

DSS Policy 1: University Commitment

Frostburg State University (FSU) is committed to providing access to all University facilities, programs, and activities for FSU students with disabilities and recognizes its responsibility for assuring nondiscrimination of these students on the basis of a disability. FSU views access in the broadest sense, including not only physical-related access, but access to information and opportunity to learn and demonstrate one's learning and skills.

FSU is committed to full compliance with all disability-related legislation, such as Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. The FSU faculty, staff and students are prepared to implement this policy by making reasonable adjustments as necessary.

DSS Policy 2: Confidentiality

2.1 Philosophy

FSU recognizes the personal and sensitive nature of having a disability and understands that a student may be reluctant to disclose a disability because of a fear of discrimination as well as various other psychosocial factors. Consequently, FSU takes the position that a student has ownership of her/his disability and that documentation of that disability is her/his private property.

Although a student may choose to share documentation with an FSU office, departments, faculty, or staff member, s/he has, in most instances, done so in order to gain access of some nature. Based upon these circumstances, the student is in no way forfeiting her/his ownership or control of that documentation by sharing it with FSU personnel. In recognition of student ownership/control, FSU shall retain all disability-related information (medical, psychological, educational, etc.) with a high degree of confidentiality.

Furthermore, the Office of Disability Support Services recognizes that its integrity in this matter is essential in order to maintain the trust and confidence of students.

2.2 Legislation

Title I of the Americans with Disabilities Act (ADA) states that disability-related information is to be considered highly confidential, is to be kept in secure files with limited access, and is to be shared on a "need-to-know" basis only. This reference to confidentiality in Title I can be legitimately applied to Titles II and III of the ADA which govern institutions of higher education.

2.3 Security & Access

All FSU offices, departments, faculty, and staff are responsible for maintaining confidentiality of disability-related information/ documentation and will take appropriate actions to ensure this confidentiality. DSS has implemented the following procedures for maintaining confidentiality:

Student "paper" files containing disability-related materials including documentation of disability are maintained in the office of the Director of DSS. Professional staff from DSS, SSS, PASS, and support staff as delegated by a Professional staff member are permitted to access these "paper" files on a "need-to-know" basis. Except as dictated by immediate concerns for safety, all other access to "paper" files is prohibited, including faculty or parents, unless the student has provided written authorization for release of information.

All disability-related electronic data is maintained on a secured FSU network server. Professional staff from DSS, SSS, PASS, and support staff as delegated by a professional staff member are permitted to access these electronic data on a "need-to-know" basis. In addition, professional technicians from the office of Computing Services have access to these data for technical maintenance purposes only, and they agree to maintain strict confidentiality of any and all data which they must access. All other access to electronic data is prohibited, including faculty or parents, unless the student has provided written authorization for release of information.

All staff members of DSS, SSS, and PASS are required to review and abide by these policies and procedures on confidentiality. Designated support personnel, such as office aides and notetakers who may "need to know," are required to review and sign a confidentiality agreement related to use of student information.

DSS Policy 3: Appeals & Grievances

In most instances concerns, complaints, grievances, and appeals related to the Office of Disability Support Services should be directed to the Director of DSS (301-687-4483). However, in those instances when a grievance directly involves the Director of DSS, an individual may choose one or both of the following options.

1. One may direct her/his grievance to the Director of Programs for Academic Support and Studies (301-687-4738) who supervises the Director of DSS.
2. One may choose to file a formal grievance with the Americans with Disabilities Act (ADA) Office (301-687-4102) by following the “ADA Grievance Procedures for Students, Employees, and Visitors,” which is available at the ADA Office and DSS.

DSS Policy 4: Declaration of Disability

Students presently admitted to or enrolled at Frostburg State University (FSU) may request consideration for disability status that encompasses the need for accommodation and related protection under the law. The request for disability status must be directed to Disability Support Services (DSS) and consist of two components: 1) a written request and 2) documentation of disability.

Written Request

A student requesting consideration for disability status must complete and submit a Disability Declaration Form which is mailed to all newly admitted FSU students or is available at DSS upon request; or

A student can submit a written request (paper or electronic) for consideration for disability status to DSS.

Documentation of Disability

A student requesting consideration for disability status must submit documentation in accordance with those guidelines set forth in the policy, "Documentation of Disability".

DSS will not make a determination of eligibility until both criteria listed above have been met. If either component of the request is missing or incomplete, DSS will notify the student in writing one time asking for the missing component.

DSS will only accept requests for disability status directed by the student and will not accept requests from parents or any other advocate without evidence of the student's direction. It is also the responsibility of the student to present documentation of disability directly to DSS. DSS will not seek to obtain documentation from internal or external agencies or parents on behalf of a student.

Once the request is complete, DSS will evaluate the documentation and determine eligibility usually within fourteen days.

Newly admitted students must have submitted a request and documentation at least fourteen days in advance of their first semester, so that DSS might make an eligibility determination prior to the beginning of their first semester at the University. FSU cannot guarantee the availability of or appropriate accommodations without ample lead time to make preparations and/or muster resources.

Upon determining eligibility, DSS will notify the student in writing. If a student is eligible, the correspondence shall inform the student that s/he is responsible for meeting with a DSS representative in order to: 1) discuss and arrange accommodation services; 2) discuss any concerns about access to or involvement in campus life/activities; and 3) discuss related policies and procedures. If DSS determines the student ineligible for disability status, the correspondence shall inform her/him of that determination and the appeals process. In some cases the correspondence shall request further documentation to fully evaluate the individual's status.

DSS Policy 5: Documentation Requirements

5.1 Documentation of Disability

DSS utilizes a form called the “Documentation Review & Accommodation Report” (DRAR) to document the process of: 1) evaluation of disability documentation; 2) determination of disability status; and 3) determination of reasonable accommodations, if any. DSS does not provide/authorize disability-related services until the DRAR is complete.

Documentation of disability may be in the form of a(n): report; letter; summary of test/lab results; discharge summary; Individual Educational Plan (IEP); 504 Plan, etc. Regardless of the format, documentation is expected to comply with the general guidelines outlined below. DSS determines disability status and accommodations on a case-by-case basis.

5.2 General Guidelines

Documentation of Disability should

1. **Be Current**
Documentation should have been generated within the previous five years and reflect the level of functioning at that time.
2. **Be Appropriate**
Documentation must be relevant to the disability claim.
3. **From Qualified Professional**
Documentation must include the clinician's name, title, credentials, license #, address, telephone #, and signature. It must also be evident that the clinician has expertise in the relevant diagnostic area.
4. **Include Statement of Diagnosis**
Documentation must specifically identify the condition or impairment which substantially limits the student’s functioning.
5. **Describe Functional Limitations**
Documentation must discuss those academic-related skills or other relevant abilities which the student is unable to perform or is limited in performing.
6. **Include Supporting Data**
Documentation must include test/lab results, clinical observations, and/or an objective explanation on how the diagnostic conclusion was reached.
7. **Include Recommendation for Accommodations**
Documentation must include recommendations from the clinician. Any recommendation should be discussed in relation to existing functional limitations and compensation. DSS makes final determinations regarding reasonable accommodations in consultation with the student.

5.3 General Guidelines for “Supporting Data” for Learning Disabilities, Attention Deficit Disorders, and Other Cognitive Disorders

1. **Aptitude Testing**
A complete intellectual assessment with all subtests and standard scores reported.
2. **Academic Achievement Testing**
A comprehensive academic achievement battery with all subtest and standard scores reported including levels of academic functioning in relevant areas, such as reading (decoding and comprehension), mathematics, and oral and written language.
3. **Assessment of Information Processing**
Specific areas of information processing (e.g. auditory and visual perception/processing, processing speed, short- and long-term memory, sequential memory, executive functioning, and motor ability) should be assessed.

DSS Policy 6: Determination of Accommodations

Frostburg State University (FSU) has designated the Office of Disability Support Services responsible for determining reasonable accommodations for students with disabilities on behalf of the institution. The Office of the President gives the Director of Disability Support Services the authority to carry-out this assignment.

DSS Policy 7: Request for Accommodation

7.1 General Guidelines for Requesting/Receiving Accommodations

Procedural details of a request for accommodation vary depending upon the accommodation. Details of requesting/receiving the more common accommodations coordinated by DSS are discussed in sections 7.2-7.5. However, the remainder of this section, 7.1, discusses some general guidelines which apply to most requests for accommodation.

In general, an eligible student desiring a specific accommodation is responsible for directing a request to DSS. DSS will not recognize requests from anyone other than the respective student. Also, in general, DSS does not notify instructors of a student's need for accommodation, as it is the student's responsibility to follow DSS procedures to inform her/his instructor(s) of the need for accommodation.

Lastly, in those instances when a student believes that an accommodation has not been provided as agreed or s/he is dissatisfied in some respect, s/he should address concerns to the Director of DSS. In those instances when a student's concerns directly involve the Director of DSS, then s/he should direct concerns to the Director of Programs for Academic Support and Studies (301-687-4738) and/or to the Director of the ADA Compliance Office (301-687-4102), following the ADA Grievance Procedure available from that office.

7.2 – Requesting/Receiving Test Accommodations

Eligible students requesting test accommodations are responsible for knowing and abiding by relevant policies and procedures. Students are expected to renew their requests for accommodation each semester, and they will be provided with policy and procedure information during that respective semester. If a student fails to follow these policies and procedures, DSS or an instructor may not be able to provide the requested accommodation.

Below are the policies and procedures for requesting/receiving “common” test accommodations. “Common” test accommodations are those accommodations that are routinely provided by DSS, such as extended test time, isolated testing environment, use of a computer, and/or reader/scribe services. Test accommodations that do not fall into this “common” category are addressed on a case-by-case basis and may require additional time and resources. In such instances, FSU cannot guarantee the availability of appropriate accommodations without ample lead time to make preparations and/or muster resources.

1. The student must request an accommodation letter from DSS at least four (4) school days prior to the need for accommodation. The accommodation letter states those accommodations that the student has selected and is eligible to receive.
2. DSS will provide the student with a reasonable number of copies of the letter in order that s/he may give a copy to each instructor of those courses in which accommodation is desired. Assuming that the student's eligibility status and documentation are in order, accommodation letters are made available within twenty-four hours after a request.
3. The student is then responsible for presenting this accommodation letter to the respective instructor(s) at least three school days prior to the need for accommodation. It is recommended that at the beginning of each semester the student present an accommodation letter to all instructors of those courses in which accommodation may be desired.
4. The student is expected to discuss arrangements with the instructor and come to a mutual agreement of when, where, and how accommodations will be implemented.
5. If the student and instructor agree that test accommodations should take place in the accommodated testing facility in the Learning Center, the student must schedule a time in the “Testing Schedule

Book” at least three school days prior to the need for accommodation. In this case, the student is also responsible for prompting an instructor to deliver the exam to DSS. A DSS staff person can pick up an exam, but only if DSS is notified to do so. Students are also encouraged to check with the instructor on a regular basis regarding the status of a particular exam arrangement.

6. The student need only deliver an accommodation letter to a respective instructor one time per semester; however, the student must remind the instructor on each subsequent need for accommodation. An instructor has the right to refuse test accommodations if the student fails to follow established procedures.
7. DSS trusts the integrity of those students who utilize test accommodations. However, it is recommended that students utilizing the accommodated testing facility in the Learning Center practice testing behaviors which do not jeopardize this trust. Those exams taken at the Learning Center will be monitored, and any suspicion of cheating will be reported to the instructor. The Instructor, not DSS, will determine any consequences. Testing accommodations cannot be withheld as a consequence of cheating.

7.3 Requesting/Receiving Notetaker Services

Notetaker Services are typically provided through the cooperative efforts of the student, DSS, faculty, and the notetaker. Following are the basic policies and procedures governing this process.

1. Eligible students desiring notetaker services are responsible for obtaining a Request for Notetaker Services form from DSS for each course in which a notetaker is requested. Requests for notetakers will be accepted up until one week following the date of midterm warnings.
2. The student is responsible for giving this request form to respective instructors within three class meetings.
3. A statement on the form asks the instructor to identify a potential notetaker by making a general recruiting announcement or through other means of his/her choosing within three class meetings of receiving the request form.
4. If the instructor identifies a potential notetaker, s/he is to give the request form to the notetaker, and the form instructs the notetaker to return it to DSS. If the instructor has not identified a notetaker, then s/he is to return the request form to the student.
5. After three class meetings from the time the request was delivered to the instructor, the student should check her/his folder at DSS to see if any notes have been delivered. If there are no notes, the student should ask a DSS staff if a notetaker has been assigned. If no, the student should contact the instructor and ask if a notetaker was identified. If yes, the student should ask for the notetaker’s name and then provide that information to DSS. If no, the student should retrieve the request form from the instructor and return it to DSS.
6. The student is responsible for informing DSS of any concerns regarding notes/notetaker. DSS will only take action if a student brings a concern.

7.4 Requesting/Receiving Reader Services

Reader services refers to three methods which DSS utilizes to provide standard print materials in an audio format: 1) borrowed taped-textbooks from a national library service; 2) locally read and recorded; and 3) a computerized reading system. The primary national library service for borrowing taped-textbooks is Recording for the Blind & Dyslexic (RFB&D). DSS has a limited institutional membership with RFB&D. DSS utilizes this limited institutional membership to order taped-textbooks for eligible students on a two semester trial basis. After the two semester trial period, eligible students are expected to purchase their

own RFB&D membership and to order taped-textbooks on their own. Often textbooks and other print materials are not available through RFB&D or other national library services. In such instances, DSS utilizes its own internal reading/recording personnel or a computerized reading system to allow for conversion to an audio format.

1. In all cases, eligible students desiring reader services are responsible for requesting such services in writing (paper or e-mail) or completing a Taped-textbook Order Form and submitting the request to DSS. Any request for reader services must be submitted to DSS a minimum of three days prior to the need for audio materials.
2. Once DSS receives the request, the order is placed within forty-eight hours. It may take up to two to three weeks for a (respective) national library service to process and ship an order.
3. For those materials not available from a national service, DSS will begin reading/recording within fourteen days or the student will be referred to the computerized reading system.
4. The student is responsible for checking with DSS on a regular basis (weekly) to see if materials are available.
5. Faculty are only notified of a student's use of reader services if the student requests that information be included in the accommodation letter.

7.5 Requesting/Receiving Interpreter Services

FSU provides interpreter services to eligible students by contracting with an external service provider. These interpreter services are only available for FSU sponsored programs, events, or academic-related activities.

1. An eligible student desiring interpreter services is responsible for submitting a request in writing (paper, e-mail, or TDD) to DSS. This request must include the following information.
 - a) student's name
 - b) today's date
 - c) description of event(s)
 - d) date(s), time(s), and Locations(s) interpreter services are desired
2. This request must also meet the following time-related guidelines.
 - a) Requests for interpreter services for regular, repetitive events, such as classes, must be submitted a minimum of two weeks prior to the need for an interpreter.
 - b) Requests for interpreter services for irregular events, which are difficult to predict in advance, must be submitted as soon as the student becomes aware of the need. In these instances DSS can not guarantee that the interpreter services can be provided without two weeks prior notification.
3. DSS will review the request and, if approved, forward it to the external service provider within forty-eight hours.
4. The external service provider will notify DSS within seven to fourteen days of the arrangements that have been made.
5. DSS will forward these details to the student via mail, e-mail, or TDD within forty-eight hours.

6. With the student's consent, faculty will be notified prior to a respective semester of a student's use of interpreter services.

DSS Policy 8: Course Substitution

Frostburg State University (FSU) is committed to providing access to students with disabilities through appropriate accommodations including the consideration of course substitutions.

8.1 Requirements of Request

A request for course substitution on the basis of disability must include:

1. A letter of request from the student specifying the course for which s/he is requesting substitution.
2. Documentation of the student's disability consistent with those guidelines set forth in DSS policy 5.0, "Documentation Requirements." Documentation must specifically address diagnosis, functional limitations and supporting data as justification for course substitution.
3. If applicable, documentation of any previous attempt to participate in the respective course or a like course at a college or high school level and any accommodations or other support services utilized in those courses.
4. Any other documentation/information which the student believes supports her/his request.

8.2 Review Procedure

1. Student must submit a request for course substitution to the Office of the Provost at least ninety (90) days prior to the beginning of the term for which the student is requesting a course substitution.
2. The Office of the Provost shall forward the request to Disability Support Services (DSS) within seven (7) days of receiving it.
3. DSS shall review the request and return a recommendation to the Office of the Provost within thirty (30) days following receipt of the request.
4. The Office of the Provost shall forward the request along with DSS recommendation to the Academic Standards Committee, if it is a General Education course requirement, or, in all other cases, to the appropriate departmental committee within seven (7) days following notification from DSS.
5. Within thirty (30) days of notification by the Office of the Provost, the respective committee shall consider the request, make a determination and respond in writing to the student. If the respective committee denies the request, the written response shall include a rationale of how this course substitution would be a substantial change in an essential element of the student's degree program. The Assistant to the President for Legal Affairs shall review those requests for course substitution which are denied prior to student notification to ensure that the standard of the law is upheld. It is suggested that the respective committee consult with the Assistant to the President for Legal Affairs during their deliberation.
6. If the student is not satisfied with the decision, s/he may appeal to the Provost or the Americans' with Disabilities Act Office within fourteen (14) days following the date of the decision. If the student chooses to file a grievance with the ADA Office, s/he should follow the "ADA Grievance Procedures for Students, Employees, and University Visitors" which is available at DSS or the ADA Compliance Office.

8.3 Factors for Consideration/Determination

DSS and the appropriate academic committee share responsibility in considering requests for course substitutions.

1. DSS is solely responsible for considering and determining whether a request for course substitution is justified by the student's disability. This consideration is based upon the following two facts:

- a) DSS considers and determines whether the student has a disability which manifests functional limitations that significantly limit the student from fully and fairly participating in the respective course.
 - b) DSS considers and determines whether other accommodations may be more appropriate prior to recommending a course substitution. If applicable, this includes examination of the student's previous attempts to participate in the respective course or a like course at a college or high school level, and the student's use of accommodations and other supports.
2. The respective academic committee is solely responsible for considering and determining whether a course substitution would be a substantial change in an essential element of the student's degree program.
3. If the academic committee determines that a course substitution is appropriate, then that committee, in consultation with DSS and any relevant academic departments, shall determine which course(s) might be appropriately substituted.

Policy and Procedure Guidelines for Exceptions to the Definition of Full Time Status
For Disabled Undergraduate Students

Frostburg State University recognizes its responsibilities to students who qualify for protection under the Americans With Disabilities Act and/or Section 504 of the Rehabilitation Act of 1973. In keeping with these responsibilities, the University will certify a student who is qualified as disabled under the law as full time while enrolled for less than 12 credits if the University determines this exception is a reasonable accommodation for the student's disability.

A student seeking an exception is required to complete the steps outlined in "Certification Procedures for Exception to the Definition of Full Time Status" available in the Offices of the Provost and Disability Support Services (DSS). Specifically, the student must submit a request for exception, along with thorough documentation of his/her disabilities, to the Director of DSS. If the Director of DSS agrees that the documentation supports enrollment in less than 12 credits as a reasonable accommodation, the Director must submit a written request to the Office of the Provost specifying the number of credits DSS believes would constitute full time work for the student. If the exception is granted by the Office of the Provost, the student is required to enroll in the full number of credits specified by DSS in order to be certified full time. The Office of the Provost will notify the Offices of the Registrar and Financial Aid in writing of any exceptions to the standard full time policy. Unless otherwise stated in the approval letter from the Office of the Provost, exceptions to the definition of full time enrollment are effective for one semester. The student must request that an exception be re-evaluated each semester to determine whether this accommodation still is appropriate.

A student who is approved for an exception must personally contact the Offices of the Registrar or Financial Aid for all matters in which full time status needs to be certified or applies. The Student Information System is not configured to automatically report a student granted an exception as full time.

Certification Procedures for Exception to Definition of Full Time Status

A student who has a disability that she/he believes prevents her/him from completing twelve credits in a semester may appeal to the Office of Disability Support Services (DSS) for an exception to the definition of full time status. In order to obtain an exception, which will be granted only in extraordinary circumstances, the student must initiate the request and obtain the necessary approvals as specified below.

- The student must submit a written request for exception, along with documentation from a licensed professional indicating that:
- a. the student has a disability which could entitle the student to reasonable accommodation as provided for under the American With Disability Act and/or Section 504 of the Rehabilitation Act of 1973; and
 - b. standardized tests and the evaluator's professional opinion and experience support his/her belief that the student's disability specifically prevents the student from completing a regular full time load, defined as a minimum of 12 credits, in a semester.

The student must complete any other evaluation requested by the Office of Disability Support Services in order to confirm the opinion of the external evaluator.

Based on the DSS evaluation and conclusions, the Director of DSS may submit a request to the Office of the Provost for an exception to the definition of full time status for the student. The request must specify a number of credits that the DSS believes would constitute full time work for the student.

The request must be approved by the Office of the Provost for the exception to be granted. The student must register for the number of credits specified in the DSS request to the Office of the Provost to be considered full time.

Unless otherwise stated in the approval from the Office of the Provost, exception to the definition of full time status is effective for only one semester. The student must request that an exception be re-evaluated each semester to determine whether this accommodation still is appropriate.

The Office of the Provost will notify the Offices of the Registrar and Financial Aid in writing of any exception to the definition of full time status. A student who is approved for an exception must personally contact the Office of Registrar of Financial Aid concerning all matters for which full time status needs to be certified or applies.