

## **Documentation Guidelines for Deaf and Hard-of-Hearing**

Duke University is committed to providing educational opportunities to qualified students with disabilities for purposes of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008. In order to establish that an individual is covered under these laws, students must submit current documentation (i.e., audiological/clinical/diagnostic reports, records and information) confirming that their diagnosed condition substantially limits one or more major life activities in comparison to most people in the general population. Typically, accommodations are not granted on the basis of a diagnosis; they must be tied to current functional limitations. However, there are a number of conditions (deafness being one of them) in which the severity is so clear as to automatically qualify as a disability. Nonetheless, even with deafness, in order to appropriately and effectively accommodate the student's functional limitations in a post-secondary setting, some degree of documentation is necessary to assist SDAO in addressing the student's disability-related needs, be that in academic settings, housing, and perhaps other environments as well.

Please keep in mind that SDAO will determine whether the student is disabled in their unmitigated state. By way of example, if a student uses hearing aids or devices, SDAO will determine whether the student is disabled without regard to their use of aids. Conversely, the type of accommodation that the office may support will factor in the student's use of such aid.

The following guidelines are designed to provide students and medical providers with a common understanding and knowledge base of the components of documentation which are necessary to establish the degree of hearing loss, its impact on the student's educational performance, and what accommodation(s) is necessary in a post-secondary setting.

Documentation should include:

- I. Qualifications of the Medical Provider
- II. Currency of the Audiology Report
- III. Rationale and Justification for Each Requested Accommodation
- IV. Confidentiality

### **I. Qualifications of the Medical Provider**

The professional conducting the evaluation must be a qualified treatment provider and recommend appropriate accommodations for adult students. The documentation must include the name, title, and professional credentials of the evaluator, including information about licensure and/or specialization.

Diagnoses of Deaf or Hard-of-Hearing conditions documented by family members will not be accepted even when the family members are otherwise qualified by virtue of training and licensure/certification. All reports should be in English, typed or printed on professional letterhead, dated, signed, and otherwise legible. SDAO reserves the right to receive the documentation directly from the evaluator.

### **II. Currency of Audiology Report**

Since reasonable accommodations are based upon the assessment of the current impact of the disorder on academic functioning; evaluation/diagnostic reports must address the individual's current level of functioning and the need for accommodations. For a long-standing visual impairment, updated documentation may not be necessary for establishing

disability status. However, having documentation address accommodation recommendations in a post-secondary setting, particularly with respect to assistive technologies, may require more recent information. If the documentation fails to sufficiently address the student's current functional limitations and need for accommodations, additional information may be required.

### **III. Rationale and Justification for Each Requested Accommodation**

**Accommodation requests are not generally granted on the basis of a diagnostic label:** they must be tied to history and current functional limitation(s). There are a number of conditions in which the severity is so clear as to automatically qualify as a disability. Nonetheless, in order to appropriately and effectively accommodate the student's functional limitations in a post-secondary setting, some degree of documentation is necessary to assist the SDAO in addressing the student's disability-related needs, be that in academic settings, housing and other environments.

To be considered, the requested accommodations must be necessary, reasonable and appropriate. When recommending accommodations, the evaluator should establish a clear link between the request and the student's functional limitations, again in the student's mitigated state. Please note that the provision of a past accommodation in another setting does not necessarily guarantee or assure the requested accommodation will be implemented at Duke University; however, having that information is helpful to SDAO and will be considered in making current decisions about necessary, reasonable, and appropriate accommodations and services. If a requested accommodation is not clearly stated and supported in the diagnostic report, SDAO reserves the right to seek additional clinical information pertaining to the determination of eligibility. It is the student's responsibility to obtain the requested additional information when the request is made.

It is also important to include information regarding any prior accommodations or auxiliary aids; including the specific criteria used to grant prior accommodations/ auxiliary aids, the conditions under which the accommodations/auxiliary aids were used and whether or not they were effective. In particular, SDAO encourages the examiner to identify assistive technology devices that may be appropriate for the university to consider in light of the student's hearing functional limitations. Student should provide SDAO with a copy of any assistive technology evaluation that they may have secured.

### **IV. Confidentiality**

All information obtained in diagnostic and medical reports will be maintained and used in accordance with applicable confidentiality requirements.

### **Submitting Documentation and Questions**

Documentation should be mailed to the attention of the Student Disability Access Office, Box 90142, Duke University, Durham, NC 27708 or faxed to (919) 668-3977. Questions should be directed to (919) 668-1267 or [sdao@duke.edu](mailto:sdao@duke.edu).