

**POLICY FOR ACCOMMODATIONS, SERVICES AND DEVICES FOR VR CLIENTS IN
EDUCATIONAL AND VOCATIONAL TRAINING SETTINGS.**

I. Purpose:

The mission of the North Dakota Division of Vocational Rehabilitation is to provide opportunities for eligible individuals with disabilities to achieve integrated, competitive employment and increased independence through rehabilitation services.

The purpose of this policy is to clarify the role of vocational rehabilitation in the provision of accommodations to students in educational and vocational training settings and, to provide guidance when implementing 75-08-01-28.

This policy is developed in accord with the Americans with Disabilities Act (Public Law 101-336) and the Rehabilitation Act of 1973, as amended (Public Law 102-569). In the implementation of this policy, the Division of Vocational Rehabilitation will follow the federal or state law, whichever is the most stringent.

II. Definitions:

A. Personal Services and Devices:

Personal devices include such things as wheelchairs, prescription glasses, and hearing aids. Personal services are services of a personal nature, such as assistance with eating, toileting, dressing, transportation between classes etc.

A public entity is not required to provide individuals with disabilities with personal or individually prescribed devices. However, if personal services or devices are customarily provided to the individuals served by a public entity, then the services or devices must also be provided to the individual with the disability.

For the purpose of this document, individual tutoring is usually considered a personal service.

B. Auxiliary Aids and Services:

Auxiliary aids and services include a wide range of services and devices that promote effective communication, for example: note takers, qualified interpreters, computer aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, open and closed captioning, Videotext displays, etc.

C. Accommodations:

Accommodations may include such things as: a change in testing locations; oral exams vs. Scribed exams; proctoring; extending time allowed to take tests; other changes in classroom seating arrangements; structural changes; and auxiliary aids and services.

III. Responsibilities of the Educational and Vocational Training Setting Regarding Accommodations, Services and Devices

When an individual has been identified as having a need for a reasonable accommodation, and has requested an accommodation, the educational or vocational institution has the primary responsibility to see that the accommodation is provided.

As identified in the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, as amended, a public entity must ensure that its communication with individuals with disabilities are as effective as communications with others. This obligation does not require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of its services, programs, activities or is an undue financial and administrative burden.

The educational setting is responsible for any reasonable accommodation (excluding personal services or devices) which is needed to access the programs or services of the public entity. Reasonable academic accommodations may include adaptations in the way specific courses are conducted, the use of auxiliary equipment, support staff and modifications in academic requirements. Postsecondary educational and vocational training settings have the flexibility to select the specific aid or service it provides as long as it is effective and reasonable. Such aids or services should be selected in consultation with the student who will use them.

IV. Responsibilities of Vocational Rehabilitation for Accommodations, Services and Devices in the Educational and Vocational Training School Setting

To receive disability-related accommodations from Vocational Rehabilitation, the individual must have been determined eligible for Vocational Rehabilitation services. An Individualized Plan for Employment must be developed in conjunction with the individual which identifies a specific vocational goal and the services necessary to reach that goal.

Vocational Rehabilitation may provide funding if the individual has made a reasonable accommodation request to the educational or vocational training setting, and any of the following apply:

1. The institution is able to provide documentation to the Vocational Rehabilitation program of undue financial hardship or administrative burden; or,
2. The accommodation is considered a personal service or device which is included in the Individualized Plan for Employment and is needed to achieve the individual's vocational goal.

VR may also purchase auxiliary aids or services that the counselor determines are necessary but are not directly related to the programs or services provided by the educational or vocational training site.

V. Procedures to Provide Accommodations

If an individual has requested an accommodation, and has been identified as having a reasonable accommodation need, whether or not the accommodation is to be made is not negotiable. However, the manner in which the accommodation is to be made is negotiable.

The negotiation process must include the individual and personnel from the educational or vocational training site. The vocational rehabilitation counselor may also be included at the request of the individual.

When vocational rehabilitation is responsible for the cost of the accommodation or personal services, the rehabilitation counselor will initiate an authorization prior to the starting date of the service.

To ensure disability-related services are in place on a timely basis, it will require a coordinated effort of all affected parties: the individual, educational or vocational personnel and rehabilitation counselor.

**SUPPLEMENTAL INFORMATION FOR:
OVR/OP/ADA 94-01**

**FILING A TITLE I ADA CLAIM WITH THE DEPARTMENT OF LABOR
PROCEDURES AND TIMEFRAMES**

If a claim is filed with the Department of Labor, the Department of Labor will do an initial intake and the case is filed simultaneously with the Equal Employment Opportunity (EEOC):

General procedures will be followed in accord with the Department of Labor's guidelines. Expected timeframes, including intake, filing, onsite review and recommendations are from 2 ½ to 3 months.