Beyond High School: Your Rights at College, Trade School, and More

If you need help getting an accommodation, call us at 1-800-252-9108 or complete our online form: intake.DRTx.org. You can also call our Sign Language Video Phone at 1-866-362-2851 or Purple 2 Video Phone at 512-271-9391. If you have questions or concerns about your rights at College and want to speak with someone, Text: COLLEGE to 512-229-9109 to request someone contact you.

General Information

1. What is postsecondary education?
Postsecondary education refers to any education beyond high school. The term often refers to a college or university, but it also includes vocational schools, trade schools, or other career colleges that award academic degrees or professional certifications.

2. What laws are applicable to students with disabilities in postsecondary educational institutions (such as a college or university)?
The Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973 are the two main laws that protect the rights of people with disabilities in such institutions. In Texas, Chapter 121 of the Texas Human Resources Code provides additional protection to people with disabilities.

Note that postsecondary institutions are not covered by the Individuals with Disabilities Education Act (IDEA).

3. Does it matter if I go to a public or a private college?
No. You are protected from disability discrimination whether you attend a public or private school (with very rare exception). You are also entitled to an appropriate accommodation for your disability in either setting. (See Questions 12 and 13 below.)

Before Admission

4. Am I entitled to changes to the standardized testing that a college or university may require?
Possibly, yes. The law requires that testing conditions be changed or accommodated to allow a student with a disability to participate—so long as the changes do not fundamentally alter the examination or create undue financial or administrative burdens. To request a testing accommodation, you will need to contact the entity that

administers the exam, rather than the school. You will also need to provide documentation of your disability and need for a change in testing conditions. This process may take some time, so it would be wise to make these requests as soon as possible.

5. Can a college or university ask me if I have a disability before deciding to accept me?
No, a postsecondary institution is generally not permitted to make a “pre-admission inquiry” into your disability status.

6. Can a college or university deny me admission just because I have a disability?
No. If you do not meet the essential requirements for admission, your school can generally deny you admission, regardless of whether or not you have a disability. But there may be an exception if the essential requirements for admission are plainly discriminatory (e.g. a school that refuses to accept students who are deaf), or if they have the effect of preventing meaningful access to a service or activity for students with disabilities without a good reason.

7. Am I obligated to inform a college or university that I have a disability?
No. But after you are admitted, if you want the school to provide an accommodation or an academic adjustment for your disability, you must identify yourself as having a disability. Likewise, you should let the school know about your disability if you want to ensure that you are assigned to accessible facilities. Your disclosure of a disability is always voluntary, but you must disclose information about your disability in order to receive an accommodation. The disclosure is usually made to the school staff in the office for students with disabilities. (See “If I want to request academic adjustments, what should I do?” below.)

After Admission: Documenting Your Disability

8. Am I required to provide documentation of my disability in order to receive accommodations from a college or university?
Yes. The school may ask for proof of your diagnosis, information about how your disability impacts your academic performance, and information about the requested accommodation. The documentation that is required typically varies from school to school. Schools may require that the documentation be sufficiently recent to show that your disability is currently impacting your ability to learn. Note that documentation may

not be required if the disability is obvious.

9. Who is responsible for obtaining any required medical records or paying for any medical exam?
The student is responsible for obtaining documentation of the existence of a disability, which may include testing. The school is not obligated to identify students with disabilities.
You may need to get a new evaluation from a doctor or specialist. If so, you must pay for the evaluation, but you may be eligible for assistance from the Texas Workforce Commission's Vocational Rehabilitation Services (TWC-VRS). You can contact TWC-VRS to learn more about their services by calling 1-800-628-5115 or emailing customers@twc.state.tx.us.

10. Is my most recent Individualized Education Plan (IEP) or Section 504 plan enough to document the existence of a disability?
It might be. IEPs can help identify your disability and services that were helpful to you in the past. But depending on the information, they may not be sufficient to support the existence of a current disability or the need for academic adjustment from a postsecondary institution. You may need to supplement the information in your IEP.

11. What if I wasn't diagnosed with a disability until after I started college or university?
You can still receive accommodations from your postsecondary institution, provided that you are able to provide the appropriate documentation. If your school denies you a requested accommodation, you may want to file a complaint. (See Questions 19–22 below.)

After Admission: Obtaining Disability Related Services

12. If I want to request academic adjustments, what should I do?
To receive academic adjustments, you must inform your school that you have a disability and need an academic adjustment. Your postsecondary school may require you to follow reasonable procedures to request an academic adjustment. It is usually best to understand and follow those procedures. To find out what those procedures are, contact the office or department at your school that helps students with disabilities. This office may be called the "Office of Disability Services," the "Office of Student Accessibility Services," or another similar title.

13. What are some examples of the types of accommodations in my coursework or the classroom that I might request?

- Some sample accommodations are:
- Arranging for priority registration
- Reducing a course load
- Providing note takers
- Recording devices
- Providing sign language interpreters
- Extending time for testing
- Finding an alternate location for testing
- Equipping school computers with screen-reading or voice recognition software
- Seating near the front of the class
- Labeling signs and equipment with Braille
- Providing CART services
- Adapting lab equipment
- Providing visual aids and written supplements
- Writing down all verbal tasks
- Recording lectures
- Captioning films or audio
- Making classrooms accessible
- Installing ramps and raised platforms
- Alternating assignments for oral presentations
- Being flexible with in-class discussions
- Making assignments available in electronic format of assignment

14. Who pays for accommodations?

The postsecondary educational institution is responsible for paying for accommodations. Once they have been identified, institutions may not require students with disabilities to pay for any of the costs of such aids and services. Institutions may not charge students with disabilities more for participating in programs or activities than they charge students who do not have disabilities. TWC-VR may help pay for educational costs for students with disabilities (for contact information, see Question 9 above.) Note, too, that the school does not have to pay if the accommodation is expensive enough to pose an undue financial burden. (See Question 16 below.)

15. Do colleges or universities have to provide accommodations in internships, clinical programs, or study abroad programs?
Yes. The requirements to provide accommodations should also apply to programs outside of the traditional classroom setting.

16. Are there limits to the accommodations a college or university must provide?
Yes. The school is not required to lower or substantially modify essential requirements. For example, although your school may be required to provide extended testing time, it is not required to change the substantive content of the test.
In addition, the accommodation cannot pose an undue financial or administrative burden.

17. Do my professors have to follow the accommodations put into place by my college's disability office?
Yes. Your professors are required to follow the accommodations put into place by your college's disability office.

18. Does my college or university have to provide me with accommodations in housing too?
Yes. Your postsecondary institution also must provide you with the accommodations you need in the college or university housing. This may include, for example, providing a physically accessible dorm room, or allowing you to have your service animal with you in the dorm. In addition to the laws mentioned in Question 2 above, your rights in housing fall under the Fair Housing Act. For additional information about the Fair Housing Act, see Disability Rights Texas handout Ending Discrimination in Housing: Fair Housing Laws.

After Admission: Filing a Complaint

19. What should I do if a professor is not following an accommodation?
Your professors are required to follow the accommodations put into place by your college's disability office. If this is not happening, first talk to your professor and remind him or her of your accommodations. If he or she still isn't following your accommodations, talk with your college's disability office, and request assistance in getting the professor to provide the accommodations. If your professor still fails to provide the accommodations, you may want to file a complaint. (See Questions 20–22)

20. What should I do if the academic adjustments provided by the institution are not working?
Your first recourse should be to talk with your institution's disability office about changing your academic adjustments to meet your educational needs. You can also talk to your school counselor or other school administrators (e.g., Dean of Students) if your needs are not being met.

21. What do I do if I think my rights are being violated?
If you think that your rights are being violated or that your school has discriminated against you, consider going through your school's grievance procedure. The school is required to have its own grievance procedure. You can usually find your school's grievance procedure online, and/or in the student handbook.

If you are dissatisfied with the outcome of the school's grievance procedures, you may file a complaint against the school with the Office of Civil Rights (OCR) or in a court. Generally, you have 180 days to file a complaint with the OCR, but if you have filed a grievance with your school, you only have 60 days to file a complaint with the OCR from the date of the completion of the grievance procedure. You should be aware that filing an internal complaint with your school is not the same as filing with OCR, and may not stop the 180 days from running. You can file an OCR complaint online at http://www.ed.gov/ocr/docs/howto.html.

You can also contact the OCR's office for Texas:

Office for Civil Rights, Dallas Office
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Telephone: (214) 661-9600
Facsimile: (214) 661-9587
Email: OCR.Dallas@ed.gov

Should you wish to file a lawsuit, you'll likely need the assistance of an attorney. The deadline for filing a suit is, in most cases in Texas, two years after the incident occurred.

22. What information should I include in a complaint?
You will want to describe how your rights have been violated or how your school has discriminated against you. This description could include the accommodations you needed, and your school's response to the requested accommodations. It could also include the specific problems you had with getting your school or a professor to grant or implement your requested accommodation. Be sure to include any documentation about your request, and your school's written responses to your request. You may also consider including the documentation you provided to your school in support of the request.
Other Resources
Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities (U.S. Department of Education, Office for Civil Rights)

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Disclaimer: Disability Rights Texas strives to update its materials on an annual basis, and this handout is based upon the law at the time it was written. The law changes frequently and is subject to various interpretations by different courts. Future changes in the law may make some information in this handout inaccurate.
The handout is not intended to and does not replace an attorney's advice or assistance based on your particular situation.

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