**Documentation Guidelines**

Supporting documentation guidelines for requesting accommodations at NICC are based on the recommendations of the Association of Higher Education and Disability (AHEAD) - Supporting Accommodation Requests: Guidance on Documentation Practices

The Association on Higher Education and Disability (AHEAD) presents the following conceptual framework to support appropriate practices in providing seamless access through equal treatment and the provision of accommodations. This revised guidance is necessitated by changes in society’s understanding of disability, the 2008 amendments to the Americans with Disabilities Act, and the updated regulations and guidance to Titles II and III of the ADA. Although the amendments and regulatory revisions occurred through separate federal processes, together they reflect a more mature understanding of disability that is essential for fostering a positive campus perspective on disability. The concepts described in this document are interrelated components of a comprehensive, professional approach to using disability documentation to make informed decisions. This framework is consistent with the letter and spirit of the law, reflective of legal and judicial thinking, and responsive to scholarly understandings of disability and its role in higher education and society. This document supersedes AHEAD’s previous guidance on this topic.

**Background**

With the ADA Amendments Act of 2008, Congress rejected the heightened standard for demonstrating disability that the Supreme Court articulated in a series of decisions and emphasized that it intended the protections of the ADA to be applied broadly. Revised Title I regulations state that “the primary purpose” of the ADA amendments “is to make it easier for people with disabilities to obtain protection under the ADA.” Taken as a whole, the changes to the statute and regulations for Titles I, II, and III clarify (a) who has a disability entitled to protection under the ADA and Section 504, (b) who is entitled to accommodations, and (c) how those determinations are made and by whom.

No legislation or regulations require that documentation be requested or obtained in order to demonstrate entitlement to legal protections because of disability and seek reasonable accommodations. The regulations acknowledge that postsecondary institutions may request a reasonable level of documentation. However, requiring extensive medical and scientific evidence perpetuates a deviance model of disability, undervalues the individual's history and experience with disability, and is inappropriate and burdensome under the revised statute and regulations.

**Sources and Forms of Documentation**

Acceptable sources of documentation for substantiating a student’s disability and request for particular accommodations can take a variety of forms:

**Primary Documentation: Student’s Self-report**

The student is a vital source of information regarding how he or she may be “limited by impairment.” A student’s narrative of his or her experience of disability, barriers, and effective and ineffective accommodations is an important tool which, when structured by interview or questionnaire and interpreted, may be sufficient for establishing disability and a need for accommodation.

**Secondary Documentation: Observation and Interaction**

The impressions and conclusions formed by higher education disability professionals during interviews and conversations with students or in evaluating the effectiveness of previously implemented or provisional accommodations are important forms of documentation. Experienced disability professionals should feel comfortable using their observations of students’ language, performance, and strategies as an appropriate tool for validating student narrative and self-report.

**Tertiary Documentation: Information From External or Third Parties**

Documentation from external sources may include educational or medical records, reports, and assessments created by health care providers, school psychologists, teachers, or the educational system. This information is inclusive of documents that reflect education and accommodation history, such as Individual Education Program (IEP), Summary Of Performance (SOP), and teacher observations. External documentation will vary in its relevance and value depending on the original context, credentials of the evaluator, the level of detail provided, and the comprehensiveness of the narrative. However, all forms of documentation are meaningful and should be mined for pertinent information.

**Documentation Process**

The rationale for seeking information about a student’s condition is to support the higher education professional in establishing disability, understanding how disability may impact a student, and making informed decisions about accommodations. Professional judgment is an essential component of this process.

Ensuring that “accommodations” provide effective access requires a deliberative and collaborative process that is responsive to the unique experience of each individual, as advised by the ADA. The disability resource professional should engage in a structured exchange with the student to explore previous educational experiences, past use of accommodations, and what has been effective and ineffective in providing access. The weight given to the individual’s description will be influenced by its clarity, internal consistency, and congruency with the professional’s observations and available external documentation. It is often possible to evaluate whether a requested accommodation is reasonable or not with minimal reliance on external documentation. This is true even if the student has never received formal accommodations or recently acquired a disability and is seeking guidance to determine accommodations that might be effective. However, if the student is unable to clearly describe how the disability is connected to a barrier and how the accommodation would provide access, the institution may need to request third-party documentation focused on illustrating that connection. Finally, the documentation process must be accessible: if a student’s disability impacts his or her ability to clearly describe the need for accommodation, the office must consider flexibility in its processes.

**Individual Review**

Each situation must be considered individually to understand if and how the student is impacted by the described condition. Disability is defined by the ADA as “a physical or mental impairment that substantially limits one or more of the major life activities, a record of such an impairment or being regarded as having such an impairment.” There is no listing of covered impairments. Therefore, the salient question is not whether a given condition is a “disability,” but how the condition impacts the student. This determination is to be liberally construed to the maximum extent possible.

There is no one-to-one correspondence of disability to accommodation. Institutions should consider the student’s disability, history, experience, request, and the unique characteristics of the course, program, or requirement in order to determine whether or not a specific accommodation is reasonable. A clear understanding of how disability impacts the individual establishes the reasonableness of the accommodation for the individual. However, to determine whether the accommodation is reasonable in context requires an evaluation of the unique attributes and requirements of the course, program, or activity. Course modifications or auxiliary aids or services that are ineffective or constitute a fundamental alteration will not be reasonable and therefore will not meet the ADA and Section 504’s minimal standards. The ADA establishes the “floor” not the “ceiling” of protection. The ceiling is established when a proposed accommodation would result in a fundamental alteration to a course or the program of study.

**Commonsense Standard**

Disability and accommodation requests should be evaluated using a commonsense standard, without the need for a specific language or extensive diagnostic evidence. Using diagnostic information as a tool in reviewing requests for accommodation is different than using it for treatment. Determining accommodations requires a more limited range, level, and type of information. These two processes should not be conflated.

No third-party information may be necessary to confirm disability or evaluate requests for accommodations when the condition and its impact are readily apparent or comprehensively described. No specific language, tests, or diagnostic labels are required. Clinicians’ training or philosophical approach may result in the use of euphemistic phrases rather than specific diagnostic labels. Therefore, reports that do not include a specific diagnosis should not be interpreted to suggest that a disability does not exist. The question is ‘Would an informed and reasonable person conclude from the available evidence that a disability is likely, and the requested accommodation is warranted?’

**Non-burdensome Process**

Postsecondary institutions cannot create documentation processes that are burdensome or have the effect of discouraging students from seeking protections and accommodations to which they are entitled. This was clear even prior to the amendments to the ADA. The non-burdensome standard is applicable to initially establishing a relationship with the disability resource office and to setting up individual accommodations from institutional personnel, including course instructors. Students should not be required to bear responsibility for achieving access through cumbersome, time-consuming processes.

**Current and Relevant Information**

Disability documentation should be current and relevant but not necessarily “recent.” Disabilities are typically stable lifelong conditions. Therefore, historic information, supplemented by interview or self-report, is often sufficient to describe how the condition impacts the student at the current time and in the current circumstances. Institutions should not establish blanket statements that limit the age of acceptable external documentation. Determining accommodations in distinctly new contexts may require more focused information to illustrate a connection between the impact of the disability, the described barrier, and the requested accommodation.

**Footnotes**

1. As is common in practice, the term “accommodation” is used throughout this document as synonymous with the modification of policies, practices, and procedures; the provision of auxiliary aids and services; academic adjustments, and modifications to the environment intended to remove barriers to equivalent access.
2. As a social construct, there are hundreds of definitions of disability that inform the process of providing equity for disabled individuals. The U.N. Nations Convention on the Rights of Persons with Disabilities provides a broad and appropriate context for higher education professionals as they work to ensure access: “The loss or limitation of opportunities to take part in the life of the community on an equal level with others due to physical, social, attitudinal and cultural barriers encountered by persons having physical, sensory, psychological, developmental, learning, neurological or other impairments (including the presence in the body of an organism or agent causing malfunction or disease), which may be permanent, temporary, episodic or transitory in nature.”