

## STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

**POLICY: 3700 Accommodations for Students with Disabilities**

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### **BOARD POLICY**

Individuals with disabilities have the right to an equal opportunity to participate in and benefit from all programs offered by the Colleges. The Colleges are committed to providing students with disabilities the same opportunity to achieve academic success as they provide for all students.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) provide protections for students with disabilities. Services will be provided with the understanding that students with disabilities may require reasonable accommodations and must have their needs assessed on a case-by-case basis.

Providing reasonable accommodations for students with documented disabilities does not guarantee students equal results or achievement; but the Colleges must only afford them an equal opportunity for achievement. In order to maintain an environment that is safe and conducive to learning, behavior that is deemed to be dangerous, damaging, harassing or otherwise disruptive to the College community is not allowed, even when that behavior is a symptom of or is associated with a disability. Individuals with disabilities have the same obligations as all students to meet and maintain the Colleges' performance standards and codes of conduct as described in Board Policy 3100.

A student with a disability may be entitled to a reasonable accommodation whenever the accommodation is necessary to provide him or her an equal opportunity to participate in and benefit from a college program including, for example, for academic needs, student activities, campus housing and/or general accessibility issues.

### **Confidentiality**

Each College shall maintain appropriate confidential records that identify students with disabilities. These records shall include the student's name, address, student ID number, nature of disability, support services needed, and verifying statement of services to students with disabilities and documentation provided by the student. All such records, shall be considered "education records" protected by the Family Educational Rights and Privacy Act (FERPA) and its regulations. Information about the student may be released with the student's informed written consent in accordance with FERPA or other application legislation.

### **Accommodation Process**

Students with disabilities are responsible for initiating the accommodation process by identifying themselves as needing reasonable accommodations to the environment, auxiliary aids and/or services in a timely manner. Students seeking accommodations must meet with the designated ADA representative at their respective College: Chadron State College, CSC Disability Services; Peru State College, Disability Services; and Wayne State College, Disability Services Program.

After a request for accommodation has been made, the student and the College shall engage in an interactive process to determine what, if any, reasonable accommodation is available to the student. A student requesting an accommodation must provide sufficient information and documentation to establish he or she has a disability and that the accommodation is necessary because of the disability, including the nature of the disability and why reasonable accommodation is necessary. The College may need to obtain additional information and documentation to determine if the student's condition qualifies as a disability or to determine what would be an effective accommodation. Such information may not be necessary if the student's disability and an effective accommodation are obvious.

### **Personal Care Attendants**

Students who require a personal care attendant (PCA) are responsible for making arrangements for their PCA service. If a PCA is needed, the student is responsible for hiring, training, scheduling, supervising, paying, and replacing the attendant as necessary. The Colleges are not responsible for any coordination or financial responsibilities for personal care attendants. In addition, the College students and employees shall not provide the services of a PCA.

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PCAs with access to residence halls shall be subject to a background check completed by Human Resources before arriving on campus. Access to College residence halls will not be granted until a background check has been completed. Any PCA that fails to abide by College policies and procedures may be subject to removal from the residence halls and College campus, loss of all privileges and any other action the College may consider appropriate.

#### **Service Animals**

Service animals are dogs or miniature horses trained to do work or perform tasks for a student with a disability, and the work is directly related to the individual's disability. Service animals may accompany the student in any and all locations where students are reasonably permitted to be and where it is deemed safe for the animal to be. The Colleges may prohibit the use of service animals in certain locations because of health and safety restrictions.

Students with disabilities who are accompanied by service animals must comply with the same College rules regarding conduct, noise, safety, disruption, and cleanliness as people without disabilities. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the student's disability prevents using these devices. In that case, the student must maintain control of the animal through voice, signal or other effective controls.

The Colleges are not responsible for the care or supervision of service animals. Colleges are not responsible for the evacuation or care of service animals during fire alarms, fire drills, building or campus emergencies, or natural disasters. Individuals with disabilities who are accompanied by service animals are solely responsible for the cost, care, supervision and well-being of the animal at all times. The Colleges may request proof of compliance with vaccination requirements.

Students with disabilities accompanied by service animals are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury.

Cleaning up after the animal is the sole responsibility of the student with disabilities that is in possession of the service animal. If the individual is not physically able to clean up after the animal, it is then the responsibility of that individual to hire someone capable of cleaning up after the animal in a timely, hygienic and respectful manner.

#### **Assistance Animals**

The Colleges may allow a student to be accompanied by an Assistance Animal that is not a service animal if the animal is necessary because of the student's disability.

The Colleges will evaluate whether to permit an Assistance Animal using the same procedure as it uses to evaluate any other request for reasonable accommodation. While the Colleges will evaluate each request on a case-by-case basis, students generally may establish the necessity for an Assistance Animal in student housing if: (1) the student has a documented disability; (2) the student provides verification documentation from a health care professional with whom a student has an established clinical relationship that the Assistance Animal is necessary because of the student's disability to have an equal opportunity to use and enjoy student housing.

The presence of the Assistance Animal must also be reasonable. Assistance Animals can pose no direct threat to the health and safety of others; cause substantial damage to the property of others; pose an undue financial or administrative burden; or fundamentally alter the nature of the College's operation. Students with disabilities who have Assistance Animals must comply with the same College rules regarding conduct, noise, safety, disruption, and cleanliness as people without disabilities.

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The Colleges are not responsible for the care or supervision of Assistance Animals. Colleges are not responsible for the evacuation or care of Assistance Animals during fire alarms, fire drills, building or campus emergencies, or natural disasters. A student with a disability who has an Assistance Animal is solely responsible for the cost, care, supervision and well-being of the animal at all times. The Colleges will require a student to provide evidence that the Assistance Animal's vaccinations are current.

Students with disabilities who have an Assistance Animal are responsible for any damage or injuries caused by their animals and must take appropriate precautions to prevent property damage or injury.

### **Food Allergies**

Food allergies may constitute a disability under the Americans with Disabilities Act (ADA). Students with food allergies may have light to severe reactions as a result of contact with a particular food source. The Colleges will develop individualized plans for students who request reasonable accommodations due to a food allergy. Depending on the individual circumstances, the Colleges may allow students to be exempt from the mandatory meal plan, eat in a separate location, or partake of meals made without specific allergens within the Colleges' regular dining halls.

### **Complaints**

ADA compliance issues and complaints may be directed to:

Chadron State College: CSC Disability Services

Peru State College: Disability Services

Wayne State College: Disability Services Program

Legal Reference: Title II of the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973  
Fair Housing Act  
Family Educational Rights and Privacy Act

Policy Adopted: 1/21/15

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