



EDUCATION RIGHTS: ILLINOIS EDITION



Your Rights as a Student with a Disability in College, University, or Trade School

This fact sheet answers:

- How do disability rights laws protect students with disabilities?
- How do I ask for a reasonable accommodation?
- Can my school ask for medical documents?
- And More

Students with disabilities have legal rights in college, university, and trade school. These rights come from federal and Illinois laws that protect people with disabilities from discrimination.

What laws protect students with disabilities in colleges, universities, and trade schools?

These laws protect students with disabilities in postsecondary education:

- Americans with Disabilities Act (ADA)
 - Title II of the ADA applies to schools run by a state or local government
 - Title III of the ADA applies to all postsecondary schools
- Section 504 of the Rehabilitation Act of 1973
 - This law is for schools that get federal money, including schools that take FAFSA funds.
- Illinois Human Rights Act (IHRA)
 - This law is for all schools and places of education in Illinois except religious schools.



How do disability rights laws protect students with disabilities?

These laws say that schools cannot discriminate against students with disabilities. Under these laws, schools cannot treat students worse because of their disability. Schools must give students with disabilities equal access to educational opportunities.

What is a reasonable accommodation?

A reasonable accommodation is a change that helps a student with a disability at school. Schools must make changes needed to give students with disabilities the same opportunity to learn as others. Schools must also make changes needed to give students with disabilities the same chance to take part in school programs and in campus life.

Schools may need to:

- Change rules, policies, or procedures
- Provide auxiliary aids and services that help you access your education

You might also see these changes called “academic adjustments” or “reasonable modifications”



What are some examples of reasonable accommodations?

There are a lot of examples of reasonable accommodations in postsecondary education. Some common ones are:

- Smaller course load.
- Letting a student have a service dog to live in the dorm with a student.
- More time on tests or assignments.
- Priority registration.
- Sign language interpreters for courses.
- Assistive technology, such as installing a screen reader program on school computers.
- Note takers.

Schools must also make sure they are physically accessible and meet the [2010 ADA Standards for Accessible Design](#).

When should I ask for a reasonable accommodation?

If possible, you should ask for a reasonable accommodation as soon as you know that you need one. It can take time to work with your school's disability resource office to set up your accommodations.

How do I ask for a reasonable accommodation?

You need to tell your school that you have a disability and need a reasonable accommodation. Most colleges have a Disability Resource Office, which is a good place to start. You can find disability resource offices using The Campus Disability Resource database (CEDAR): www.cedardatabase.org

It is best to ask in writing.

Does my school have to give me the exact reasonable accommodation that I ask for?

No. But your school must give you an effective accommodation. Here are some things to remember:

Effective Accommodation

Your school must give you an accommodation that works. It does not have to give you the exact thing that you ask for. If the accommodation your school chooses would not work for you, be ready to tell them why.

Fundamental Alteration

Your school does not have to give accommodations that would make major changes to the program, course, or activity. Your school does not have to lower or make major changes to essential academic requirements.

For example, your school may have to give you extra time to take a test. It would not have to change the questions on the test.

Undue Hardship

Your school does not have to give you an accommodation if it causes an "undue hardship." This means the accommodation is very difficult or expensive. There is no set standard for what makes something an undue hardship.

Some things courts look at to decide if something is an undue hardship are:

- The cost of the change
- How much money your school has, and
- How the change will affect your school.

Personal Services or Devices. Your school does not have to give you accommodations that you need outside of school or school-run programs. For example, if you need a hearing aid at school and at home, that hearing aid is a personal device. Your school does not have to give you a personal device.

A device is not a personal device if you only use it for school related activities. For example, an app for taking notes in class is an accommodation, because you use it for school.

What happens after I request a reasonable accommodation?

You and your school should use the “interactive process” to decide what accommodation(s) will work for you. The interactive process is a time when you talk with your school about what accommodations will work for you.

During the interactive process:

- Your school may ask for reasonable medical documents.
- Your school may ask how your disability affects you at school.

Can my school ask for medical documents?

Schools can ask you for reasonable medical documents to confirm:

- You have a disability.
- You need a reasonable accommodation.

Your school may ask you how your disability affects your daily life and school activities. The documents should have enough information to decide what reasonable accommodations you need.

What do I do if my school denies or does not respond to my request?

Continue the interactive process

Ask your school why it denied your request in writing. Depending on the answer, decide if there is room to continue the interactive process.

Example: If your school says your request would be an “undue hardship,” you could suggest a different accommodation.

Follow up on your request

You may be able to follow up on your request within your school. Your school may have a way to appeal accommodation decisions.

What do I do if my professors are not letting me use my accommodations?

You should report this to your school’s disability resource office. The disability resource office may be able to step in and try to fix the problem.

If this does not fix the problem, you can consider the complaint filing options included later in this fact sheet.



What other rights do I have against disability discrimination?

Schools cannot harass, retaliate against, or treat students differently because of their disability.

Disparate treatment is when a school treats you differently because of your disability. It would be disparate treatment for a school to reject students because they have a certain disability.

Disability harassment is unwelcome behavior at school that is based on disability.

Retaliation is when your school takes a negative action against you because you are using your rights. You can use your rights through protected activities. Some examples of protected activities are:

- Bringing up concerns of disability discrimination
- Filing a complaint of discrimination
- Requesting a reasonable accommodation

What can I do if I think my school is discriminating against me based on my disability?

Reporting to your school's disability resource office

You can report the discrimination to your school's disability resource office. The disability resource office may be able to step in and try to fix the problem.

Internal Complaint

Most schools have an internal complaint process for students to report discrimination or harassment. Most of the time, you can find information about the internal complaint process in the student handbook.

External Complaints

You have options to file an external complaint with a government agency. A statute of limitations will apply.

- Department of Education Office of Civil Rights (OCR):
 - [File A Complaint | U.S. Department of Education](#)
- Department of Justice Educational Opportunities Section:
 - [Educational Opportunities Section | U.S. Department of Justice](#)
- Illinois Department of Human Rights (IDHR):
 - [Learn more about the IDHR process](#)

Another option is to file a lawsuit under the ADA or Section 504. If you think you might want to file a lawsuit, it may be a good idea to talk with an attorney. Be aware that a statute of limitations period applies.

You should document any events or conversations that you think show that you were discriminated against. It is good to document discrimination even if you are not sure you want to take legal action.

How do I document discrimination?

Keep notes on any events or conversations where you feel you were not treated fairly due to your disability. You should include any times where you were not given an approved accommodation.

For each event, you should write down:

- The time, date, and location where the discrimination occurred.
- The names and roles of everyone involved.
- The names of everyone who saw or heard the discrimination, and what you think they saw or heard.
- Detailed notes on what happened.

Be as specific as you can. If you can remember exactly what a person said, write the words down as a quote. Example: the professor said, "You cannot get special treatment in this class." If you cannot remember, write down what you heard in your own words.

Keep copies of all emails or documents which relate to the discrimination. Document important conversations by following up in writing with a summary of what you talked about. One way to do this is to send a thank you note. Example: "Dear Professor, Thank you for meeting with me today to talk about [whatever you talked about]."

Please note: In Illinois, you cannot record a private conversation without consent from everyone in the conversation. You should not record a conversation in any way without asking the person you are talking with first.

Where can I learn more?

- [Students with Disabilities Preparing for Postsecondary Education | U.S. Department of Education](#)
- [Disability Discrimination: Academic Adjustments for Postsecondary Students | U.S. Department of Education](#)
- [Auxiliary Aids and Services for Postsecondary Students with Disabilities | U.S. Department of Education](#) ■



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Have More Questions?

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