Board of Trustees of the Nebraska State Colleges

Student Affairs

POLICY NAME: Accommodations for Students with Disabilities

POLICY NUMBER: 3700

A. PURPOSE

To provide guidance to the Colleges regarding accommodations for students with disabilities.

B. DEFINITIONS

1. **Assistance Animal:** An Assistance Animal, sometimes referred to as an emotional support animal, is an animal that may not have specific disability-related training, but provides support for people with disabilities in the living environment and allows them full benefit and enjoyment of the living space.
2. **Disability:** A disability is a physical or mental impairment that substantially limits one or more major life activities.
3. **Service Animal:** A Service animal is a dog trained to perform work or perform tasks for a student with a disability, and the work is directly related to the individual's disability.
4. **Student with a Disability:** A student with a disability is someone who has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of such an impairment, or is perceived by others as having such an impairment.

C. POLICY

1. General

1.1. Students 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 and shall designate one or more ADA representatives to act as a disability services coordinator.

1.2. 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.

1.3. A student with a disability may be entitled to a reasonable accommodation whenever the accommodation is necessary to provide them 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.

- Providing reasonable accommodations for a student with documented disabilities does not guarantee a student equal results or achievement.
- The Colleges must only afford them an equal opportunity for achievement.

1.4. Students 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 with or without reasonable accommodation.

- To maintain a safe environment conducive to learning, behavior 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.
- A student with a disability who poses a direct threat to the health and safety of others and which threat cannot be mitigated by a reasonable accommodation is not qualified to continue as a student at the Colleges.

2. Records and Confidentiality

2.1. 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.

2.2. 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 Board Policy 3650, FERPA or other applicable federal and state laws.

3. Accommodations Process

3.1. 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 submit a request to the disability services coordinator at their respective College and engage in the interactive process.
- The request must include sufficient information and documentation to establish the student has a disability, and the accommodation is necessary because of the disability, including the nature of the disability and why reasonable accommodation is necessary.
- 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.
- 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 is obvious.

3.2. Based upon the information provided by the student, the disability services coordinator at the College will notify the student of what, if any, accommodations have been approved. The notification must contain the name and contact information of the individual designated by the senior student affairs officer to review appeals of disability service coordinator determinations and the process for filing an appeal.

3.3. Students may appeal the determination made by the disability services coordinator by submitting a written statement or email to the individual designated by the senior student affairs officer to review appeals of disability service coordinator determinations within five (5) calendar days of the date of the notification. The written statement must outline a specific basis for the appeal of the decision.

4. Personal Care Attendants

4.1. 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 PCAs. In addition, other College students and employees shall not provide the services of a PCA.

4.2. 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.

5. Service Animals

5.1. In determining if a student is allowed to have a service animal, the Colleges may ask two (2) questions: Is the dog required because of a disability? and What work or task has the dog been trained to perform?

- If the student answers yes to the first question and adequately describes that the dog has been trained to perform work or task(s) directly related to the student's disability, the service animal is allowed unless it is otherwise unreasonable to do so as described in this policy.
- The Colleges may not ask any questions regarding the nature and/or severity of the student's disability or for any documentation.

5.2. The Colleges may request proof of compliance with vaccination requirements.

5.3. 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.

5.4. Students with disabilities who are accompanied by a service animal must comply with the same College rules regarding conduct, noise, safety, disruption, and cleanliness as people without disabilities.

5.5. 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.

5.6. Students with disabilities who are accompanied by a service animal are solely responsible for the cost, care, supervision, and well-being of the animal at all times.

- The Colleges are not responsible for the care or supervision of service animals.
- The Colleges are not responsible for the evacuation or care of service animals during fire alarms, fire drills, building or campus emergencies, or natural disasters.

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

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

6. Assistance Animals

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

6.2. 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:

- the student has a documented disability; and
- 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.

6.3. The presence of the Assistance Animal must also be reasonable. Assistance Animals cannot:

- pose a 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.

6.4. The Colleges will require a student to provide evidence the Assistance Animal's vaccinations are current and they have complied with all local ordinances and licensing requirements prior to bringing the Assistance Animal to student housing.

6.5. 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.

6.6. 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.

- 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.

6.7. 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.

7. Food Allergies

7.1. Food allergies may constitute a disability under the Americans with Disabilities Act (ADA). 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.

8. Complaints

8.1. Concerns or complaints regarding ADA compliance should first be directed to the disability services coordinator of the College. The disability services coordinator may refer the matter to the appropriate academic or student affairs officer.

8.2. If the disability services coordinator, academic officer, or student affairs officer is unable to resolve the issue, complaints related to ADA compliance or discrimination shall be addressed per the procedures set forth in Board Policy 3210 regarding grievances.

SOURCE:

Title II of the Americans with Disabilities Act of 1990

Section 504 of the Rehabilitation Act of 1973

Fair Housing Act

Family Educational Rights and Privacy Act

Policy Adopted: January 2015

Policy Revised: November 2018, April 2024, June 2026