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ADA Handbook

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Assurance Policy

Florida Academy seeks to ensure that legitimate and reasonable access is available to all students and staff. Florida Academy is in compliance with *Title VI and VII of the Civil Rights Act of 1964*, as amended; the *Civil Rights Act of 1991*; *Executive Order 11246*, as amended; *Title IX of the Education Amendments of 1972*, as amended; *Section 504 of the Rehabilitation Act*; and *The Americans with Disabilities Act of 1990*. Florida Academy endeavors to provide reasonable accommodations to qualified students with disabilities.

Statement of Non-Discrimination

Florida Academy does not discriminate on the basis of sex, age, color, race, national origin, religion, or handicap in its admissions, education, employment, or access to its programs. Florida Academy complies with the Civil Rights Act of 1964 as amended; Federal Executive Order 11246; Educational Amendments of 1972 and 1974; the Vietnam Era Veterans Readjustment Assistance Act of 1972; Age Discrimination Act of 1975; and Family Educational Rights and Privacy Act of 1974.

Confidentiality

Florida Academy is committed to ensuring that all information regarding students and employees is maintained as confidential as required or as permitted by law. Disability information collected for the benefit of any student does not become part of the student's academic record, nor does disability information collected for the benefit of the employee become a part of any public document. Information in files will not be released without a student's or employee's written permission except in circumstances mandated by federal or state law.

Qualification for Services

1.Process

1.1 Any student/employee seeking accommodations under ADA/504 will meet with the ADA Coordinator/Human Resources Director to discuss individual needs. The student/employee may then complete an application for services (ADA Form 1) and/or reasonable accommodations.

1.2. The student/employee will discuss his/her needs and responsibilities with the ADA Coordinator/Human Resources Director and sign appropriate release forms (ADA Form 2).

1.3. The student/employee will provide documentation of a disability in accordance with the Criteria for Disability Documentation within Florida Academy (Appendix A).

1.4. The ADA Coordinator/Human Resources Director will determine whether the student/employee is eligible for services and inform the student/employee in writing of the determination. Applications must be received, and a determination reached prior the student beginning class.

2. Reasonable Accommodations

2.1 The ADA Coordinator/Human Resources Director and the student/ employee will determine reasonable and appropriate accommodations based upon documentation (submitted in accordance with 1.3 above).

2.2 The ADA Coordinator/Human Resources Director will provide an Accommodation Letter for each instructor/supervisor (ADA Form 3).

2.3 The student/employee is responsible for discussing implementation of accommodations with faculty/supervisor. Conflicts or disagreements should be referred to the ADA Coordinator/Human Resources Director.

2.4 The ADA Coordinator/Human Resources Director will insure and maintain confidentiality of all student/employee disability related records and services as required by federal and state law.

3. Providing Services for Students and Employees with Disabilities

3.1 Services and reasonable accommodations are provided pursuant to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. It is a goal of Florida Academy to ensure that students/employees with disabilities have full access to programs, facilities, and employment.

3.2 All students must meet the same academic standards for admission established by Florida Academy. Faculty may be consulted to assist in determining which academic requirements are essential or fundamental to a major course of study. Such requirements will not be modified, nor will the standards by which a student/employee is graded or evaluated be altered. All employees must be able to perform the essential duties of the required position with reasonable accommodation.

3.3 Florida Academy strives to eliminate barriers to learning / employment or participation in other institutional activities, and provide the following services for students/employees:

- Screening of disability documentation
- Determination of appropriate accommodations
- Communication with faculty/staff regarding student/employee needs

3.4 Providing reasonable accommodations for students/employees with disabilities requires an individual assessment of need. Specific accommodations depend upon the nature and requirements of a particular course or activity and the skills and functional abilities of the student/employee. Appropriate accommodations may include, but are not limited to:

- Extended time on exams/assignments
- Permission to tape lectures
- Readers/scribes/interpreters
- Enlarged print/graphics
- Textbooks/training materials in alternative formats
- Use of a class note taker
- Use of a spell checker/calculator
- Modified equipment or devices
- Flexible work schedules
- Workplace modifications
- Access to special events

Florida Academy is not required to make modifications that would pose an undue financial burden or violate the code of conduct.

3.5 Students/employees with disabilities are responsible for identifying themselves to the ADA Coordinator/Human Resources Director in order to assure timely provision of accommodations. Students should register make requests for accommodations prior to the beginning of the term.

4. Activities and Special Events

Every event, special activity, and program hosted or planned by the institution should be accessible to persons with disabilities. When selecting a location for an event, consideration should be given to its accessibility. If the event is publicized, provide persons with disabilities the opportunity to request special accommodations. Special accommodations can include alternate printed materials, interpreters for the deaf, assistive listening devices, etc. Students should contact the ADA Coordinator/Human Resources Director to plan for any necessary reasonable accommodations.

5. ADA Grievance Procedure

5.1 A party making a complaint should meet with the party with whom he/she disagrees and attempt to discuss and clarify the problem.

5.2 If the problem cannot be resolved, the next step is for the complainant to discuss it with the ADA Coordinator/ Human Resources Director. If the complaint is lodged against the ADA Coordinator/Human Resources Director, the party making the complaint will meet with the ADA Coordinator's/Human Resources Director's immediate supervisor.

5.3 If the ADA Coordinator's/Human Resources Director's supervisor is unable to resolve the issue, the party making the complaint will put it in writing, using the Florida Academy ADA Grievance Form (ADA Form 4).

5.4 A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause shown.

5.5 The Chief Executive Officer of the campus will designate a reviewing authority that will initiate the investigation.

5.6 The reviewing authority shall investigate each complaint, attempt informal resolution, and, if resolution is not achieved, issue to the complainant and the respondent a Letter of Findings that should include: findings of fact, conclusions, a description of a remedy for each violation found, and notice of the rights available to a complainant who is not satisfied with the resolution or decision rendered by the reviewing authority (See 5.8 below).

5.7 Findings will be reported within 30 working days upon receipt of the formal complaint, if possible. A Letter of Findings will be provided to the parties involved via certified mail, return receipt requested, informing each of the determinations.

5.8 The right of an individual to a prompt and equitable resolution of a complaint filed under this Grievance Procedure shall not be impaired by his/her right to pursue other avenues of resolution such as filing an ADA complaint with an appropriate federal agency or department. If a satisfactory resolution is not achieved, complaints may be directed to the Regional Office for Civil Rights, U.S. Department of Education, Atlanta, GA 30301-3104.

5.9 The reviewing authority will maintain files and records of ADA complaints and reports of investigations for a minimum of five (5) years.

6. Responsibilities

6.1 Students

Unlike the K-12 system, in higher education it is the responsibility of the student to self-identify as being in need of accommodation. This means it is the student's responsibility to apply to be accepted as a student with a disability, provide documentation, cooperate with the Disability Services Coordinator to determine appropriate accommodations, deliver Accommodation Letters to the faculty, etc. In other words, students with disabilities in higher education (just as those without disabilities) are expected to take an active role in managing all aspects of their academic needs, adhere to academic policies and deadlines and follow codes of conduct.

6.2 Employees

The employee must satisfy the requirements for the job, such as education, employment experience, skills, certificates, or licenses. The employee must also be able to perform the essential functions of the job with or without reasonable accommodation. Employees who believe they have a disability are responsible for notifying their supervisors, contacting the Human Resources Director and/or the ADA Coordinator, and following the procedures outlined in this policy to secure reasonable accommodation.

6.3 Faculty

Faculty are not responsible for, nor should they become involved in, evaluating a student's disability or reviewing documentation of claimed disabilities. Faculty who are presented with such requests are responsible for referring the student to the ADA Coordinator. The ADA Coordinator will evaluate the request in accordance with established policy (see App. A) and make appropriate determinations. If accommodations are merited, a student will present the faculty with an Accommodation Letter (ADA Form 3). The Accommodation Letter, signed by the ADA Coordinator/Human Resources Director, verifies that the student is registered as a student with a disability and entitled to the accommodations specified on the letter. Faculty are responsible for reviewing the information in the letter and discussing how the accommodation will be implemented in the course. Any questions or concerns about the information contained in the letter should be directed to the ADA Coordinator/Human Resources Director.

Faculty utilizing Distance Learning media are responsible for ensuring that students with disabilities have full access to distance learning course materials just as they are for students in the classroom. Examples include ensuring fully accessible websites, use of captioned media, and/or providing written transcripts of video presentations. Since the possibilities in Distance Learning are endless, the means of providing accommodations must remain open to creativity. Each situation should be evaluated on a case-by-case basis, and accommodations made that are reasonable for each situation. Distance Learning faculty are responsible for contacting the ADA Coordinator with questions concerning the implementation of accommodations.

Reasonable accommodation in the classroom (traditional, virtual, or otherwise) is an individual civil right guaranteed by federal legislation (ADA and Section 504). Reasonable accommodations are not optional and must be provided. Faculty who refuse reasonable accommodations may be held personally liable for their actions. However, there may be options regarding provision of the accommodations. When questions arise as to a specific accommodation, it is the responsibility of the faculty to contact the ADA Coordinator to resolve the matter. Faculty should not offer accommodations without following proper procedures, as this could risk setting a precedent that may not be appropriate or maintainable by the school.

6.4 Supervisors

Personnel serving in supervisory positions are responsible for referring employees needing accommodation to the Human Resources Director and/or ADA Coordinator. It is the responsibility of the Human Resources Director/ADA Coordinator, to evaluate whether an employee has a disability covered by the ADA and to determine appropriate accommodations. If accommodations are merited, the Human Resources Director/ADA Coordinator will notify the employee and the supervisor in writing using The Disability Services Accommodation Letter (ADA Form 3). Supervisors are responsible for reviewing the information in the letter and discussing with the employee how the accommodations will be integrated into duties. The ADA Coordinator/ Human Resources Director are available to assist the supervisor in determining how best to implement reasonable accommodations. Supervisors should not offer accommodations to employees who have not followed established policies for obtaining assistance.

Supervisors remain responsible for evaluating whether an employee is able to perform his or her job (given reasonable accommodation) just as the supervisor would for any other employee under his/her supervision.

Reasonable accommodation in the workplace is an individual civil right guaranteed by federal legislation (ADA and Section 504). Reasonable accommodations are not optional and must be provided. Supervisors who refuse reasonable accommodations may be held personally liable for their actions. However, there may be options regarding the provision of the accommodations. When questions arise as to a specific accommodation, it is the responsibility of the supervisor to contact the Human Resources Director/ADA Coordinator to resolve the matter.

NOTE: The policies and procedures set forth in this document will be periodically reviewed and revised to reflect compliance with existing legislation, amendments to current statutes, or enactment of additional statutes. Each such revision shall supersede, as does this document, all previous publications, or excerpts published or cited elsewhere.

Appendix A
Florida Academy
Criteria for Disability Documentation
Based upon Guidelines from

The Association on Higher Education and Disability (AHEAD)

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 state that qualified students/employees with disabilities who meet the admission, academic or employment standards of Florida Academy are entitled to reasonable accommodations. Under these laws, a disability is defined as any physical or mental impairment that substantially limits a major life activity. Having a history of impairment, or being perceived as having impairment may also qualify one as an individual with a disability. It is the student's/employee's responsibility to disclose his/her needs and provide appropriate documentation to the ADA Coordinator/Human Resources Director. Appropriate documentation is defined as follows:

Health Condition, Mobility, Hearing, Speech, or Visual Impairment

A letter or report from the treating physician, orthopedic specialist, audiologist, otologist, speech pathologist, ophthalmologist, optometrist (as appropriate) which includes:

1. Clearly stated diagnosis
2. Defined levels of current functioning and any limitations
3. Current treatment and medication
4. Current letter/report (within 1 year), dated and signed
5. Necessary accommodations

Psychological Disorder

A letter or report from a mental health professional who is impartial and not related to the student/employee, i.e., psychiatrist, psychologist, neuropsychologist, licensed professional counselor, or clinical social worker which includes:

1. Clearly stated diagnosis based upon current DSM criteria
2. Defined levels of current functioning and any limitations
3. Assessment and evaluation instruments used, observations, history, etc.
4. Current treatment and medication
5. Current letter/report (within 1 year), dated and signed
6. Necessary accommodations

Traumatic Brain Injury (TBI)

A comprehensive evaluation by a physician, neurologist, licensed clinical, rehabilitation or school psychologist, neuropsychologist, or psychiatrist which includes:

1. A clear statement of head injury or traumatic brain injury
2. Current impact on student's/employee's functioning and limitations
3. Cognitive and achievement measures used and evaluation results
4. Current residual symptoms and a statement regarding the student's/employee's ability to meet the demands of a postsecondary academic or work environment
5. Current treatment and medication
6. Current letter/report (post-rehab within 1 year), dated and signed
7. Necessary accommodations

Learning Disabilities (LD)

A comprehensive evaluation report written in narrative form by an impartial individual not

related to the student/employee, i.e., licensed psychologist, psychiatrist, learning disabilities specialist, licensed professional counselor, educational therapist or diagnostician, which includes:

1. Clearly stated diagnosis of a SPECIFIC learning disability in reading, math, or written language based upon current DSM criteria.
2. Educational/work history documenting the impact of the learning disability
3. Alternative explanations and diagnoses are ruled out
4. Relevant test data with standard scores provided to support conclusions of the measures of intellectual/cognitive/information processing abilities by at least one of the following instruments: (a) WAIS-II or III (b) Woodcock-Johnson Psychoeducational Battery-Revised (c) Stanford-Binet IV (d) Peabody Individual Achievement Test (e) Stanford Test of Academic Skills
5. Statement of the functional impact or limitations of the disability
6. Current report (within 3 years), dated and signed
7. Necessary accommodations

Note: High School IEP, 504 Plan, and/or letter from a physician or other professional will not be sufficient to document a learning disability. The evaluation must be comprehensive.

Attention Deficit Hyperactivity Disorder (ADHD)

A comprehensive evaluation report written in narrative form by an impartial individual not related to the student/employee, i.e., a developmental pediatrician, psychiatrist, neurologist, licensed clinical or educational psychologist, which includes:

1. Clearly stated diagnosis of ADHD based upon current DSM criteria
2. Evidence of early and current impairment in at least two different environments including past and present symptoms
3. Alternative explanations and diagnoses are ruled out
4. Relevant test data with standard scores provided to support conclusions including at least one of the following instruments: (a) WAIS-II or III (b) Woodcock-Johnson Psychoeducational Battery-Revised (including Written Language) (c) Behavioral Assessment Instruments and Checklists normed on adults
5. Statement of the functional impact or limitations of the disorder and the degree to which it impacts the individual
6. Medications prescribed and how they will impact the student's/employee's ability to meet the demands of the postsecondary academic or work environment
7. Current report (within 3 years of enrollment date), dated and signed
8. Necessary accommodations

Note: High School IEP, 504 Plan and /or letter from a physician or other professional will not be sufficient to document ADHD. Prescription medication cannot be used to imply a diagnosis.