

ADA (as construed by the courts)

One way in which the Supreme Court narrowed the group of people covered under the ADA was by ruling, in the case of *Sutton v. United Airlines*, that mitigating measures (such as medication or devices) were to be taken into account in determining whether a person was substantially limited in a major life activity. Thus, if medication or devices enabled a person with an impairment to function well, that person was often held by a court not to have a disability under the ADA – even if the impairment was the basis for discrimination.

ADA, As Amended by the ADA Amendments Act

The ADAAA provides that the ameliorative effects of mitigating measures should not be considered in determining whether an individual has an impairment that substantially limits a major life activity.

An exception is made for “ordinary eyeglasses or contact lenses,” which may be taken into account.

Issue - “Substantially Limits”

ADA (as construed by the courts)

The Court held in *Toyota Motor Mfg. of Kentucky v. Williams* that an impairment “substantially limits” a “major life activity” if it “prevents or severely restricts the individual” from performing the activity. 534 U.S. 184, 198 (2002).

ADA, As Amended by the ADA Amendments Act

The ADAAA requires that the term “substantially limits” be interpreted consistently with the findings and purposes of the Act. The findings of the Act state that the EEOC and the Supreme Court have incorrectly interpreted the term “substantially limits” to establish a greater degree of limitation than had been intended by Congress.

Issue - The “Major Life Activity” Requirement

ADA (as construed by the courts)

In the *Williams* case, the Supreme Court ruled that a “major life activity” must be an activity that is “of central importance to most people’s daily lives.” 534 U.S. 184

ADA, As Amended by the ADA Amendments Act

The ADAAA includes a non-exhaustive list of major life activities, such as seeing, hearing, eating, sleeping, walking, learning and concentrating. Major life

activities also include the operation of “major bodily functions,” such as the immune system, normal cell growth, and the endocrine system.

Issue - Episodic Conditions and Multiple Major Life Activities

ADA (as construed by the courts)

Some lower courts have held that individuals must be limited in more than one major life activity in order to have a disability under the law. Other courts have held that episodic or intermittent impairments, such as epilepsy or post-traumatic stress disorder, are not covered under the law.

ADA, As Amended by the ADA Amendments Act

The ADAAA makes clear that an impairment that substantially limits a major life activity need not also limit other major life activities in order to be considered a disability. In addition, the ADAAA clarifies that impairments that are episodic or in remission are considered disabilities if the impairment would substantially limit a major life activity when the condition is considered in its active state.

Issue - Regarded as Having a Disability

ADA (as construed by the courts)

In the third prong of the definition of disability, the ADA covers people with impairments who are “regarded as” disabled. In the *Sutton* case, the Supreme Court established a very high requirement for an individual to show that he or she is substantially limited in working – essentially requiring the individual to prove that the covered entity that engaged in the discrimination also believed that many other employers would have discriminated against that individual as well. More generally, lower courts have required individuals to show what was in a covered entity’s head in order to establish coverage under the “regarded as” prong.

ADA, As Amended by the ADA Amendments Act

The ADAAA provides that an individual can establish coverage under the “regarded as” prong by showing that he or she was subjected to an action prohibited by the ADA based on an actual or perceived impairment, regardless of whether the impairment limits a major life activity. This reinstates the approach of the Supreme Court in the 1987 case of *School Board of Nassau County v. Arline*, 480 U.S. 273. Transitory and minor impairments are excluded from this coverage, and employers and other covered entities under the ADA have **no duty** to provide a reasonable accommodation or modification to individuals who fall solely under the “regarded as” prong.

Issue - Findings and Narrow Construction

ADA (as construed by the courts)

In the *Sutton* case, the Supreme Court based its narrow reading of the definition of disability in the ADA partly on the ADA's findings that "some 43,000,000 Americans have one or more physical or mental disabilities" and that "individuals with disabilities are a discrete and insular minority." *Sutton*, 527 U.S. at 484; 527 U.S. at 494 (Ginsburg, J. concurring).

In the *Williams* case, the Court used the finding regarding 43 million Americans with disabilities to confirm its conclusion that the terms "substantially limits" and "major life activity" must be "interpreted strictly to create a demanding standard for qualifying as disabled." 534 U.S. at 197.

ADA, As Amended by the ADA Amendments Act

The ADAAA replaces the two findings used by the Supreme Court to narrow coverage under the ADA with findings and purposes indicative of the breadth of coverage intended by the ADA. The findings make clear that the ADAAA rejects the Court's holdings in *Sutton* and *Williams* and reinstates a broad view of the definition of disability. It adds two new findings, stating that *Williams* interpreted the term "substantially limits" to require a greater degree of limitation than Congress had intended and that the EEOC's regulations defining "substantially limits" as "significantly restricted" were inconsistent with congressional intent by expressing too high a standard.

The ADAAA also adds two new purposes, conveying Congress' expectation that the EEOC will revise that portion of its regulations that defined "substantially limits" as having too high a level of severity and conveying Congress' intent that the primary object of courts' attention in ADA cases should be whether covered entities have complied with their obligations and that the question of whether an individual's impairment is a disability should not demand extensive analysis.

Issue - Regulatory Authority

ADA (as construed by the courts)

In *Sutton*, the Court held that "no agency has been delegated authority to interpret the term 'disability'" through regulations. 527 U.S. at 479.

ADA, As Amended by the ADA Amendments Act

Title V of the ADA (42 U.S.C. 12201) is amended to grant the EEOC, the Attorney General, and the Secretary of Transportation authority to issue regulations interpreting the definition of disability under the ADA.

Issue - Academic Requirements in Higher Education

ADA (as construed by the courts)

Higher education institutions are subject to the ADA's requirements. For example, Title III of the ADA requires that universities make reasonable modifications in their policies, unless the university can demonstrate that making such modifications would "fundamentally alter" the nature of the educational service being offered.

ADA, As Amended by the ADA Amendments Act

To address the concerns of higher education institutions, S. 3406 explicitly states that "nothing in this Act alters the [Title III fundamental alteration provision] specifying that reasonable modifications in policies, practices, or procedures shall be required, unless an entity can demonstrate that making such modifications in policies, practices, or procedures, including academic requirements in postsecondary education, would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations involved."

This provision thus restates current law in order to clarify that the changes in the definition of disability do not change the "fundamental alteration" provision of the ADA.

Existing Laws on Accessible Technology

This list is NOT intended to be a complete listing of existing laws regarding Accessible Technologies!

Closed Captioning

Statute: Section 713 of the Communications Act, 47 U.S.C. § 613, *available at* <http://www.gpoaccess.gov/>

Requires that video programming distributors provide closed captioning on 100 percent of new, nonexempt English video programming. Exemptions are available for certain defined situations, for example, when the programming is primarily textual or primarily non-vocal music, and when compliance with the rule would result in an “undue burden,” meaning significant difficulty or expense. Requirements also are in place for pre-rule (before January 1998) programming and Spanish language programming. In addition, all video programming distributors must pass through captions of already captioned programs.

Regulations: 47 C.F.R. § 79.1, *available at* <http://www.gpoaccess.gov/>

47 C.F.R. §79.1(a)(1) defines “video programming” contained in FCC rules implementing Section 713. The goal of the new section is to capture video programming that is equivalent to television programming (e.g., shown over broadcast, cable, or satellite channels) but which, in the future, may be produced exclusively for web viewing.

47 C.F.R. §79.1(a)(2) defines “video programming distributor” as “[a]ny television broadcast station licensed by the Commission and any multichannel video programming distributor as defined in §76.1000(e) of [Chapter 47], and any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission.” A “multichannel video programming distributor” is defined as “an entity engaged in the business of making available for purchase, by subscribers or customers, multiple channels of video programming. Such entities include, but are not limited to, a cable operator, a BRS/EBS provider, a direct broadcast satellite service, a television receive-only satellite program distributor, and a

satellite master antenna television system operator, as well as buying groups or agents of all such entities.”

Emergency Services

Statute: Title II of the Americans with Disabilities Act, 42 U.S.C. § 12134, *available at* <http://www.gpoaccess.gov/>

Requires direct TTY access to Public Safety Answering Points (PSAPs).

Regulation: 28 C.F.R. § 35.162, *available at* <http://www.gpoaccess.gov/>

Statute: Section 225 of the Communications Act, 47 U.S.C. § 225, *available at* <http://www.gpoaccess.gov/> as added by Title IV of the Americans with Disabilities Act of 1990 (P.L. 101-336).

Requires common carriers to provide emergency access to PSAPs via Telecommunications Relay Services.

Hearing Aid Compatible (HAC) Telephones

Statute: Section 710 of the Communications Act, 47 U.S.C. § 610, *available at* <http://www.gpoaccess.gov/>

The Telecommunications Act for the Disabled Act of 1982, as amended by PL 100-394, the Hearing Aid Compatibility Act of 1988 is codified at 47 U.S.C. § 610. This statute requires all essential telephones and all telephones manufactured in or imported into the United States to be hearing aid compatible. The mandates apply to all wireline and cordless telephones and certain wireless digital telephones. Hearing aid compatible telephones provide inductive and acoustic connections that allow individuals with hearing aids and cochlear implants to communicate by phone. To achieve inductive coupling, the telephone must emit sufficient electromagnetic energy to couple with a telecoil in the hearing aid or the cochlear implant processor. When activated, the telecoil converts the magnetic field into sound and the hearing aid or cochlear implant microphone is simultaneously turned off or reduced to eliminate or decrease any background noise or feedback that can make it difficult to hear speech. Acoustic coupling uses the microphone in the hearing aid or cochlear implant to pick up

and amplify sounds from the telephone's receiver. Under FCC rules, in order to be considered hearing aid compatible, telephones used with digital wireless technologies must also minimize electromagnetic interference, which has the effect of creating additional noise that makes it difficult to understand speech.

Telecommunications Equipment and Services

Statute: Section 255 of the Communications Act, 47 U.S.C. § 255, *available at* <http://www.gpoaccess.gov/>

Requires telecommunications providers and manufacturers to make their services and equipment accessible to and usable by people with disabilities if readily achievable.

Telecommunications Relay Services (TRS)

Statute: Section 225 of the Communications Act 47 U.S.C. § 225, *available at* <http://www.gpoaccess.gov/> as added by Title IV of the Americans with Disabilities Act of 1990 (P.L. 101-336).

Requires common carriers to provide TRS nationwide. Among other things, this law requires carriers to make annual contributions based on their end-of-the-year revenues to a federally administered fund that supports the provision of these services (Interstate TRS Fund). It also requires all carriers to complete relay calls initiated by dialing 711 anywhere in the United States.

Television Decoder Circuitry Act

Statute: Television Decoder Circuitry Act of 1990 (Decoder Act), 47 U.S.C. §§ 303(u) and 330(b), *available at* <http://www.gpoaccess.gov/>

Requires that television receivers with picture screens 13 inches or larger contain built-in decoder circuitry designed to display closed captioned television transmissions. The FCC has also applied this mandate to computers equipped with television circuitry that are sold together with monitors that have viewable pictures at least 13 inches in diameter, digital television sets that have screens measuring 7.8 inches vertically (approximately the equivalent of a 13-inch diagonal analog screen), and stand-alone DTV tuners and set top boxes,

regardless of the screen size with which these are marketed or sold. The Decoder Act also requires the FCC to ensure that closed captioning services continue to be available to consumers as new video technology is developed.

Universal Service Fund

At present, the [Lifeline/Link-Up](#) programs provide discounts to individuals with low incomes for initial installation/activation fees and monthly fees associated with the provision of telephone service provided over the public switched telephone network (PSTN).

Administrative Actions: [Report and Order and Notice of Proposed Rulemaking, *In the Matter of Universal Service Contribution Methodology*](#), No. 90-571 (FCC June 27, 2006).

Video Description

The Communications Act of 1996 authorized the FCC to conduct an inquiry to assess the appropriate means of phasing video description into the television marketplace. Although the FCC's response to this grant of authority was a modest requirement that broadcasters and other multimedia video programming providers in the top 25 major national markets provide video description on only four primetime programming hours per week, the broadcast and cable television industries successfully pursued litigation to overturn this mandate. As a consequence, currently there are no federal requirements to make television programming accessible through video description, nor is similar access to on-screen emergency information required.

Administrative Actions: [Report and Order, *In re Video Description of Video Programming*](#), 15 F.C.C.R. 15230 (FCC July 21, 2000) (No. 99-339), as amended in part by, [Memorandum Opinion and Order, *In re Video Description of Video Programming*](#), 15 FCCR 1251 (FCC Jan. 4, 2001) (No. 99-339).

Case Law: [Motion Picture Association of America, Inc. v. Federal Communications Commission](#), 309 F.3d 796 (D.D.C. 2002) (unpaginated copy on FCC website)

This case struck down FCC rules governing the display of video description in video programming.

Video Receivers and Playback Devices

Statute: Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. § 794d, available at <http://www.gpoaccess.gov/>

Requires the implementation of accessible controls in information and electronic technologies, including video equipment, purchased or used by the federal government.

Additional Resources and References:

The ADA Amendments Act of 2008 (ADAAA)
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_cong_bills&docid=f:s3406enr.txt. pdf

ADAAA Resource Sheet
Developed by the DBTAC: Southeast ADA Center
www.sedbtac.org/ada/publications/adaaa_resources.doc

Comparison of the ADA (as construed by the courts) and the ADA, As Amended
On page 18 of this issue of the ADA Pipeline, view a sample page from a comparison chart of the ADA and ADAAA, which was developed by the Georgetown Federal Legislation & Administrative Clinic or go to www.law.georgetown.edu/archiveada/documents .

Q and A

Disability Etiquette

1. How do I treat someone with a disability?

How do I interact with people who have disabilities?

When meeting and talking with a person who has a disability:

When meeting someone with a disability that affects learning, intelligence, or brain function:

When you are with a person who uses a wheelchair:

Talking with a person who is deaf or uses a hearing aid:

When meeting a person with a disability that affects speech:

Interacting with a person who is blind or has a disability that affects sight or vision:

Apply Your Knowledge

(6 questions)

1. If someone uses a sign language interpreter, you should speak directly to the interpreter who will then use sign language to tell the person what you just said.
False

REASON: Always speak directly to the individual with the disability. If they are accompanied, do not direct your comments to the companion or interpreter.

2. It's OK to use common expressions like "see you later" or ask "how did you hear about our Center" when speaking to a person who may be blind or deaf. True

REASON: Do not be embarrassed if you happen to use common expressions like "see you later" or "got to be running along" that seem to relate to the person's disability.

3. When you are introduced to someone who cannot use her right hand, it is OK to shake hands using your left hand and hers, or to simply smile and offer a greeting. True

REASON: Follow the cues given by the other person. If she extends her left hand for a handshake, then respond by offering her your left hand. It is also appropriate to greet her with a smile and a spoken greeting.

4. When someone who uses hearing aids approaches your desk, it is courteous to speak louder than you usually do. False

REASON: If someone needs you to speak in a louder voice, they will ask.

5. If you are having difficulty understanding what someone with a speech disability is saying, it is OK to ask him to repeat what he just said. True

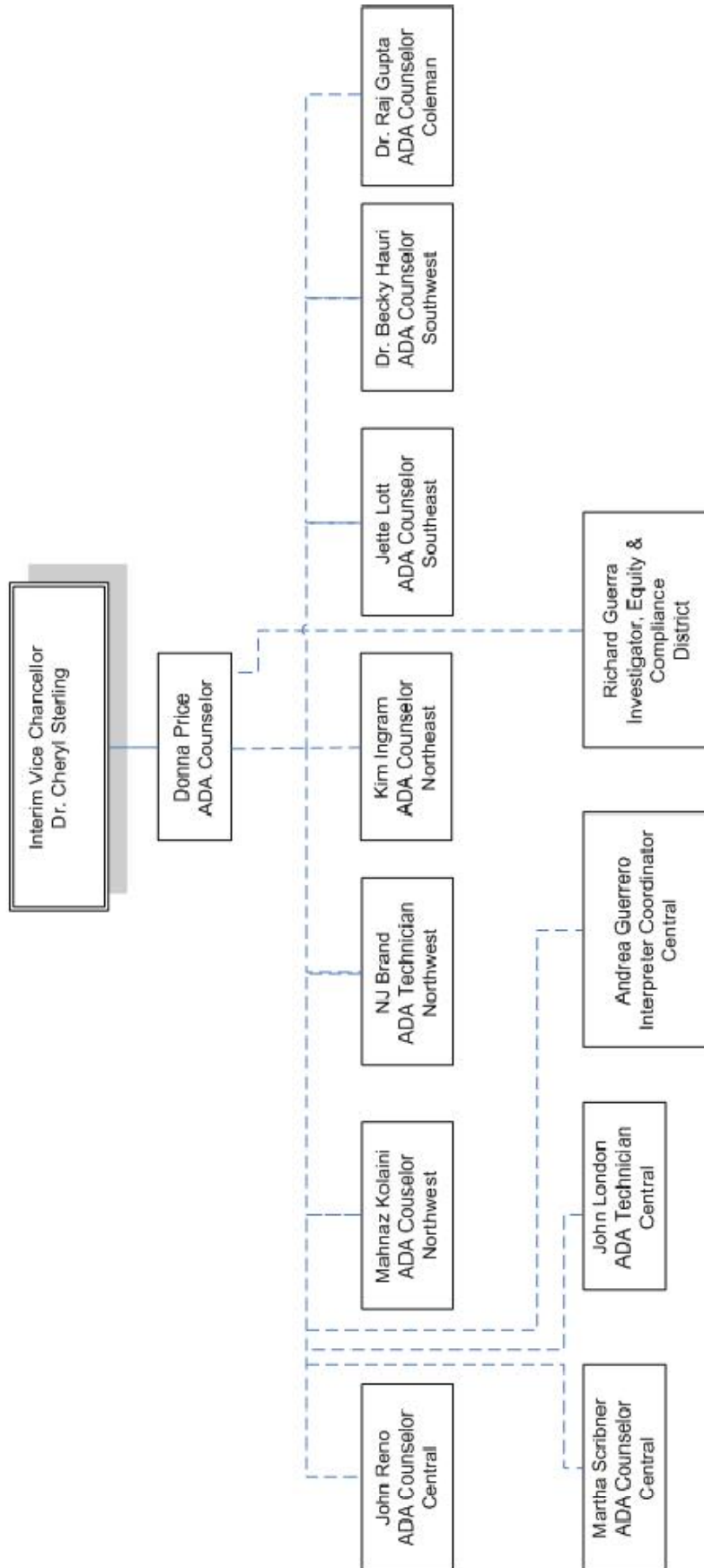
REASON: Never pretend to understand if you are having difficulty doing so. Instead, repeat what you have understood and allow the person to respond. The response will clue you in and guide your understanding.

6. You should never offer to help a person with a disability. False

REASON: It's OK -- and it's also good customer service -- to ask all of your customers, with or without disabilities, if they have any questions or if you can assist them with anything else. It's also OK for the customer with a disability -- like any other customer -- to decline your offer. If your offer is accepted, listen to and accept instructions. People with disabilities know what they like, what they do not like, and what they can and cannot do. If you are uncertain what to do, ask; most people would rather answer a question about protocol than be in an uncomfortable situation.

Appendix

ADA Disability Support Services





ADA Disability Support Services



COLLEGE LOCATION	ADA STAFF	MAIL CODE	OFFICE NUMBER	FAX NUMBER
DISTRICT ADA Coordinator 3100 Main Houston TX 77002	Donna Price <i>ADA Coordinator</i>	1135	713-718-5165	713-718-2112
	John Reno <i>Lead ADA Counselor</i>	1229	713-718-6164	713-718-6179
	Martha Scribner <i>ADA Counselor</i>	1229	713-718-6164 Video Relay: 1-866-FAST-VRS Voice Phone: 713-718-6166 IP: 198.64.43.13	713-718-6179
E-Z Access Computer Lab LHSB Room 102 1300B Holman Houston TX, 77004	Andrea Hernandez <i>Supervisor of Interpreting Services</i>	1229	713-718-6333	713-718-6331
	John R. London <i>Hard/Soft/ADA Adaptive Equipment Technician</i>	1229	713-718-6629	713-718-6179
NORTHWEST 1010 W. Sam Houston Pkwy N. #RC13 Houston TX 77043 Dss@nw@hccs.edu	Mahnaz Kolaini <i>ADA Counselor</i>	1379	713-718-5422 Video Relay: 1-866-FAST-VRS Videophone: 713-718-5422	713-718-5430
	NJ Brand <i>ADA Technician</i>	1379	713-718-5604	713-718-5430
NORTHEAST 8001 Fulton Street #122.2 Houston TX 77022	Kim Ingram <i>ADA Counselor</i>	1433	713-718-8420	713-718-8060
	Jette Friis <i>ADA Counselor</i>	1638	713-718-7218	713-718-7223
SOUTHWEST 5601 W. Loop South Houston TX 77081	Dr. Becky A. Hauri <i>ADA Counselor</i>	1587	713-718-7910	713-718-7781
	Dr. Raj K. Gupta <i>ADA Counselor</i>	1637-H334	713-718-7631	713-718-7171

ADA Staff Districtwide

Updated November 10, 2008