

# Navigating Academic Accommodations for Students with Disabilities in Nursing Programs

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**Navigating Academic Accommodations for Students with Disabilities in Nursing Programs**

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## Agenda

- Legal Overview
  - State & Federal Law
  - Key Terms & Definitions
- Accommodations in the Lab/Clinic Setting
- Roles & Responsibilities
  - Faculty/instructors
  - Supervisors in lab/clinical settings
  - DSPS
  - Students
- Practical Application

## Legal Overview

### Federal Law: ADA & Section 504

- **ADA/Title II:** Regulates public entities including colleges
- **Section 504:** Regulates recipients of federal funds
- **ADA & Section 504:** No discrimination against individuals with disabilities by excluding them from entity's services, programs, or activities

## Federal Law: ADA & Section 504 Enforcement

### The Office for Civil Rights

- Part of federal Department of Justice
- Enforces federal anti-discrimination laws, including:
  - Section 504
- Nursing programs appear of interest

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## State Law: Education Code and Title 5

- Equal access to programs & facilities for all students—(Ed. Code § 72011)
- No discrimination in any program or activity by a postsecondary educational institution—(Ed. Code § 66270)
- Governs services to disabled students through disabled student programs and services—(Ed. Code §§ 67310, 84850; title 5, §§ 56000 etc.)

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## Key Terms

### **Person with a disability:**

- Physical or mental impairment
  - Includes psychiatric illnesses such as depression, bipolar disorder, PTSD & anxiety disorders
- Results in substantial limitation of one or more major life activities
- Perception of such an impairment

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## Key Terms

### **Qualified Handicapped Person**

- Protections apply only to “*qualified*” handicapped persons:
- “Qualified” means the student meets the academic and technical standards for admission or participation in the program or activity—with or without reasonable accommodations.

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## Key Terms

### The Interactive Process:

- The collaborative process by which the school determines whether a qualified student can be reasonably accommodated
- Steps:
  - Analyze essential components of the academic program and “job” functions in clinical settings
  - Identify limitations of the position
  - Identify possible reasonable accommodations
- Be creative – process counts!

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## Key Terms

### Reasonable Accommodation:

- A modification to a district’s program, facilities or services (academic or nonacademic) to enable equal access.
- A reasonable accommodation:
  - Is determined by the educational institution
  - Must provide *meaningful* access and participation
  - Does not fundamentally alter program
  - Does not lower academic standard
  - Does not impose undue financial or administrative burden
  - Does not have to be the best available option or student’s first choice

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# Reasonable Accommodations in Nursing Education Programs

## Reasonable Accommodations

### **The Academic Setting Generally**

- Reasonableness is fact specific
- “Recipients” (i.e. colleges receiving federal funds) must make reasonable modifications to academic requirements:
  - Where necessary to ensure requirements don’t discriminate on the basis of handicap, against a qualified handicapped applicant or student
- Recipient may not impose on handicapped students other rules that limit participation, such as:
  - Prohibiting tape recorders in classrooms or dog guides in campus buildings

## Reasonable Accommodations

### The Academic Setting Generally

- Modifications may include such things as:
  - Altering time permitted for completing degree requirements,
  - Substitution of specific courses required for completing degree requirements, and
  - Adapting how specific courses are conducted
- Colleges not required to modify academic requirements essential to the program of instruction, or to any directly related licensing requirement.
  - Uniform imposition of such standards and requirements regardless of disability does not constitute unlawful discrimination
  - But: determination must be based on *individualized inquiry*

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## Reasonable Accommodations

### When does an accommodation alter a program/lower standards?

- Extended time to take a history exam?
  - No
- Extended time to take a typing exam?
  - Yes

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## Reasonable Accommodations

### When does an accommodation alter a program/lower standards?

- Excusal from demonstrating ability to use microscope by blind student in microbiology class?
  - It depends:
    - Is mastery in handling a microscope a core part of the curriculum? (Answer requires faculty input)
    - Is there an alternate way to receive curriculum and demonstrate relevant skills? (Answer requires faculty input, technology input)
    - Is the proposed program modification economically and administratively reasonable? (DSPS conducts this analysis)

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## Reasonable Accommodations

### When does an accommodation alter a program/lower standards?

- Permission to take exams in alternate setting?
  - Doesn't implicate program standards, as it is the same exam
  - Concern with security/cheating not an academic standards issue.
    - Relates to logistical reasonableness and is a DSPS function
    - DSPS should work with faculty to address exam integrity concerns
  - Inconvenience caused by alternate exam schedules is not an academic standards issue
    - Reasonable accommodations may cause inconvenience and/or increased costs
    - DSPS should work with faculty to minimize inconvenience involved with alternate testing schedules.

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## Reasonable Accommodations

### The Lab/Clinical Setting

- Accommodations not required that alter the clinical setting
  - Hours or calendar
  - Nature of work performed
- Accommodations not required that lower academic standards
  - *Example:* Reducing the quantity of work performed is not required...
  - If quantity of work (e.g. multi-tasking or time management) are part of the skills being taught and evaluated

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## Reasonable Accommodations

### The Lab/Clinical Setting

- Avoid conflating essential functions & common physical demands
- Don't describe physical demands as "required" ..... unless truly essential to the position
- Beware the "chilling effect"

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## Reasonable Accommodations

### The Lab/Clinical Setting

....before you say “no,” ask:

- Are high standards confused with “how” standards?
- How might implicit bias impact perceptions of qualified/unqualified applicants? Reasonable/unreasonable accommodations?

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## Reasonable Accommodations

### The Lab/Clinical Setting

....before you say “no,” examine the clinical technical standards:

- Does the Nursing Program value “KSAs” where disabled candidates may have expertise?
- How do issues of diversity impact this work?
- What clinic-related criteria value or attract diverse /disabled candidates?
- What clinic-related criteria assess “sensitivity to diversity.”\*

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## Roles and Responsibilities

### Roles in the Accommodation Process

- Faculty/Instructors and Clinical Supervisors
  - Determine whether a student meets academic standards
  - Provide input on whether proposed accommodations reduce academic standards
- DSPS
  - Determines whether a student is disabled/eligible for accommodations
  - Has final authority to grant/deny requested accommodations
- Students
  - Inform faculty/instructors of granted accommodations
  - Comply with requirements to provide notice and coordinate with faculty/DSPS as-needed for implementation

## Faculty Role in Accommodation Process

### Issues related to implementation:

- What information does an instructor/clinical supervisor need to know?
  - The functional limitations of a student
  - The accommodation to be implemented
  - Who to contact for support/guidance in implementing the accommodation
  - **Not** a student's diagnosis or other medical information
- Who is responsible for informing an instructor of an approved accommodation?
  - Generally, the student
- What if a student directly requests an accommodation from an instructor?
  - Redirect to DSPS

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## Working with Healthcare Partners

### Schools and Clinic/Hospital partnerships need to address

- Student responsibility to communicate needs to proper party (Clinic's HR Department vs. DSPS vs. Clinical Supervisor)
- Roles of DSPS vs. healthcare partner/clinic HR department
- Collaboration between clinic supervisor and DSPS

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## Working with Healthcare Partners

- **School – Clinic/Hospital contract terms to examine:**
  - Student oversight and evaluation
  - Authority/process for removing a student
  - How site's employment standards/procedures apply to clinic participants
    - Background checks
    - Technical standards
    - Safety standards
    - Disability interactive process/accommodations

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## Practical Application

## Case Study: Doing it Right the First Time

Andy Smith is entering his first semester in the College's nursing program. DSPS has determined that he is a student with a disability. Andy has requested the following accommodations:

- Double time for tests & quizzes;
- Tape recording lectures;
- No lifting more than 10 lbs. in clinical setting;
- Extended time to submit clinical notes; and
- Reduced caseload in clinical setting.

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## Case Study: Doing it Right the First Time

### **Double time on tests & quizzes:**

- a) What, if anything, should DSPS do before granting this accommodation?
- b) One instructor asserts that the accommodation is not reasonable because testing security is extremely important and cannot be ensured if Andy gets to take his tests at a different time and location.

### **How should DSPS respond?**

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## Case Study: Doing it Right the First Time

### **Tape recording lectures:**

- a) What, if anything, should DSPS do before granting this accommodation?
- b) One instructor asserts that the accommodation is not reasonable on the following bases.
  - She is a healthcare professional and doesn't see a connection between Andy's apparent physical limitations and the request to tape record lectures. Without knowing more about the nature of his supposed disability, she can't determine if this is a reasonable and legitimate need.
  - It will make other students self-conscious and less likely to speak.
  - It intrudes on her academic freedom and she does not consent to being recorded.

### **How should DSPS respond to each concern?**

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## Case Study: Doing it Right the First Time

### **No lifting more than 10 lbs. in clinical setting:**

- a) What, if anything, should DSPS do before granting this accommodation?
- b) The instructor who supervises clinical placements states that when in clinical, students regularly move patients and equipment and that this is just "part of the job."

### **How should DSPS respond?**

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## Case Study: Doing it Right the First Time

### **Extended time to submit clinical notes:**

- a) What, if anything, should DSPS do before granting this accommodation?
- b) The instructor who supervises clinical placements states that preparing clinical notes quickly is part of being a nurse—it's how they communicate with the next shift.

**Is this a reasonable accommodation?**

**How should DSPS respond?**

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## Case Study: Doing it Right the First Time

### **Reduced caseload in clinical setting:**

- a) What, if anything, should DSPS do before granting this accommodation?
- b) The instructor who supervises clinical placements states that juggling multiple cases and multi-tasking is inherent to nursing and a key skill that is being developed and assessed in the nursing program.

**How should DSPS respond?**

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**Thank you!**

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