

**Growing Our  
Documentation Requirements to  
Meet Growing Needs**

Session 5.10, AHEAD 2010

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**The Way We Gather Information Must  
Change Because:**

- The ADAAA pushes us in that direction and  
***MORE IMPORTANTLY***
- Self-preservation says we must. The population of students we are serving has changed; our documentation practices ***must*** change as well!

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**The Interview/Intake:  
Not A New Idea –  
Just A New Emphasis!**

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### Why Is This So Important?

- We knew we could do it when we needed to (post-Katrina)
- New populations require us to go beyond what our traditional inquiries included:
  - Returning Vets
  - Students with Autism Spectrum Disorders
  - Online Learners (which includes ALL learners!)
- NOW WE NEED TO AGAIN!!!

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### Returning Vets...

- May not have documentation at all
- May not have documentation that is relevant for purposes of determining needs
- High school careers may tell you nothing of what to expect now
- You need to know for how long they have been experiencing their difficulties and how far along they are in the adjustment process

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### Students with Autism Spectrum Disorders

- *NOTHING* in the statement of diagnosis tells you anything about their accommodation needs
- For this population, more than any other, past (anecdotal) history may be THE most salient information in assigning accommodations
- There is a good chance that THIS intake information will come from parents, not the students themselves!

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### Online Learners

- All students in higher education today are online learners
- Nothing in our traditional documentation guidelines/requests tells us anything about how the disability impacts the student online
- You need to know what equipment they are using (REALLY using!) and how comfortably

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### Definition of Disability in the ADA

- Mental or Physical Condition
- Substantial Limitation
  - Significantly restricted as to the condition, manner or duration compared to the condition, *manner*, or duration under which *the average person in the general population* can perform that same major life activity.
- Major Life Activity

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### Limited in What Way?



- Relevant inquiry is “how a major life activity is substantially limited, not on what an individual can do in spite of an impairment.” PRN: 1630.2(j)(2)(vi)
- The comparison of an individual's limitation to the ability of most people in the general population often may be made using a commonsense standard, without resorting to scientific or medical evidence. PRM: 1630.2 J. 2 (IV)

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### Major Life Activities

- Includes but not limited to, caring for oneself, performing manual tasks, seeing, hearing, **eating, sleeping,** walking, standing, lifting, **bending,** speaking, breathing, learning, **reading, concentrating, thinking, communicating,** and working.

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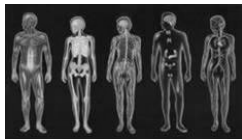
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"Major Life Activities" also include the operation of major bodily functions including but not limited to:



- |                |                      |
|----------------|----------------------|
| • Immune       | • Neurological       |
| • Respiratory  | • Brain              |
| • Circulatory  | • Normal Cell Growth |
| • Endocrine    | • Bowel              |
| • Digestive    | • Bladder            |
| • Reproductive |                      |

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### Quote

"A university is prevented from employing unnecessarily burdensome proof-of-disability criteria that preclude or unnecessarily discourage individuals with disabilities from establishing that they are entitled to reasonable accommodation."

*Guckenberger v. Boston University*, 974 F.Supp. 106, 135-136 (D. Mass. 1997).

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### Quote

"It would be inconsistent with the broad remedial goals of the ADA to find Abdo's doctors' letters insufficient simply for failure to recite a precise medical diagnosis where they adequately set forth the effect of Abdo's disability on several of her major life activities."

*Abdo v. University of Vermont*, 263 F.Supp.2d 772, 14 A.D. (2003)

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### Quote

"When considering documentation for a Learning Disability, institutional guidelines should not rely exclusively on psychometrics. Guidelines should give deference to the "clinical judgment" of the evaluator.

- *Bartlett v. New York State Bd. of Law Examiners*, 156 F.3d 321 (2nd Cir. 1998)
- Mt. San Antonio College, OCR Docket Number 09-96-2151

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### Documentation: General Principles

- Review on individual, case-by-case basis
- No specific language is required to determine disability
- Documentation can be augmented through interview
- Determination of accommodations is an interactive process
- Documentation of a specific disability does not translate directly into specific accommodations
- Documentation is confidential & shared only on a need to know basis
- Information on the individual's disability is only one component of providing access

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### Seven (Essential) Elements of Quality Disability Documentation

- The credentials of the evaluator(s).
- A diagnostic statement identifying the disability
- A description of the diagnostic methodology used
- A description of the current functional limitations
- A description of the expected progression or stability of the disability
- A description of current and past accommodations, services and/or medications
- Recommendations for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support services.

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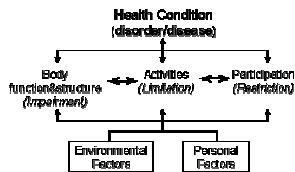
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### The Value of Self Report

It is only through understanding an individual's experience in the context that we can translate diagnostic evaluations into useable information on the barriers and facilitators to access and full participation.




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### Self-Report Filtered by Professional Judgment

The weight given to the individual's description will be influenced by its clarity, internal consistency, observed behaviors, congruency with available formal documentation results, and clinical narrative.




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### Clinical Judgment

“ A learning disability is not measurable in the same way a blood disease can be measured in a serum test. By its very nature, diagnosing a learning disability requires clinical judgment”.

Judge Sotomayor, Bartlett v. New York State Bd. of Law Examiners; 2001

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### Past History From Self-Report

Both Successful and Unsuccessful Experiences

- Barriers & Problem situations
- Facilitators & Accommodations
- Tools & Adaptive Devices
- Social Networks & Assistive Services
- Skills & Compensatory Strategies
- Resources & Collateral Support Services

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### Effective Documentation Need Described in the Context of the Condition

- Identifies Condition
  - Formal Taxonomy
  - Descriptive Narrative
  - Exemplars
- Cyclical or episodic nature of impacts
- Known/suspected environmental triggers
- Date of last Evaluation
- Date of Original Diagnosis

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How does your condition impact:

- You In Classes
  - Listening
  - Note taking
  - Speaking
  - Writing
  - Keyboarding
  - Sitting
  - Attendance

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- Your Performance On Evaluations
  - Tests
  - Papers
  - Oral Reports
  - Group Projects
- You When Doing Out of Class Assignments
  - reading
  - writing
  - calculating
  - keyboarding
  - library work

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- You When There Are Time Constraints
  - timed tests
  - Project/Paper Deadlines
  - Class Schedules
- Your Mobility
  - Manipulating Objects
  - Transportation & Getting Around
- Your Diet
- Your Sleep Patterns
- Your Interactions With Others
  - Group Projects
  - Room mates
  - Advising

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**How does the learning environment present barriers to you?**

Listening	Group	Class Schedules
Note taking	Participation	Manipulating
Speaking	Papers	Objects
Writing	Timed Tests	Getting Around
Keyboarding	Deadlines	Transportation
Mousing	Oral Reports	Diet
Reading	Group Projects	Sleep
Sitting	Computer Use	Interacting With
Attendance	Calculating	Others
	Library work	

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**The "NEW" Documentation Rule at a Glance**

**SAY:**

"Yes" when you can and "no" when you have to.

**RATHER THAN:**

"No" when you can and "yes" when you have to.

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