

AHEAD supports government policy that ensures full, effective participation by individuals with disabilities in every aspect of the postsecondary experience. This includes:

- **Rights and protections** – *Government policies that protect the rights of students with disabilities and other minority groups*
- **Diversity, Equity, Respect, and Inclusivity** – *Government policies that promote diversity, equality, respect, and inclusivity in higher education for students with disabilities*

The document below outlines the details of AHEAD’s positions on policy issues.

Rights and Protections

Government policies that protect the rights of students with disabilities and other minority groups

Existing laws and regulations. Supporting the preservation and enforcement of existing laws and regulations to prevent discrimination, including:

- Encouraging/supporting activities that go beyond mere compliance
- Allowing for individuals to bring multiple claims of non-compliance on behalf the greater persons with disabilities community

Social justice. Promoting the fair application of policies, opportunities, and existing systems to ensure such institutions do not oppress individuals or identity groups.

The American’s with Disabilities Act (ADA). Maintaining and enforcing current protections such that all institutions provide equal access to postsecondary education for students with disabilities. This includes:

- Title II (publicly funded universities, community colleges, and vocational schools) & Title III (privately-funded schools)
- Title I as it applies to students and other higher education employees with disabilities
- Compliance with Guidance on ADA Amendments Act Amended Legal Standards – U.S. Department of Education Dear Colleague [letter](#)

Programs/activities/Section 504 of the Rehabilitation (Rehab) Act. Maintaining and enforcing current protections such that all institutions provide access to students with disabilities in all institutional programs and activities. This includes:

- In-class and auxiliary supports
- Physical activity/recreation
- Athletic opportunities on campus for student athletes with disabilities
- Increased athletic opportunities on college campuses for student with disabilities
- Club, organization, and fraternity participation/membership
- See also “Non-academic accommodations” section below

Accessibility technology use, research, and development. Requiring accessibility to all forms of technology used as part of the higher education experience and encouraging research and the development of adaptive and supportive technologies to enhance the higher education experience for students with disabilities. This includes support for:

- Compliance with 2012 Dear Colleague [letter](#) from the U.S. Department of Education to college presidents on electronic media access
- A national solution(s) regarding instructional materials – books, smart boards, etc.
 - Addresses issues around copyright and file sharing
- Government supported technology, such as websites and FAFSA materials
- Unique challenges of accommodating students with disabilities in online and distance learning

Current concerns include:

- The U.S. Department of Education’s Office for Civil Rights (OCR) being cognizant of how challenging it is to design and implement the steps necessary to meet the expectations set forth in the typical remedial agreements negotiated by OCR, such as being aware just how few authentically accessible programs exist for purchase or how infeasible it is to preview the overwhelmingly large number of materials that faculty typically post in the course of an academic year.
- OCR providing technical assistance with the necessary level of expertise and that colleges can easily learn how to access.
- OCR providing timely responses to college draft remedial proposals that are required under OCR settlement agreements.
- Knowing whether OCR will be reopening the previously administratively closed digital investigations and resolutions, due to its previous mass filer prohibition, which was recently lifted, and, what technical support will be made available to colleges and universities, who, well-committed to compliance, find this a very daunting task.

Beyond compliance. Encouraging not only strict compliance with the laws supporting education success for students with disabilities, but the spirit of the law and beyond.

- Including government recognition of individuals and institutions for successful/positive impactful efforts beyond compliance

Diversity, Equity, Respect, and Inclusivity

*Government policies that promote diversity, equality, respect, and inclusivity
in higher education for students with disabilities*

Before college

Preparation. Ensuring that college preparatory efforts take into consideration persons with disabilities, including recognizing subpopulations that are traditionally underrepresented and addressing preparatory hurdles that they may be facing.

- Incorporating specific targeting/services for students with disabilities that prepare them for higher education, such as afterschool programs (21st Century Community Learning Centers (21st CCLC)) and elementary and secondary education policies (Elementary and Secondary Education Act (ESEA)/Every Student Succeeds Act (ESSA))
- Supporting Federal TRIO programs that, among other things, serve individuals with disabilities, and others with disadvantaged backgrounds, to progress through the academic pipeline from middle school to post-baccalaureate programs
- Ensuring that the enforcement of Individuals with Disabilities Education Act (IDEA) includes practices that facilitate the awareness of and preparation for higher education
- Ensuring those providing these services are properly trained to provide quality and targeted services to students with disabilities

Recruitment/Application. Ensuring that elements of higher education recruitment and application progress are fully accessible to persons with disabilities and are devoid of negative biases.

Diversity/Inclusion. Encouraging diversity in higher education, such as through:

- Allowing colleges to take affirmative action to promote a diverse campuses, particularly among traditionally underrepresented student populations, staff and faculty
- Providing reasonable accommodations in higher education for people with disabilities
- Promoting equal and safe opportunities in higher education across genders including the inclusion and integration of the LGBTQ population on campuses
- Taking into account social inequalities that exist due to the intersectionality of race, ethnicity, and disability

College academics

Higher Education Act (HEA)/State higher education policies. Ensuring that any reauthorization process recognizes and addresses the particular benefits and hurdles faced by students with disabilities. HEA reauthorization bills and state higher education bills should advance:

- Increasing the number of students with disabilities attending higher education
- Removing barriers, such as technology, for students with disabilities to take part in all aspects of higher education
- Supporting particular needs of students with disabilities
- Increasing the completion rate of students with disabilities
- Transitioning to meaningful and competitively waged jobs/professions for students with disabilities
- Fostering research and best-practices around higher education and students with disabilities
- Reauthorizing the National Center for College Students with Disabilities (NCCSD) or similar entity
- *Note: Neither of the 2018 HEA reauthorization bills, the Republican Prospect Act, or the Democratic Aim Higher Act, sufficiently meet these standards*

Federal and state funding. Maintaining or enhancing federal and state higher education and civil rights enforcement funding for accessibility, health and wellness, education, amenities, and discrimination prevention for those with disabilities and their families. This includes funding for:

- Staff at Departments of Education and education professionals to be aware of and trained in issues of special interest to persons with disabilities
- Federal and state programs to support access, preparation, recruitment, services, educational success, and employment transition of students with disabilities
 - Fund for the Improvement of Postsecondary Education (FIPSE)
 - National Center for College Students with Disabilities (NCCSD) or similar entity
- Federal and state research and development/promotion of best-practices in the areas of higher education and students with disabilities – this can include demonstration grants

National Center for College Students with Disabilities (NCCSD). Continued authorization and funding of the Center or a similar program for:

- Providing technical assistance and information to anyone needing information about disability and higher education, including college students, their families, faculty, college administrators and staff, disability services professionals, researchers, and policymakers
- Collecting information and doing research about disability services at campuses in the United States and sharing findings with the public
- Reporting to the U.S. Department of Education, Congress, and the public about the current status of college students with disabilities in the U.S.

Higher education profession. Supporting the awareness, training, and practices of all aspects of higher education professionals/professions relating to disability within the higher education community.

College student affairs, facilities, programs, and services

Access to health services. Ensuring students have access to health services, including mental health services, that meet the particular needs of students with disabilities.

Physical activity. Ensuring that campuses provide quality opportunities for students with disabilities to access physical activity and sport opportunities.

Campus safety. Providing safe campuses by having and executing a comprehensive campus safety plan that takes into account particulars to students with disabilities.

- Ensuring that students with disabilities have access to a safe environment free from bullying, hazing, sexual harassment/sexual assault, and other crimes
- Recognizing the particular vulnerabilities/targeting of people with disabilities
- Recognizing that disabilities can be the result of being a victim

- Victims of sexual harassment and violence are highly likely to be or become individuals with disabilities, particularly PTSD, depression, anxiety disorder, and insomnia.
- In regard to the U.S. Department of Education’s November released proposed Rule on Title IX on sexual harassment, the Rule should:
 - Include provision that colleges must be aware of, including through specialized training, how to interact with students with disabilities, including intellectual disabilities, Autism, and Asperger’s Syndrome, and be in compliance with the Rehab Act and ADA with regard to sexual harassment training, counseling, custody, preventative interventions, complaint intake communication, investigation and cross-examination, due process hearings, mediation, and the imposition of sanctions.
 - Reference the significance of Disability Support Services (DSS) services in addressing the rights and needs of students experiencing a disability as a result of sexual harassment/violence.
 - Recommend Title IX coordinators consult with DSS offices to come to a coordination agreement between the offices concerning alleged victim of sexual harassment/violence.
 - Require that Title IX coordinators make alleged victims aware of the rights of students with disabilities, including making use of DSS services and accommodations.

Support network. Encouraging the development of support structures for students with disabilities that can help address unique health and wellness needs/concerns.

Empowerment. Developing and implementing technological, behavioral, programmatic, and other improvements to further empower students with disabilities.

Disability services. Encouraging campuses to have well-trained, empowered, and passionate coordinators for students with disabilities on college campuses.

- Encourage colleges to have dedicated coordinators/advocates for students with disabilities, similar to those around Title IX and Veterans.

Input from students with disabilities. Providing meaningful opportunities for students with disabilities to provide input/guidance on ways to improve practices to move all individuals with disabilities toward full participation in postsecondary education.

Comprehensive campus planning. Encouraging institutions to incorporate awareness and efforts into a campus-wide responsibility to accessibility.

Facilities. Upgrading higher education facilities to increase accessibility.

Student development student leaders. Recognizing the individual and societal benefits of having students take part in student development positions as student leaders and promoting the existence of these positions for students with disabilities.

Returning Service Members/Veterans. Providing services to meet the often particular needs of returning Service Members/Veterans who often have visible and invisible disabilities as a result of their service.

Disciplinary actions. Recognizing special consideration and past/present biases against students with disabilities to ensure fair treatment.

- Self-injurious students. Calling for clear and explicit guidance from the U.S. Department of Education's Office for Civil Rights (OCR), perhaps developed in conjunction with the U.S. Department of Justice (DOJ), on the responsibilities of colleges to self-injurious students and when it may or may not be permissible to employ suspension or dismissal as a device to persuade self-injurious students to abate from their perilous behaviors.

Non-academic accommodations. Addressing non-academic accommodations issues faced by students with disabilities, such as:

- Housing accommodations
- Service/emotional support animals on campus
 - Clarification on whether OCR expects colleges to consider emotional support animals (ESA) for all college facilities within the range of accommodations for students with disabilities, and if so, having OCR provide additional guidance/direction on the subject.
 - Additional guidance to include:
 - What documentation colleges should require of students requesting an ESA?
 - Whether reptiles and monkeys are disfavored by OCR as they are by DOJ and the Centers for Disease Control and Prevention (CDC)?
 - How should colleges judge the documentation of the many students who "require" an ESA though they have no prior experience with one?
 - How should colleges take into account the fact that a given student may not be mature or disciplined enough to care for his/her animal?
 - What colleges may do when a student repeatedly fails to come back to his or her dorm room at night, leaving his/her animal unattended?
 - Calling for at least permission to use more rigorous scrutiny than is now described in the guidance from the U.S. Department of Housing and Urban Development (HUD).
- Dietary access and accommodations that ensure that students have healthy and safe food options, such as:
 - Ability for students with food-related disabilities to have equal opportunities to participate in campus dining programs, such as through the offering of alternative food and beverage services within those plans

- Flexibility regarding mandatory meal plans
- Career planning and post-graduation transition

Non-students. Ensuring college campuses are accessible for family members, staff, and other persons with disabilities.

Inclusion/diversity. Promoting policies that provide greater inclusion, particularly among traditionally excluded/discriminated against groups, and diversity of society in general.

Respect. Raising positive awareness of persons with disabilities, including disarming negative stereotypes in society.