

Rights of Students with Disabilities in Higher Education

This informational packet provides an overview of your rights as a student with a disability in higher education. It covers the admissions process, academic adjustments, dorms and housing, service and assistance animals, field placements, transportation, and available options if you have a dispute with a college or university.

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Rights During the Admission Process

Can a college or university ask me about my disability prior to admission?

No. A college or university **may not ask** about your disability prior to admitting you. However, a college or university **may ask** if you can meet the academic and technical standards that are required for admission as long as those questions are not designed to reveal the existence of disabilities.

Are accommodations allowed on standardized testing entrance exams?

Students with disabilities are entitled to changes to testing conditions that are necessary to allow them to participate as long as the changes do not fundamentally alter the examination or create undue financial or administrative burdens. In other words, the changes must be considered “reasonable.”

Do I have to disclose my disability after I’m admitted?

No, disclosure of your disability is always voluntary. However, as discussed below, if you want the college or university to provide an academic adjustment or auxiliary aid/service, you must identify yourself as having a disability. Likewise, you should let them know about your disability if you need and want to be assigned to accessible dormitories or other facilities.

Academic Adjustments

What are academic adjustments?

Academic adjustments are modifications to the academic requirements of a higher education program and may include auxiliary aids and services. These must be considered “reasonable,” and colleges and universities may not have to make modifications to requirements if they can show that they are essential to the instruction of the specific program or any directly related licensing requirement. They must still consider whether modifications would fundamentally alter the requirement or cause an undue

burden when determining whether the essential requirement can be modified. If not, they may still have to make a modification.

Examples of academic adjustments:

- Priority registration
- Reducing a course load
- Substituting one course for another
- Extended time for testing
- Notetakers
- Interpreters
- Readers
- Videotext displays
- Talking calculators
- Electronic readers
- Telephone handset amplifiers
- Closed captioning
- Keyboards with large buttons
- Reaching devices

For more ideas, check out the [Job Accommodation Network](#). Although this is specific to employment, some of their ideas may also be applicable in other settings, such as higher education.

How do I get academic adjustments in higher education?

Your college or university has to provide you with appropriate academic adjustments based on your disability and your individual needs. The first step in obtaining academic adjustments is that you must: **(1) identify yourself to the college or university as having a disability, and (2) you must make a request for academic adjustments.**

More about the process: Colleges and universities are allowed to establish **reasonable procedures** for you to request academic adjustments and they **can require documentation** of your current disability and your need for the specific academic adjustment(s) you're requesting.

Colleges and universities **may not:**

- ask you to pay for any of the costs of academic adjustments;
- tell you they can only provide your academic adjustments if they find funding;
- refuse to spend more than a specific amount to provide academic adjustments; or
- refuse to provide academic adjustments because they believe another entity outside the college or university provides the service you're asking for from them.

Colleges and universities usually have an office specific to helping students with disabilities. This may be called the **disability services office, accessibility resource center,** or some other similar name. They are often a good place to get connected with early because they can help you navigate your time in school.

When should I request an academic adjustment?

Academic adjustments can be requested at any time, but it is best to request adjustments as early as possible. If your college or university has instructions or procedures for requesting academic adjustments, be sure to follow those to ensure that they have ample time to review the request.

What happens after I request an academic adjustment?

After you request an academic adjustment, the college or university will review your request. You should expect your school to work with you in an **interactive process** to identify appropriate academic adjustments. If you request a specific academic adjustment, the college or university may offer what you requested. However, they may also offer an **effective alternative**. If the alternative they offer you is not effective for you, you should work with your school to determine a different academic adjustment that does work for you.

What if my academic adjustment is not working for me?

If an academic adjustment is not working for you, it is your responsibility to notify the college or university as soon as you recognize that it's not working for you. If you wait until the course or assignment is complete or after you receive a grade, it may be too late to remedy without having a negative impact on your grade or transcript. Your college or university should work with you to come up with new adjustments that will be effective for you.

Are there things colleges and universities don't have to do?

Colleges and universities do not have to eliminate or lower essential requirements of a program (example: although a college may be required to provide extended testing time, it is not required to change the substantive content of the test). They also do not have to make modifications that would result in a fundamental alteration of the programs or activities being offered or impose an undue burden on the college. Finally, colleges do not have to provide personal attendants, individually prescribed devices, readers for personal use or help during individual study time, or other devices or services of a personal nature.

Can my parents be involved in communications with my college or university?

The college or university will communicate directly with you, and they are not required to communicate with your parents. Although the intention behind this is so you can advocate for yourself, some colleges and universities allow you to sign a waiver to involve your parents. This is on a school-by-school basis and may be something to ask about with the disability services or admissions office prior to attending if you have concerns.

In addition, the disability services office can help you to feel more confident in self-advocacy with professors and faculty. They may be able to work with you and offer tools to help you feel comfortable advocating for services without your parent since this can be a difficult transition.

Dorms and Housing

Will my college or university provide an accessible dorm room?

A college or university that provides housing to its students must provide comparable, accessible housing to students with disabilities at no more cost than any other student. If the college or university does not offer housing to students without disabilities, it is not required to offer housing to students with disabilities either.

What if I need accommodations or modifications made to the unit to make it accessible?

Under the Fair Housing Act, a housing provider must provide reasonable accommodations and modifications unless it amounts to an undue burden to the provider. Dormitories are included within the Fair Housing Act. Most colleges and universities provide areas online to request accommodations or modifications to housing. If not, these issues may be brought to the disability services office.

What is the difference between an accommodation and a modification in housing?

Although many of the laws talk about accommodations and modifications as though they mean the same thing, they are defined very differently under housing laws. Who has to pay for what also depends on whether something is considered an accommodation or modification in housing, so it is important to understand the difference in this context.

Accommodation: In the context of housing, a reasonable accommodation is a change or exception to a rule, policy, or practice.

Examples of reasonable accommodations:

- Permitting an assistance animal in a "no pets" building for a person who is deaf, blind, has seizures, or has a mental disability.
- Allowing an applicant to submit a housing application via a different means than usual, such as over the phone when it is usually required by email.
- Adjusting a rent payment schedule to accommodate when an individual receives income assistance, such as social security income.
- Assigning an accessible parking space for a person with a mobility impairment.
- Allowing a tenant to live in or transfer to a ground-floor unit.

Modification: In the housing context, a reasonable modification is a physical change to a preexisting structure.

Examples of reasonable modifications:

- Adding a grab bar to a tenant's bathroom.
- Widening the door to make it accessible for a wheelchair.
- Adding handrails or a ramp to the unit.

Tenants generally must pay for reasonable modifications in their unit. There are some exceptions for housing that receives certain types of federal financial assistance. If you are unsure about this, please contact a housing assistance organization so they can help you determine if the modification costs are your responsibility or the housing provider's.

What should I include in a reasonable accommodation or modification request?

You should include a description of the disability-related need and why the change is necessary and explain how the accommodation or modification is connected to your disability.

You do not need to include detailed medical information about your disability. You only need to include enough information to connect the accommodation/modification to your disability.

You do not need to include the words "reasonable accommodation" or "reasonable modification." Requesting this change and explaining why it is necessary means you have already asked for a reasonable accommodation/modification.

For a sample letter requesting an accommodation, see Disability Law Colorado's [Housing Packet](#).

What occurs after I request the accommodation or modification?

If your disability is apparent, and your request is related to that disability, your housing provider should grant the request without delay. In this circumstance, your housing provider can only ask for additional information about your request if it is not clear how what you are requesting is related to your disability.

If your disability is not apparent to your housing provider, they may ask for more information to confirm your disability and how the request that was made is related to your disability. Verification can come from a medical provider or be provided by a third-party who knows about your disability and how the requested accommodation or modification would help with your disability.

If a housing provider believes they cannot provide you what you have asked for because it would result in an undue burden or a fundamental alteration (a change that would alter the essential nature of the housing providers operation), the housing provider might suggest alternative accommodations they may provide. Your housing provider is required to talk with you about alternative accommodations or modifications if they cannot provide exactly what you requested. You do not have to accept an

alternative if it does not work for you and should explain why it doesn't work for you to the housing provider.

Service and Assistance Animals

If I use a service animal, can my animal come on campus with me?

Yes. The Americans with Disabilities Act (ADA) defines a service animal as a dog (or miniature horse) that is individually trained to do work or perform tasks for an individual with a disability. These tasks must be directly related to the person's disability. If you have a service animal that meets this test, you may bring your service animal on campus with you. You must keep the animal under control, and it must be housebroken. It also cannot pose a direct threat to the health or safety of others. Fear of dogs and allergies generally are not a reason to deny a service animal and the college or university would need to make efforts to accommodate all parties with a disability.

For more about service and assistance animals, be sure to check out our [Animal Packet](#).

Note: The ADA does not cover service animals in training, but the Colorado Anti-Discrimination Act (CADA) does. Based on CADA, a person with a service animal in training has all the same rights, protections, and responsibilities as a person with a fully trained service animals. Service animals in training must be under the control of the person and must be housebroken.

Can I have an assistance animal in campus housing?

Yes. The Fair Housing Act covers dormitories and other student housing and states that assistance animals (emotional support animals and service animals) do not need to be trained to perform a specific task, rather they alleviate one or more symptoms of the individual's disability. Under the FHA, an assistance animal can be more than a dog. To have an animal in your housing unit, you may have to provide documentation of your disability and disability-related need for the animal unless that information is obvious. It is also important to note that an assistance animal would **not** necessarily be allowed to accompany you to places outside your housing unit, such as classrooms and cafeterias, as those places are not covered by the Fair Housing Act and may only have to allow trained service animals.

Will there be a fee associated with my service or assistance animal?

No. Colleges and universities are not permitted to charge a fee for service or assistance animals. However, you may be charged for damages if the college or university would normally charge for similar damages caused by something other than a service or assistance animal.

Field Placements & Employment

ADA protections in employment practices

Title I of the Americans with Disabilities Act (ADA) makes it unlawful to discriminate in all employment practices and covers:

- Recruitment
- Hiring
- Firing
- Training
- Job Assignments
- Promotions
- Pay/Benefits
- Lay offs
- Leave

Disability-related questions during an interview

The ADA prohibits disability-related questions during the interview process. Examples of ways that an employer can violate the ADA in this way are by asking if you have a disability, if you need accommodations, or about your medical/prescription history. Employers may ask if you can perform the essential functions of the job with or without reasonable accommodations, but may not ask anything more specific than that related to disability.

Do I need to disclose during the interview process that I have a disability?

No. It is completely up to you to decide if and when you want to disclose your disability status. Disclosure will be necessary to request accommodations if you need them, but that does not need to occur during the interview process unless you need accommodations for the interview.

Can I get accommodations in my field placement?

Yes. Under the ADA, if you are qualified to perform the essential functions of a job, and you request an accommodation relating to your disability, the supervisor must try to find a reasonable accommodation that would allow you to perform these functions. Once you make a request, the employer should engage in an interactive process to determine effective accommodations for you.

Note: A great first step is to meet with your disability services office at your institution to discuss what this may look like.

What if my field placement will not make reasonable accommodations?

The ADA requires that the employer make reasonable accommodations for a qualified candidate unless they can prove that it will cause an undue burden or fundamental alteration, or if the person would be a direct threat to the health or safety of themselves or others. If you are having a hard time with the employer, you may want to reach out to the disability services office at your college or university to seek assistance. You may also consult Disability Law Colorado's [Employment Packet](#) for additional information and timelines for filing formal complaints.

What if my school cannot find me a placement that allows for my accommodations?

If you have difficulties finding a placement that fits your accommodations, your college or university should do as much as it can to assist you in finding a placement that will work for you. Some programs require certain criteria to be met to meet the field placement requirements, so this is something that should be discussed thoroughly with your program/institution.

If the field placement is required for the degree, or if you are receiving credit through your institution for the placement, your institution has a responsibility to ensure you receive accommodations at a placement. Your institution must ensure you have an equal opportunity to participate in the program.

What other resources are available to assist me in achieving my employment goals?

The [Division of Vocational Rehabilitation](#) may also be able to assist you with finding employment and paying for supports you need to achieve, maintain, and advance in employment. To learn more, visit our [Transition to Adulthood Series on Employment](#).

Transportation

Does my college or university have to include wheelchair accessible transportation?

Yes. Under the ADA, the college or university is obligated to provide equal transportation to students with disabilities. Thus, if they provide non-accessible transportation to students, they must also provide accessible transportation to students with disabilities.

Some universities provide door-to-door transportation services for students with short or long-term disabilities. This varies from institution to institution.

Dispute Resolution Processes

You have the right to pursue dispute resolution regarding your rights under Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), and the Colorado Anti-Discrimination Act (CADA). Before pursuing any formal resolution processes, it may be helpful to formally request **in writing** what you would like from your college or university to resolve your concerns if you have not done so already. Further, your school should have an office dedicated to disability services (often called Disability Services), and they may be able to help you resolve your concerns without having to file a formal complaint.

What dispute resolution processes are available if I cannot resolve my concerns with the college or university?

Complaint	Laws	Timeline	Pros	Cons
OCR Complaint	Section 504, Title II of the ADA (public colleges and universities)	Must be filed within 180 calendar days of the alleged violation.	<ul style="list-style-type: none"> • Easy process to file. • Can raise issues such as harassment, retaliation, physical accessibility, equal access, and different treatment based on disability. • Can also raise claims based on race, national origin, color, sex, and age. • Potential to resolve concerns through OCR's mediation process. 	<ul style="list-style-type: none"> • Short timeline to file. • OCR likely will not open your complaint if you have other ongoing complaints. • OCR complaints can sometimes take six months or more to resolve. • If not resolved through mediation, you do not have a say in the resolution terms.
DOJ Complaint	Section 504, Titles II and III of the ADA (public and private colleges and universities)	No specified timeline.	<ul style="list-style-type: none"> • Easy process to file. • Can raise issues such as harassment, retaliation, physical accessibility, equal access, and different treatment based on disability. • Can also raise claims based on race, national origin, color, sex, and age. • DOJ has a mediation process you can use to 	<ul style="list-style-type: none"> • May take a while for your complaint to be acknowledged as received by DOJ. • Sometimes never hear from the DOJ after complaint is filed. • DOJ complaints can take a long time to resolve. • You do not have a say in the resolution terms.

			try to resolve your concerns.	
CCRD Complaint	CADA – Covers housing, employment, and public accommodations.	Must be filed within 60 calendar days of the alleged violation for public accommodations. Must be filed w/in 300 days for employment. Must be filed within 1 year for housing.	<ul style="list-style-type: none"> • Can raise claims of retaliation and disparate treatment. • Can also raise claims based on disability, race, creed, color, sex, sexual orientation (which is statutorily defined as "including transgender status" - i.e. Gender Identity), marital status, national origin, and ancestry. • CCRD has a mediation process you can use to try to resolve your concerns. 	<ul style="list-style-type: none"> • Extremely short timeline to file. • Limited to protections afforded by CADA.
EEOC Charge of Discrimination	Title I of the ADA (employment)	Generally, 300 days from when the discrimination occurred. May vary depending on where it took place. Visit here for more info.	<ul style="list-style-type: none"> • Can raise claims in disability related employment discrimination. • Can also raise claims based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), or genetic information. • Signed statement asserting the employment discrimination that requests the US Equal Employment Opportunity Commission to take remedial action. 	<ul style="list-style-type: none"> • Needs to be filed before you can file a lawsuit in court. • Differences in timeline based on location.
U.S. Dep't of Housing and Urban Dev Complaint	Fair Housing Act & other violations of civil rights	Within 1 year of the alleged violation.	<ul style="list-style-type: none"> • Offers online, email/regular mail or phone call options for filing. 	<ul style="list-style-type: none"> • Has a limited window for submission. • Can take a long time to resolve.

			<ul style="list-style-type: none">• Website includes breakdowns of what to include and which type of allegation should be filed.• You may still file private civil lawsuit, even if you have already filed a HUD complaint.	<ul style="list-style-type: none">• For more in depth information on the complaint process, visit HUD.
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Where can I go for more information?

- [Students with Disabilities Preparing for Postsecondary Education](#)
- [Transition of Students With Disabilities To Postsecondary Education](#)
- [Home | Colorado Civil Rights Division](#)
- [Disability Overview | HUD.gov](#)
- [Effective Communication for People with Disabilities](#)
- [Employment Law Packet](#)
- [Transition to Adulthood Series - Employment: Finding the Right Job](#)
- [Housing Law Packet](#)
- [Transition to Adulthood Series - Housing](#)
- [Resource Guide: Requirements for Service & Assistance Animals](#)

*** DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. ***

*Last updated:
January 1, 2024*