

University System of Maryland and Maryland Community Colleges Guidelines for Documentation of Disability

Purpose:

In response to the expressed need for guidance related to the documentation of disabilities in adolescents and adults at the postsecondary level, the University System of Maryland (USM) and Maryland community colleges (MCC) have developed the following guidelines. These guidelines are the result of a collaborative effort among offices providing disability services at USM institutions and Maryland community colleges.

The guidelines for documentation are intended to promote consistency across USM institutions and Maryland community colleges with regard to appropriate disability documentation, as well as to provide students, parents and evaluating professionals with the information they need to assist students in establishing eligibility and receiving appropriate accommodations. These best practices are based on the seven essential elements of quality disability documentation developed by the Association on Higher Education and Disability (AHEAD), the national organization for postsecondary disability service providers.

Legislative History:

Individuals with Disabilities Education Act of 2004 (IDEA)

In the K-12 setting, students with disabilities are protected under the Individuals with Disabilities Act of 2004 (IDEA). This is an educational entitlement act that provides for a free, appropriate public education, including special education and related services, via an Individualized Education Program for students who meet specified criteria in a number of distinct disability categories. Entitlement for services under IDEA ends when students exit high school by graduating or aging out.

IDEA requires that students are assessed to determine eligibility for special education and related services, and then are reevaluated at least every three years. Notably, IDEA states that schools are under no obligation to conduct testing for the purpose of establishing eligibility for services in another system, such as postsecondary education. IDEA does require schools to provide students who are exiting high school with a summary of their academic achievement and functional performance, including recommendations on how to assist students in meeting their postsecondary goals. This document is commonly referred to as a Summary of Performance (SOP) or, in Maryland, the MD Exit Document. However, schools are not required to perform cognitive, psychological or IQ testing as part of an assessment, which may be required to document cognitive and learning disabilities and determine appropriate accommodations at the postsecondary level. Hence, there exists a gap in documentation between secondary and postsecondary educational institutions, referred to as the “documentation disconnect.”

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990

Because IDEA does not apply at the postsecondary level, students who were eligible for services in high school may not be eligible for the services or accommodations they received previously once they enter a postsecondary institution. In postsecondary education, determining services and accommodations for students with disabilities follows a different process than in K-12. Qualified college students with disabilities may be eligible for protection under Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act of 1990 (ADA), which prohibit discrimination and ensure equal access to educational opportunity. It is important to note that the IDEA is an educational entitlement act, while Section 504 and the ADA are civil rights laws that are designed to prohibit discrimination on the basis of disability.

The postsecondary standard for eligibility requires that the disability is current and substantially limits a major life activity. Under Section 504 and ADA laws, an individual with a disability is defined as having “a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment, or being regarded as having such an impairment.” A “qualified person with a disability” is defined as one who meets the requisite and academic and technical standards required for admission or participation in the postsecondary institution’s programs and activities.

Documentation of a disability serves two primary purposes in postsecondary education. The first is to determine if the individual has a disability, and is therefore protected from discrimination. Basically, nondiscrimination is an assurance that individuals with disabilities will not be excluded or provided lesser access to programs and activities based on assumptions rooted in stereotype or perception of ability that are not based in fact. Documentation for protection from discrimination based on disability need not be extensive.

The second purpose of documentation is to determine the accommodations to which the individual may be eligible. Reasonable accommodations include modifications to policy, procedure or practice and the provision of auxiliary aids and services that are designed to provide equal access to programs and services for qualified individuals with disabilities. Disability documentation for the purpose of providing accommodations must both establish disability and provide adequate information on the functional impact/limitation of the disability so that appropriate accommodations can be identified. In the postsecondary setting, the student’s documentation should include the information needed to provide an understanding of the disability and to anticipate how the current impact of the disability is expected to interact with the institution’s structure of courses, testing methods, program requirements, etc.

Notably, postsecondary institutions must provide accommodations to ensure that a qualified individual with a disability is not excluded from participation, denied the benefits, or subjected to discrimination in their programs and activities. However, they are not required to change essential requirements. For example, although postsecondary institutions may be required to provide extended testing time, they are not required to change the substantive content of a test. In addition, postsecondary institutions do not have to make modifications that would

fundamentally alter the nature of a service, program or activity that would result in undue financial or administrative burdens. Moreover, they do not have to provide personal attendants, individually prescribed devices, readers for personal use or study, or other devices of a personal nature, such as tutoring or typing.

Americans with Disabilities Amendments Act Of 2008 (ADAAA)

In 2008 Congress amended the ADA, stating that the question of whether an individual's impairment is a disability under the ADA (and the Rehabilitation Act) should not demand extensive analysis. While the ADA's definition of disability is retained, the Amendments Act specifies that the definition be interpreted broadly. Several new provisions of the Act are pertinent to postsecondary institutions.

With respect to a person with a disability having a physical or mental impairment that "substantially limits" one or more major life activities, the phrase "substantially limits" remains. However, the phrase may not be interpreted to require a severe or significant restriction of a major life activity. The list of major life activities has been expanded to include such activities as reading, concentrating, thinking and communicating. Individuals are covered who have disabilities that may be episodic or in remission. The effects of mitigating measures (e.g., medication, assistive technology, learned behavioral or adaptive neurological modifications) may not be considered in determining whether a disability qualifies under the law.

Given the recency of the ADAAA, it is difficult to know precisely how the new provisions will eventually impact documentation requirements at postsecondary institutions. The ADAAA left unchanged the obligation of students to demonstrate with appropriate and objective documentation that they are qualified students with disabilities, and the requirement to provide documentation that adequately supports each accommodation requested. However, at this time, it is appropriate for USM institutions and Maryland community colleges to ensure that documentation guidelines are consistent with the ADAAA mandate to broadly interpret the definition of disability and limit inquiries to the minimum amount of information or data necessary to make that decision.

Once it has been established that the student has a disability, the analysis should shift to whether the documentation provides sufficient information about the student's functional limitations to identify appropriate accommodations. This requires a comprehensive, individualized assessment of the documentation submitted by the student.

Background Information:

The USM/MCC documentation guidelines are provided in the interest of assuring that documentation of a disability is appropriate to verify eligibility and support requests for services and accommodations. As noted previously, IDEA does not require secondary schools to provide updated disability documentation for the purpose of determining eligibility at the postsecondary level for students preparing to graduate or exit school. Therefore, it is

suggested that USM institutions and Maryland community colleges, as appropriate, consider using less recent documentation (e.g., more than three years old or use of test instruments normed on adolescents rather than adults) along with various sources of pertinent data, such as well described functional information in a Summary of Performance document (described previously). These decisions will vary depending upon the specific disability. Flexibility and professional judgment are very important.

It should be clearly noted, however, that documents such as an IEP, SOP or a secondary level Section 504 plan may not contain sufficient information to determine eligibility for services at the postsecondary level. Therefore, these documents, in and of themselves, may not constitute adequate documentation.

Additionally, students with an IEP have been determined to be eligible for services under a multidisciplinary team process. Within this process, relevant testing and diagnostic information (e.g., observations, behavioral surveys, outside evaluations) are brought to an IEP team meeting and after sharing all of the information, the team determines the student's eligibility and need for special education services. It is less likely that such a student would have a single or integrated diagnostic report indicating a specific disability via this process unless it were specifically requested. USM institutions and Maryland community colleges should therefore use flexibility in accepting multiple types of reports to document a student's disability. That said, if documentation is inadequate in scope or content, or does not address the student's current level of functioning and need for accommodations, reevaluation may be warranted.

With respect to the accommodation process, it is important to note that there are significant differences between high school and college. At the postsecondary level, the responsibility for seeking out and accessing services shifts from parents and school personnel to the student. College students are expected to function independently in an adult learning environment. The student is responsible for acting as a self advocate, following the university's procedures, disclosing the disability, providing documentation, monitoring his or her own progress and communicating needs to instructors.

The learning environment is different as well. For example, college courses are based on a 15-week semester (or less) rather than a full academic year, which means learning must occur at a faster pace. Students are responsible for following a syllabus and typically are expected to learn material via lecture and class notes. Reading and writing demands are heavier. Less time is spent in class, requiring significantly more study time outside of class. Course material may be quite technical and require higher level thinking skills. Tests are less frequent and may cover large amounts of material. Students are expected to organize their work and manage their time independently. In addition to lectures, courses may involve an on-line format, field placement, or a combination. Given the differences between secondary and postsecondary environments and legal requirements (i.e., IDEA vs. ADA and Section 504), accommodations that a student received in high school may not be appropriate or required at the college level.

Accommodations and services that are considered to be appropriate at the postsecondary level are those that provide the student with equal access to the institution's courses and programs; in other words, those that "level the playing the field" for the student. As noted previously, postsecondary institutions are not required to provide accommodations and services that fundamentally alter their courses or programs.

Accommodation decisions are to be made on a case-by-case basis, considering the impact of a particular student's disability within the specific context in which that student must function. Accommodation needs can change over time and are not always identified through the initial diagnostic process. The determination for reasonable accommodations rests with the current institution, typically through its disability services staff working in collaboration with the student who has a disability and, when appropriate, college faculty. Because accommodations may vary based on the course or program, faculty may be included in the determination process as well. If recommended accommodations are not clearly identified in the documentation, the institution may seek clarification and if necessary, additional information. When recommendations go beyond equitable and inclusive accommodations and services, they may still be useful in suggesting alternative accommodations or services.

Since testing and reevaluation may be costly, such as a psycho-educational evaluation, it is recommended that USM institutions and Maryland community colleges maintain a list of providers that includes options for reduced and/or sliding fee scale testing. An example of a list of providers that includes resources for obtaining reduced or sliding fee scale testing is provided in Appendix A.

Foundational Principles for Documentation Review and Determination of Accommodations:

The Association on Higher Education and Disability (AHEAD) has established seven basic principles to serve as the foundation for best practices used by postsecondary institutions in establishing disability documentation guidelines and determining accommodations for students with disabilities. As such, USM institutions and Maryland community colleges should be guided by the following principles:

- Documentation should be reviewed on a case-by-case basis, examining the impact of the disability on the student and within the specific context of the request for accommodations;
- Determination of a disability should not require the use of any specific language;
- Presented documentation can be augmented by interview with the student and contact with the evaluator for needed clarification;
- Determination of accommodations is an interactive process and should not be dictated by any one party;
- Documentation of a specific disability does not translate directly into a specific accommodation or set of accommodations;

- Disability documentation should be treated in a confidential manner and shared only on a need-to-know basis;
- Information on the individual's disability is only one component of providing access; increasing overall accessibility through system change may reduce the need for individual accommodation.

General Documentation Guidelines:

With these principles in mind, the guidelines for documentation below are recommended for USM institutions and Maryland community colleges to enhance consistency and provide students, parents and professionals with the information needed to assist students in establishing eligibility for services and receiving appropriate accommodations. The guidelines are broad enough to allow for flexibility in accepting documentation from a range of perspectives given the different educational environments within the USM and MCC systems. These differences include such factors as open versus competitive enrollment; variation in class size; type of student population (e.g., traditional, nontraditional, transfer) undergraduate versus graduate program, and course format -- classroom, on-line, hybrid or field-based.

1. The credentials of the evaluator.

Documentation must be completed by a licensed or otherwise properly credentialed professional who has appropriate training and experience, and has no close, personal relationship with the student being evaluated. A good match between the credentials of the individual making the diagnosis and the disability being reported is expected (e.g., an orthopedic limitation might be documented by a physician but not by a licensed psychologist).

2. A diagnostic statement identifying the disability.

Documentation must include a clear diagnostic statement identifying the disability and the date of the most current diagnostic evaluation, as well as the date of the original diagnosis, as appropriate. While diagnostic codes from the Diagnostic Statistical Manual of the American Psychiatric Association (DSM) or the International Classification of Functioning Disability and Health (ICF) of the World Health Organization are helpful in providing this information, a full clinical description can also convey the necessary information.

3. A description of the diagnostic methodology used.

Documentation must include a description of the current diagnostic criteria, evaluation methods, procedures, tests and dates of administration, as well as a clinical narrative interpretation. Where appropriate to the nature of the disability (e.g., learning and cognitive disorders) the report should contain both summary data and specific tests scores.

Diagnostic methods that are congruent with the particular disability and current professional practices in the field are expected. Methods may include formal instruments, medical

examinations, structured interview protocols, performance observations and unstructured interviews. If results from informal or non-standardized methods of evaluation are reported, a clear explanation of their role and significance in the diagnostic process should be included.

4. A description of the current functional limitations.

Documentation must include information on how the disability currently impacts the individual. A combination of the results of formal evaluation procedures, clinical narrative, and the individual's self-report is the most comprehensive approach to fully documenting impact. Documentation should be thorough enough to demonstrate whether and how a major life activity is substantially limited by providing a clear sense of the severity, frequency and pervasiveness of the disability.

While relatively recent documentation is recommended in most circumstances, common sense and discretion in accepting older documentation of disabilities that are permanent or non-varying are recommended. Likewise, changes in the disability and/or changes in how the disability impacts the individual as a result of growth and development may warrant more frequent updates in order to provide an accurate picture. Additionally, if changes in accommodations are needed, updated documentation may be required. In other words, the recency of the documentation depends on the facts and circumstances of the student's disability and the accommodations requested.

USM and MCC Disability Support Services offices, based on their staff members' professional judgment, may consider accepting older documentation on a provisional basis. Accommodations may be provided in the interim, on a case by case basis, while the student obtains the necessary updated documentation.

5. A description of the expected progression or stability of the disability.

Documentation must provide information on expected changes in the functional impact of the disability over time and context, if the disability is cyclical or episodic in nature (e.g., bipolar disorder, some chronic medical conditions). Information regarding known or suspected environmental triggers to episodes can be helpful in anticipating and planning for varying functional impacts. If the disability is not stable, information on interventions (including the individual's own strategies) for exacerbations and recommended timelines for reevaluation are most helpful.

6. A description of current and past accommodations, services and/or medications.

Documentation should include a description of both current and past accommodations, services, medications, auxiliary aids and assistive devices, including their effectiveness in ameliorating functional impacts of the disability. A discussion of any significant side effects from current medications or services that may impact physical, perceptual, behavioral or

cognitive performance can be helpful. While accommodations provided in another setting are not binding on the current institution, they may provide insight in making current decisions.

7. Recommendations for reasonable accommodations and services.

Documentation should include recommendations for accommodations and services. Recommendations from professionals with a history of working with the student can provide valuable information for review and planning. The recommended accommodations and services should be logically related to the student's functional limitations.

While the postsecondary institution has no obligation to provide or adopt recommendations made by outside entities, those that are congruent with the institution's courses, programs and services may be appropriate. The postsecondary institution may substitute another accommodation, if it is considered to be effective and parallel to the one recommended and/or requested. When recommendations go beyond equitable and inclusive services and benefits, they may still be useful in suggesting alternative accommodations and services.

A description of accommodations and services typically available at the postsecondary level is provided in Appendix B. This list is intended only to provide examples. It is not exhaustive and should not limit the recommendations for reasonable accommodations made by an evaluator for an individual student.

Recommendation for Creating Disability-Specific Documentation Guidelines:

While it is neither practical nor desirable to create specific documentation requirements for every condition that may be considered a disability, individual institutions may choose to establish protocols for more common disabilities (e.g., learning disabilities, ADHD). In doing so, USM institutions and Maryland community colleges should incorporate the seven essential guidelines for quality disability documentation outlined above.

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Appendix A**

Some Resources for Psychological and Educational Diagnostic Testing at Reduced Fees

<i>Service Provider (page 1 of 3)</i>	<i>Testing Services and Fees</i>
<p>1. Adolescent & Adult Language & Literacy Clinic Karen Fallon, Ph. D Towson University Speech-Language-Hearing Clinic Towson, MD 21252 (410)704-3095; kfallon@towson.edu</p>	<p>Comprehensive assessments to diagnose reading and writing disorders; provide therapy services for college students struggling with reading, organizing and/or writing. Assessments and services are free of charge to TU students.</p>
<p>2. Eva Anderson, Ph.D. Riverside Professional Building 540 Riverside Dr., Suite #2 Salisbury, MD 21801 (410)548-7883</p>	<p>Most basic psycho educational testing costs about \$600-\$650.</p>
<p>3. Susan Bartels, Ph.D., NCSP 28 Allegheny Ave., Suite 507 Towson, MD 21204 (301)395-4754; Sbartels2009@gmail.com</p>	<p>Comprehensive neuropsychological evaluations, LD and ADHD assessments, sliding fee schedule for Towson students.</p>
<p>4. Myra L. Burgee, Ph.D. Applied Counseling & Psycho educational Services 932 Hungerford Dr., Suite 5B Rockville, MD 20850 (301)933-2374; MLBurgEE@verizon.net</p>	<p>Psycho educational evaluations to assess for a learning disability, ADHD (ADD), processing deficit, psychological condition (e.g., anxiety, depression) that may be impacting upon their ability to achieve at a level of the innate abilities. Reduced rate of \$1500 for college students; offers a 6-month payment plan and accepts credit cards</p>
<p>5. Chesapeake ADHD Center of Maryland Kathleen G. Nadeau, Ph.D., Center Director 8607 Cedar Street Silver Spring, MD 20910 (301) 562-8448; Website: www.chesapeakeadd.com</p>	<p>ADHD and LD assessments, counseling and ADHD coaching. Reduced fees and payment plans for students with financial need.</p>
<p>6. Cornerstone Psychological Services Dr. Catherine Neal, Clinic Director Hawthorne Office Park 10808 Hickory Ridge Road Columbia, MD 21044 (410) 730-8877</p>	<p>Neuropsychological and psychological testing; full battery is \$1500; Inquire about sliding fee scale</p>
<p>7. Crossroads Psychological Associates Dr. Daniel Zimet 10784 Hickory Ridge Rd. Columbia, MD 21044 (410)964-0425, ext. 18 www.crossroadspsych.net</p>	<p>LD and ADHD assessments - \$1525; sliding fee scale.</p>

<i>Service Provider (page 2 of 3)</i>	<i>Testing Services and Fees</i>
<p>8. George Mason University Center for Psychological Services 10340 Democracy Lane, Suite 202 Fairfax, VA 22030 (703) 993-1370 http://psyclinic.gmu.edu</p>	<p>LD and psychological assessments; Financial aid available for assessments.</p>
<p>9. George Washington University Meltzer Psychological Services Center 2125 G Street, N.W. Washington, DC 20052 (202)994-9072</p>	<p>Psycho educational testing for learning disabilities and ADHD; Sliding fee scale.</p>
<p>10. Kennedy Krieger Institute Center for Development and Learning – College Clinic 801 North Broadway Baltimore, MD 21205 (410) 923-9400 – call for an intake and student should say he/she is interested in a college clinic evaluation (410)923-3254 – Marge Fessler, Ed.D. – Contact for further information</p>	<p>Comprehensive testing which consists of 2 parts: 1. Educational evaluation, \$1036, insurance does NOT pay for but KKI will reduce the fee by 10% if paid in full at time of service, accepts credit cards, willing to work out payment plan 2. Psychological evaluation - \$341/hour – billed at 5-6 hours – this portion is often covered by insurance as long as student does not say testing is needed for DSS documentation</p>
<p>11. Long and Associates Dr. Thomas Long, Ph.D. (301)229-6126 Dr. Jean Barton (301)897-8487 6307 Kenhowe Drive Bethesda, MD 20817</p>	<p>Psycho educational evaluations; \$1500 is standard fee but cost will be lower if student does not need full battery of tests; preferred provider for Blue Cross/Blue Shield</p>
<p>12. Loyola Clinical Centers/ Janet Simon-Schreck, Ph.D., Director 5911 York Rd., Suite 100 Baltimore, MD 21212 (410) 617-1200; Website: www.loyola.edu/clinics/MDAC</p>	<p>Comprehensive psycho educational assessment using an interdisciplinary approach. Sliding fee scale.</p>
<p>13. Mental Health Center at Gallaudet University/William Kachman, Ph.D., Director 800 Florida Avenue, N.E. Washington, D.C. 20002 (202) 651-6080; E-mail: Rachel.mingo@gallaudet.edu Website: www.mhc.gallaudet.edu</p>	<p>Psycho educational assessment for LD, ADD and psychiatric accommodations for hearing and deaf/hard of hearing individuals. Sliding fee scale.</p>
<p>14. Dr. Sarah Phillips (301)751-2838 Offices in Annapolis, Clinton, Bowie and Essex</p>	<p>Psycho educational testing; standard fee is \$2000 for complete battery but willing to reduce fee based on financial need.</p>
<p>15. Psych Associates of Maryland J. Peter Aines, Ph. D.; Arthur MacNeill Horton, Jr., Ed. D. 120 Sister Pierre Drive Towson, MD 21204</p>	<p>Neuropsychological and psychological testing, LD and ADHD evaluation, post traumatic stress disorder. Sliding fee scale. Accept most insurance.</p>

<i>Service Provider (page 3 of 3)</i>	<i>Testing Services and Fees</i>
<p>16. Deborah A. Shawen, MS, CAS Tracey Hannah, M. Ed., LCPC 304 West Chesapeake Ave. Baltimore, MD 21204 (410)321-5612; shawen@shawenhannah.com Website: shawenhannah.com</p>	<p>Psycho educational testing, LD and ADHD assessments and diagnosis, coaching for ADHD and executive functioning, sliding fee scale for Towson students.</p>
<p>17. James (Jim) Sydnor-Greenberg, Ph.D. 4701 Willard Ave., Suite 419 Chevy Chase, MD 20815 (703) 536-5405</p>	<p>Neuropsychological and psycho educational testing for ADHD, LD and other cognitive and/or psychological difficulties/disabilities with recommendations for accommodations. Standard fee for testing is \$2400 but willing to negotiate an affordable fee with college students and/or offer payment plans. Cost will be lower if student does not need full battery of tests.</p>
<p>18. Meris Steele, Ph.D. 5301 West Bard Circle, #4 Bethesda, MD 20816 (240)643-0240</p>	<p>Psycho educational evaluations. Willing to negotiate an affordable fee with college students.</p>
<p>19. Carol Sutton, Ph.D. 7402 York Rd., Suite 300 Towson, MD 21204 Home #: (410) 273-6959</p>	<p>Comprehensive psycho educational assessment for LD and ADHD. Reasonable fee.</p>
<p>20. University of Maryland The Psychology Clinic - M. Colleen Byrne, Ph.D., Director 2114 Biology-Psychology Building College Park, MD 20742 (301) 405-4808; E-mail: PsycClinic@psyc.umd.edu</p>	<p>Diagnostic consultation; LD, ADHD and psychological assessments, neuropsychological assessment, individual therapy. Sliding fee scale.</p>
<p>21. Western MD Behavioral Health Services 12502 Willowbrook Rd., Suite 380 Medical Arts Building Cumberland, MD 21502 (240)964-8585</p>	<p>Evaluation for ADHD; Financial assistance program available for which clients can apply; insurance accepted.</p>
<p>22. The Women's Center 133 Park St., NE Vienna, VA 22180-4602 (703)281-2657 www.thewomenscenter.org</p>	<p>Educational and psychological testing. Sliding fee scale.</p>
<p>*Please note that this listing is not comprehensive. It is provided for informational purposes only and not an endorsement of any particular provider. You are encouraged to call providers and ask questions about services and fees.</p> <p>6/11</p>	

University System of Maryland
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Appendix B

The following are some examples of reasonable accommodations that may be available to students with disabilities at the postsecondary level. All accommodations are determined on a case-by-case basis according to individual need.

Classroom Accommodations:

- Adaptive furniture or equipment
- Access to visual aids/Power Points
- Accessible online and web-based course materials following Section 508 guidelines
- Additional time on in-class writing assignments
- Assistive listening device
- Audio taping lectures
- Captioned videos
- Exit classroom when symptoms occur
- Interpreting/transcribing services
- Note-taker
- Occasional exceptions to absentee policy
- Preferential Seating
- Use of laptop computer for notes or in-class writing assignments

Testing Accommodations:

- Alternate exam format (e.g., taped or oral versions of exams, exam administration one page at a time)
- Assistive technology, such as reading and writing software (e.g., Kurzweil, Dragon Dictate)
- Calculator
- Computer access for essay exams
- Extended time on exams
- Large print exams
- Minimal distraction testing environment
- No scantrons
- Reader
- Scribe
- Spell check

Other Accommodations:

- Alternate textbooks and course materials in Braille, electronic or enlarged format
- Classroom moved to accessible location
- Course substitutions (foreign language and math) according to college policy
- Priority registration
- Reduced course load (while maintaining full-time status)