

SERVICES FOR STUDENTS WITH DISABILITIES

The Rehabilitation Act

Title V of The Rehabilitation Act of 1973 is generally regarded as the first civil rights legislation on the national level for people with disabilities. Section 504 of The Rehabilitation Act is a program access statute. It prohibits discrimination on the basis of disability in any program or activity offered by an entity or institution receiving federal funds.

Section 504 states (as amended):

“No otherwise qualified person with a disability in the United States... shall, solely on the basis of disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal financial assistance.”

The Americans with Disabilities Act (ADA)

The ADA is a federal civil rights statute that prohibits discrimination against people with disabilities. There are four sections of the law: employment, government, public accommodations, and telecommunications. The ADA provides additional protection for persons with disabilities in conjunction with the Rehabilitation Act of 1973. The ADA is designed to remove barriers, which prevent qualified individuals with disabilities from enjoying the same opportunities that are available to individuals without disabilities.

In relation to Section 504 of The Rehabilitation Act, the ADA states: “Institutions that receive federal funds are covered under Section 504. The ADA does not supplant Section 504, but in those situations where the ADA provides greater protection the ADA standards apply. Therefore, postsecondary institutions must adhere to both the Rehabilitation Act and The Americans with Disabilities Act.”

Disability Services Policy Statement

First Institute recognizes and accepts its obligations under The Americans with Disabilities Act of 1990 and The Rehabilitation Act of 1973 prohibiting discrimination on the basis of a disability and requiring that reasonable accommodations be provided to qualified disabled students in all programs and activities within the control of the institution, provided such accommodation would not impose an unreasonable burden on the school or other students.

A student is eligible for consideration for accommodations and/or auxiliary aids and services if the student has a disability and the Director of Student Services has met with the student, consulted with the Executive Director and Campus Director, and determined that the functional limitations of the disability require such accommodation, auxiliary aids and/or services.

First Institute is committed to providing reasonable accommodations including auxiliary aids and/or services to qualified individuals with a disability, unless providing such accommodations would result in undue burden or fundamentally alter the nature of the relevant program, benefit or service provided by First Institute. To request auxiliary aids or services, please contact the Director of Student Services at the campus. Students should submit requests with supporting

documentation at least six weeks prior to the beginning of the first day of classes or as soon as practical.

The Executive Director, Campus Director and the Director of Student Services manage determination of reasonable accommodations and compliance with the ADA and Rehabilitation Act for students jointly. No student shall be retaliated against for seeking accommodation under this policy or for participating in good faith and in a reasonable manner in any review procedures concerning First Institute for its alleged noncompliance with The Americans with Disabilities Act of 1990 or the Rehabilitation Act of 1973.

Definition of Disability

According to Section 3 of the Americans with Disabilities Act of 1990 (ADA), the term "disability" means, with respect to an individual,

- A. Having a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- B. Having a record of such an impairment; or
- C. Being regarded as having such impairment.

Otherwise Qualified Applicant

A student who provides First Institute with sufficient evidence of a disability meeting the standards established by the ADA or Section 504 is eligible for appropriate accommodations and services, provided the student is an otherwise qualified applicant. In order to be considered an otherwise qualified applicant, a student with a disability must be capable, either with or without accommodations, of fulfilling the essential requirements of a program of instruction.

Determining Appropriate Accommodations

Students with disabilities who are seeking accommodations at First Institute should schedule an individual meeting with the Director of Student Services. Once appropriate documentation has been submitted, reasonable and appropriate accommodations will be implemented based on the student's specific disability and the functional impact of the disability on the student's daily activities and academic obligations.

Disability Grievance Procedure

If a student believes any First Institute employee has discriminated against him or her because of a disability, he or she has the right to seek a review of such concerns. Students have the option of pursuing a formal grievance. When filing a formal grievance, the student should first present his or her concern in writing to the Director of Student Services. Upon receipt of this notice of grievance from the student, the Director of Student Services will undertake a review of the unresolved complaint during which time the Director of Student Services may request additional documentation of the student's disability. Once all the information has been received and reviewed, the Director of Student Services will present the results of this review in writing to the student.

If the Director of Student Services is unable to produce a resolution to the student's satisfaction, the student may submit a formal written appeal to the Executive Director of First Institute. This written appeal should include a brief description of the disputed decision and/or perceived



discrimination, reasons why the student believes the decision was in error and a short description of a proposed resolution to the disputed decision.

Once all information has been reviewed, the Executive Director will provide a written response regarding the determination to the student. This response will state the final determination regarding the requested accommodation and/or discrimination and the specific reasons supporting the decision. Every effort will be made to produce this final determination in a prompt manner.

Complaint Procedures

If a student believes that First Institute is not in compliance, she or he may file a written complaint with the Office of Civil Rights:

U.S. Department of Education Office for Civil Rights

Lyndon Baines Johnson Dept. of Education Bldg.
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Telephone: 800-421-3481
Fax: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

To file a complaint online: <https://ocrcas.ed.gov/>