

Reasonable Accommodations in Applied Learning Programs

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Enrollments in Programs with Clinical Components are Increasing

- Health care enrollments are booming
- Strong market for K-12 teachers
- Social work enrollments have increased
- Career-oriented programs are becoming more popular



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The Legal Landscape

- Americans With Disabilities Act of 1990
- Section 504 of the Rehabilitation Act of 1973
- State disability discrimination laws (effect of NY Exec. Law 296-c)
- Institutional policies regarding nondiscrimination on the basis of disability



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Constraints of Clinical Settings

- Clinical partner may be unwilling or unable to provide the type of accommodations that the institution provided to the student
 - Extra time or assistance with reading
 - Communication requirements for working with clients
 - Behavioral requirements regarding clients and supervisors
 - Physical requirements for working with clients/patients
- Sources of constraints for clinical settings
 - Financial and personnel
 - Government regulation
 - Accreditation requirements
 - Academic and technical standards linked to clinical position of student



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Requirements for Students

- Must document disability and requested accommodations
- Must be able to meet the academic and technical standards of the clinical setting, including professional conduct
- Students must show that they are qualified in that they can meet these standards



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Requirements for the Clinical Setting

- Office for Civil Rights will defer to the institution's judgment
 - "as long as the institution can show that it reached the determination through a reasoned and informed process.
 - To the extent that a decision or standard is an academic one, it is entitled to more deference."



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Requirements for the Clinical Setting

- Clinical setting must be able to demonstrate that the requested accommodation is not reasonable because:
 - It requires fundamental alterations in training or curriculum
 - Eliminates an essential element, goal, purpose
 - It exposes students, clients or patients to direct threats to their safety



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Challenges for Institutions

- Student has performed well in classroom settings but issues arise in clinical settings
 - Learning disorders
 - Requirement for reading comprehension
 - Requirement for oral communication and comprehension
 - Mental health issues
 - Behavioral issues (unprofessional interactions with clients/patients or difficulty conforming to supervisor's requirements, need for flexible schedule)
 - Physical limitations (eyesight, mobility, technological interface)
 - Service animal needs



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Examples of Student Legal Challenges

- Student with visual impairments could not use optometry instruments
- Visually impaired student not admitted to medical school because she could not perform routine medical actions (inserting an intravenous line)
- Student's requested accommodations would threaten patient safety
- Student's requested accommodation would violate state education requirements
- Student could not physically perform essential functions required for licensure



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Agreement Language

- Nondiscrimination clause
 - Specifically address disability/accommodations
- Make sure coordinator is identified
 - Have lunch once a semester
- Require site to cooperate with investigation



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Technical & Academic Standards

- Need to be in Goldilocks zone
- Routinely update
 - Are you offering remote/hybrid options?
- Work with clinical sites and have them explain requirements to you so that you can document requirements
 - This process will also help you identify promising placements for meeting student needs
- Okay to ask applicants if they can meet technical standards



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Pre-Placement Considerations

- Use faculty as early warning system
 - Empower faculty to provide feedback on academic accommodations
- Direct students to placements that you can work with
 - Keep disability information as part of post-acceptance process, **BUT**:
 - Make information about technical standards clear
 - The goal is to encourage and direct students to sites where they will be most successful, but not deny them access to an opportunity unless they are unable to meet the technical standards with or without accommodations



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Working with Partners to Implement or Defend Accommodations Decisions

- Document site's explanation for how something will work or why it is fundamental alteration
 - Require specificity
 - Prepare to be co-respondents
- Be prepared to cut ties if necessary



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Addressing Student Complaints

- What procedure/process controls?
 - Is there an employment relationship?
- Consider what regulatory framework is likely to apply (DHR, EEOC, OCR)
- Balance student advocacy with defending position
 - Err on side of the student



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Remote/Hybrid Considerations

- Has potential to open new opportunities
- Must be accessible
 - What technology?
 - Hardware?
 - Platform/software?
 - What standards apply (504? 508? WCAG?)
 - Who is responsible for providing assistive aids or other technological support?



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Thank You

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