

Reasonable Accommodations: Managing Students with Special Needs in the Fieldwork Environment

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Background

- ADA
- FERPA
- Academic program policies
- What is “reasonable accommodation?”
- Today’s students
- Disclosure

Americans with Disabilities Act & Section 504

ADA

- 1990 – First comprehensive civil rights law addressing the needs of people with disabilities
- Applies to Private & Public Employers, Public entities (i.e. educational institutions) & Private entities that operate places of public accommodation (i.e. educational institutions)
 - Exception: religiously controlled & operated (Americans with Disabilities Act Information, 2018)
- Civil Rights Law
- Anti-discrimination, not entitlement act
- Outcome-neutral (U.S. Equal Employment Opportunity Commission, n.d.)

Section 504

- Rehabilitation Act of 1973
- Applies to all entities that are recipients of federal funds
 - Applies to all programs & services operated by that entity (Americans with Disabilities Act Information, 2018)
- Civil Rights Law
- Anti-discrimination, not entitlement act
- Outcome-neutral (U.S. Equal Employment Opportunity Commission, n.d.)



Who?

- Individuals with physical or mental impairments that substantially limit one or more major life activities
- Individuals who have a record of such an impairment
 - Individuals who are “regarded” as having such an impairment

(Americans with Disabilities Act Information, 2018)

But really, WHO?

- ★ What is “Substantially Limiting?”
- ★ What is a “Major Life Activity?”
- ★ Does it have to be “long term?”
- ★ However, not all institutions have updated their policies based on the newer definition of a qualified person with a disability – this can be problematic

FERPA

The Family Educational Rights and Privacy Act of 1974

- Federal law
- Protects the privacy of student education records
- Who does it apply to?

Academic Program Policies

Thomas Jefferson University is committed to providing equal education opportunities to all students, including students with disabilities, in accordance with section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act. Thomas Jefferson University will provide reasonable accommodations to all qualified individuals with disabilities to allow equal access and full participation to all University sponsored activities and programs.



Definitions in Regards to Policy

Disability

Technical Standards

Documentation

Reasonable Accommodation

Today's Students

- Increased numbers of students with disabilities pursuing higher education
- Proportion of college freshman with a disability increasing threefold between 1978 and 1998 (Cook, Rumrill, & Tankersly, 2009)
- Academic year 2009-2010, 88% of 2- and 4-year academic institutions admitted students with disabilities (The National Center for Educational Statistics, 2011)
 - *Reflects disclosure
- Academic year 2011-2012, 11.1% of students enrolled in a post-secondary program who have a disability (National Center for Education Statistics, 2017)
 - *Reflects disclosure

Breaking it Down

- Qualified individual with a disability
- Essential Functions
- Technical Standards
- “What” of skill vs “How”
- Process vs Outcome
- Accommodation → Reasonable Accommodation
 - What are they?

Today's Students and Diversity

- Increased numbers of students with disabilities pursuing higher education
- Proportion of college freshman with a disability increasing threefold between 1978 and 1998
- Academic year 2009-2010, 88% of 2- and 4-year academic institutions admitted students with disabilities
 - *This only reflects those students who disclosed their disability

Disclosure

Student's responsibility

Office of Student Affairs

OT Program role and responsibilities

Discuss "to disclose or not to disclose"

Problem solving

Strategies

Strategien

“It is not unusual for a disability to be discovered after a student enters professional school or even as late as Level II fieldwork. Sometimes students with learning or emotional disabilities have succeeded up to the point of professional school through extremely hard work and dedication. However, the demands of professional school and fieldwork can push such a student past his or her ability to compensate”
(Costa, 2015, p 521)

Requesting Accommodation

- Process through office of student services
- Not retroactive
- Essential functions/technical standards

Types of Challenges

Mental Health



- Anxiety
- Depression
- Social skills

Physical Disability



- Weakness
- Mobility
- UE function
- Pain

Learning Differences



- Processing
- Organizational skills
- Sensory
- Communication skills
 - Verbal
 - Non-verbal

Activity

(AOTA, 2009. Fieldwork Educator Certificate Program Trainer's Manual)



Groups of 3

AFWC

FW site

FW student (OTS)



“After reading the case, discuss options you would consider about this situation. Use the questions to focus and organize your thinking. List other questions or issues your group discusses” (AOTA, 2009, p69).

Case Study

A student with an excellent academic record, exemplary professional behaviors and strong interpersonal skills is placed in a challenging, fast-paced acute care setting for her 2nd FWII experience. Initially, she demonstrates significant strengths in self-motivation, initiation, confidence in communication, and attitude. She is clearly passionate about OT, empathetic, and demonstrates a strong foundation in client centered and occupation based intervention. After midterm, as the demands of the placement ramp up, she begins to regress. Her processing appears slower. Her ability to retain and integrate information seems to be less effective, resulting in actions that could compromise patient safety. She is frequently in tears upon receiving feedback. She has trouble with time management. She discloses to her AFWC that she has had a history of anxiety, for which she takes medication.

Perspective of AFWC

AOTA, 2009. Fieldwork Educator
Certificate Program Trainer's
Manual, pp 69a-b)

Concerns related to FW Site

What do I want the FWEd to understand about the student? Why

How will my clinical colleagues react?

What disclosure issues am I concerned about?

Concerns related to student

How do I prepare the student for the interview

Does my OTS understand their rights and responsibilities? How do I counsel them?

How is my OTS going to handle disclosure?

Should I advise my OTS to disclose their disability before or during the interview? Or not?

What is my OTS concerned about?

What if the OTS were me?

Perspective of FWEd

(OTA, 2009. Fieldwork
Educator Certificate Program
Trainer's Manual, pp 69a-b)

Concerns related to FW Site

- What is my immediate reaction to the OTS upon learning of their condition?
- What are my concerns about the OTS, staff and facility?
- What does the interview process consists of? What red flags am I looking for?
- What kinds of accommodations can my staff support? What accommodations do I need to make?

Concerns related to student

- How do I handle questions I have about the OTS's visible disability?
- What do I **want** to ask the OTS? What **can** I ask the OTS?
- If the OTS asked for reasonable accommodations, what is feasible at my site? What is not?
- How does the disability play into my decision?

Perspective of OTS

(AOTA, 2009. Fieldwork
Educator Certificate
Program Trainer's
Manual, pp 69a-b)



How should I handle the interview? How did I do in the interview



Can I handle the site's expectations? What am I worried about?



How should I handle disclosure? Do I need to ask for accommodation?



What happens if I am not accepted?



What supports can I ask the OT program for?



What should I do to ensure the FW site of my competence? Do I need to prove competence?

Strategies

Mental Health



- Anxiety
- Depression
- Social skills

Physical Disability



- Weakness
- Mobility
- UE function
- Pain
- Hearing or vision impairments

Learning Differences



- Processing
- Organizational skills
- Attention deficits
- Communication skills
 - Verbal
 - Non-verbal

Conclusion

- Summarize
 - Open lines of communication
 - Flexibility
- The real and the ideal
 - Advocate for the student
 - Relationships with clinical community

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