



PROVISIONAL ACCOMMODATIONS: THE BASICS

This month's Melissa Talks will explore provisional accommodations for students with disabilities. We will first talk very briefly about the legal requirements to provide accommodations and academic adjustments for post-secondary students with disabilities.

The Basics

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504) stipulate that postsecondary institutions are responsible for providing reasonable accommodations when a student discloses a disability. Both public and private colleges and universities **must provide equal access** to postsecondary education for students with disabilities. Title II of the ADA covers publicly-funded universities, community colleges, and vocational schools. All public or private schools that receive federal funding are required under Section 504 to make their programs accessible to students with disabilities.

The triggering event is the student disclosing a disability or disabilities for which they need accommodations. After such disclosure, the student works with the Disabilities Resource Services (DRS) office to engage in the interactive process. This process involves an intake with the DRS office, the student providing relevant documentation of their disability or disabilities—that include the functional limitations—and meeting with the DRS manager/director/coordinator to determine reasonable accommodations. Once accommodations are determined, the student can select needed accommodations for their classes as they see fit. Of course, students can always seek adjustments to accommodations when necessary.

What is a functional limitation?

A person has a functional limitation when he or she, because of a disability, does not have the physical, cognitive, or psychological ability to independently perform or engage in major life functions (routine daily activities). Examples of functional limitations include (but are not limited to):

- Difficulty reading and comprehending information
- Easily distractible
- Weak memory skills
- Difficulty making decisions or problem-solving
- Unable to see or hear
- Difficulty with organization and prioritization
- Unable to follow a set of instructions in the correct sequence

The law does not allow for retroactive accommodations, since the requesting student must disclose the disability and engage in the interactive process (which includes the disclosure of accompanying documentation) before they can receive accommodations. Further, the law allows post-secondary institutions to develop their own reasonable documentation standards. All of this means there is no legal requirement to provide provisional accommodations to students as they are engaging in the interactive process to determine eligibility for and reasonable accommodations that will provide the student equal access to the educational environment/activities.

But what about our commitment to serving students?

Students in need of accommodations do better when they have them, this is obvious. So, is it student-focused to hold firm to the process of requiring full and complete documentation before accommodating students? I would argue no. This is why we have provisional accommodations in our Students with Disabilities policy.

A.R. 2.8.1 Students with Disabilities

I. General Eligibility Requirements

(2)(b): Provisional accommodations may be granted to a student by DRS to assist students while they collect appropriate documentation to support their eligibility for accommodations/academic adjustments. Such provisional accommodations must not exceed thirty (30) days, unless such extensions are granted due to extenuating circumstances. In these cases, an additional thirty (30) days of provisional accommodations may be granted. Any extension request beyond the additional thirty (30) days must be reviewed by the District ADA/504 Coordinator. Such extension must be based on extenuating circumstances beyond the control of the requesting student, and is not guaranteed.

Why are provisional accommodations only allowed for 30 days?

Provisional—according to Merriam Webster—means “serving for the time being: temporary.” The underlying disability (diagnosis) has not been verified and the need for accommodation(s) has not been properly documented, which is why they are temporary. A student can request an additional 30 days if the collection of documentation is particularly difficult or there is some other extenuating circumstance. But this extension must be due to circumstances beyond the student’s control.

Will faculty be notified when provisional accommodations expire?

DRS will notify faculty when provisional accommodations expire. Ideally, the Faculty Notification Letter will designate the temporary nature of the accommodations. Until such time as that happens, DRS must track the provisional nature of accommodations and let faculty know when they expire.

Why does the District ADA/504 Coordinator have to review 30-day extensions to provisional accommodations?

Since there is no legal requirement to provide provisional accommodations, it is important that the District ensures that in our effort to assist students we don’t create liability for the District by

way of inconsistent practices. The District ADA/504 Coordinator will ensure such consistent treatment by reviewing the decisions made by the DRS managers/directors to provide the 30-day extension of provisional accommodations.

If you have any questions, please feel free to contact Melissa Flores or Jason Sweat.



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