



## **Your Rights in College: Students with Mental Health Impairments**

Colleges must treat students with disabilities, including students who have mental illness, as equals to students without disabilities. Every college, whether it is a community college or a private university, must follow this rule. The goal of this fact sheet is to teach you about your educational rights and how to stand up for them.

### **From High School to College**

Public elementary, middle, and high schools are required to identify students whose disabilities affect learning and provide them with a free and appropriate education. Public schools must also accommodate all students with disabilities. Schools often fulfill their responsibilities by developing an IEP (an individualized education plan) or a Section 504 plan.

Colleges have different responsibilities to students with disabilities. This means an IEP or Section 504 plan will not follow a student from high school to college. However, colleges are prohibited from discriminating against students with disabilities, and must work with students to ensure their disability-related needs are met in the classroom and in student housing.

### **Are You Protected From Discrimination Under the Law?**



If you have a mental illness or other health condition that affects your day-to-day living and you meet the school's eligibility criteria for admission, you are probably a person with a disability protected by the law.

You do not lose the protection of the law if you use medication or equipment to minimize or eliminate the effect of your condition on your daily life.



You are not protected under the law if your health condition is temporary and will heal fully. For example, a broken bone or a sprain is not a disability. Also, the law does not recognize ordinary bad vision as a disability.

### **Your Rights**

Your school must treat you the same as it treats students without disabilities. Specifically:

- 1) Schools cannot make enrollment decisions based on disability, or make rules that prevent or limit students with disabilities from attending the school.

Example: A school cannot ask if you have a history of mental illness on its application. This question identifies you as a student with a disability, which the school is not allowed to consider when deciding whether to admit you to the school.

2) School buildings and services must be accessible.

Example: A school must have accessible transportation services. It would be a violation of this rule if a student who uses a wheelchair could not ride the university bus system.

3) Schools must accommodate students with disabilities.

Example: A student with anxiety disorder takes her tests in a private room.

**Reasonable Accommodations/Academic Adjustments**

It is your responsibility to tell the school what accommodations or adjustments you need because of your mental health condition. You should make your needs known to the disability services office as early as possible. A good time to begin talking about the accommodations and adjustments you will need is when you enroll. All accommodations and/or academic adjustments must be provided at no cost to you.

Your school should have written instructions on how to request accommodations and adjustments. If you are not already connected to the disability services office, this information may be available on the student services or accessibility page of your school's website. If your school does not have instructions, there is a sample letter at the end of this document you can use to request accommodations and adjustments.

A school does not have to make modifications to the essential nature of an academic program. For example, it is reasonable to ask the school for more time on a test. It is not reasonable to ask to answer fewer questions than other students or change the test questions.

If you ask for accommodations related to your mental health condition, your school may ask you for documentation. You may be asked for documentation prepared by an appropriate professional, such as a medical doctor, psychologist or other qualified diagnostician. Documentation may have to include one of the following: a diagnosis of your current disability; the date of the diagnosis; how the diagnosis was reached; the credentials of the professional; how your disability affects a major life activity; and how the disability affects your academic performance. The documentation should provide enough information for you and your school to decide what is a reasonable accommodation or academic adjustment.

Although your IEP and Section 504 plan do not follow you to college, it may be helpful to provide your most recent plan to your school. It will help the school understand what accommodations have helped you be successful in the past. You may also want to ask your high school for copies of the results from your most recent evaluations. If you need a new evaluation, you are responsible for the cost. If you are eligible for services through your state

vocational rehabilitation agency, you may qualify for an evaluation at no cost to you. You may locate your state vocational rehabilitation agency at <http://askjan.org/cgi-win/typequery.exe?902>.

### Examples of Accommodations/Academic Adjustments



Additional time to complete exams because you experience anxiety that interferes with your testing performance.



A private environment or alternate location to take exams because testing anxiety or stress causes verbal or physical tics during testing that are distracting to other students.



Permission to record lectures because psychiatric medication causes you to be groggy and unfocused during certain periods of the day.



Modified deadlines, reduced course load, alternate work assignments, or excused absences while you seek mental health treatment.



Permission to change roommates or rooms (to a room nearest the bathroom or entrance for example), or allowing an aide or helper to stay in your room.



Retroactive withdrawal from courses if academic difficulties were caused by depression or other mental health condition, and/or a leave of absence.

These are just examples. You may ask for an accommodation even if it is not listed here.

### **Student Codes of Conduct**

As a student with a mental health condition, you still have to follow the student code of conduct. Behavior caused by or related to your mental illness may put you at risk of discipline. You may ask for reasonable accommodations to help you adhere to the code of conduct.

If you disclose your disability for the first time after learning that you have violated the code of conduct, the school does not violate your rights if it continues with disciplinary proceedings. It is still a good idea to disclose your disability and request accommodations that will help you follow the code of conduct in the future. It may also help the school better understand why you behaved the way you did and open the door to a non-disciplinary resolution.

If you disclose your disability, the school is allowed to ask that you provide medical documentation of your disability. The school may only ask for enough documentation to confirm your disability and identify appropriate accommodations for you. You cannot be required to turn over your entire mental health or medical file.

Here are two examples of students who disclose their mental illness and request accommodations at different times:



John has bipolar disorder. It has been well controlled until his senior year of college. Lately, John has sometimes talked uncontrollably and his judgment has seemed

erratic. In group discussions, he becomes angry and puts down other students who disagree with him. One day after class, John's professor tells John that his behavior has been inappropriate and he may report John to the dean's office. John agrees that he has acted inappropriately and shares that he thinks he needs to see his doctor.

The next day, John provides disability services with documentation from his doctor that he has started a new medication that should eliminate his symptoms in six to eight weeks. The doctor recommends that John continue with school, and suggests that John meet frequently with his professors about projects and deadlines.

Disability services arranges a meeting with John's professors to discuss how they can all work together to help John be successful in the classroom. Disability services also agrees to help John arrange frequent meetings with his professors. The plan works and John graduates with honors.

Madeline enrolls in school and discloses her bipolar disorder to disability services. She does not request accommodations.



During the semester, Madeline meets with her professor about her grade on an essay. The professor provides Madeline with some constructive criticism. Madeline becomes angry and yells and curses at the professor. Soon after, Madeline is told she has been expelled – the same punishment given to any student who yells or curses at a professor.

Madeline appeals her expulsion. She tells the disciplinary committee that her outburst was a result of her bipolar disorder, which makes it hard for her to control her temper when she is feeling extreme stress. Madeline says in the future, she will excuse herself from the classroom or professor's office if she feels that the stress may cause inappropriate behavior.

The school does not reverse the expulsion. The code of conduct applies to all students, even students with disabilities.

### **Involuntary Leave from School**

If you have been asked to leave your school, you may be provided with a hearing or some sort of appeal process. During the appeal, it will be helpful for you to show that you can comply with conduct rules in the future with specific supports and/or accommodations in place. If the school decides to place you on an involuntary leave or evicts you from school housing, the school should support its action with concrete evidence that there are no accommodations that would allow you to remain safely in school. After you are placed on leave, you may later request to return to school. You should be prepared to show that you are not a threat to the health and safety of yourself or others, which may be demonstrated with proof of active care and treatment from mental health professionals.

### **FERPA – the Family Educational Rights and Privacy Act**

As a student, you have a right to see your educational records and to ask your school to correct any records you believe are inaccurate or misleading. You may already be familiar with this law if you were asked to sign a “FERPA release” in order to get a copy of your IEP and evaluations from your high school to provide to your college disability services office. You may also want to invoke your FERPA rights if you need access to your educational records to prepare for a disciplinary hearing. You may learn more about FERPA on the Department of Education website at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>.

### **Learn More About Your Rights/Find Support**

The National Alliance on Mental Illness (NAMI), sponsors campus NAMI chapters and provides helpful information for students with mental health conditions on the “NAMI on campus” section of its website. Connect with NAMI on the web at [www.NAMI.org](http://www.NAMI.org).

The Bazelon Center is an advocacy group that has published suggested policy for how schools best work with students with mental illness in the classroom. The campus mental health section of the Bazelon Center website is found by going to [www.bazelon.org](http://www.bazelon.org), clicking on community integration link on the homepage, and then on the campus mental health link.

### **Resources**

Your first stop when you are having trouble related to your disability should be your school’s disability services office or staff person. The disability services staff is dedicated to helping students with disabilities succeed.

Vocational Rehabilitation (VR) is a State agency that helps people with disabilities prepare for and find work. All of its services are free. If higher education is in your plan for employment, VR may help you pay for school. You can learn more about VR at [www.ncdhhs.gov/dvrs](http://www.ncdhhs.gov/dvrs).

The Job Accommodation Network is a federal agency that helps people identify and implement reasonable accommodations. All of its services are free. You can learn more about the Job Accommodation Network at [www.askjan.org](http://www.askjan.org).

The Office of Civil Rights at the federal Department of Education (“OCR”) is a federal agency that enforces the rights of students with disabilities. OCR provides information about the educational rights of students with disabilities online at <http://www2.ed.gov/policy/rights/guid/ocr/disability.html>.

### **Complaining Against Your School**

If your school has violated your rights, you may complain to the Office of Civil Rights (OCR) at the federal Department of Education. OCR can be contacted by phone at (202) 453-6020, (800) 877-8339 (TDD), or by e-mail at [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov). You may also visit the OCR webpage at <http://www2.ed.gov/about/offices/list/ocr>. There are strict deadlines for filing a complaint with OCR.

You may also complain to the U.S. Department of Justice (the DOJ). The DOJ enforces Title II and III of the ADA, which apply to public and private higher education. The form for you to fill out is on the DOJ’s website at [www.ada.gov/enforce.htm](http://www.ada.gov/enforce.htm). You can also call to get the complaint form and to ask questions about how to fill out the form. Call (800)-514-0301 (voice) or (800)-514-0383 (TTY). There are deadlines to file a complaint with DOJ.

*This document contains legal information and is not legal advice. Contact an attorney if you need legal advice. Created in 2013 by Disability Rights NC.*

## College Checklist

### HIGH SCHOOL

Sophomore Year (or age 14)

- If the student has an IEP and is 14 years old, his or her IEP includes a statement about the student's goals for education, employment, and living arrangements after high school.
- If the student wants to go to college or pursue vocational training, it is identified in the IEP.

Junior Year (or age 16)

- At age 16, the IEP includes "transition services" that help the student reach the goals he or she has set for after high school.
- The student requests Vocational Rehabilitation services. Does not matter if the student has an IEP; all people with disabilities are eligible.  
(VR may help pay for college or training!)

During College Visits and Tours

- Ask the tour guide about accessibility of the campus or referral to staff who knows about accessibility.
- Visit the disability services office. Request information about accommodation and academic adjustment policies.
- Some colleges have student organizations of students with disabilities. Meet with one of the students to get the scoop on what it's really like to be a student with a disability at this school.

End of Senior Year

- Request copy of most recent IEP or Section 504 plan and evaluations.

### AFTER ENROLLMENT

- Begin reasonable accommodation process.
- Immediately follow up with disability services with any problems regarding accommodations or academic adjustments.
- Meet with disability services at least once a semester to check in.

## Sample Accommodation/Academic Adjustment Request

Dear Disability Services:

I am a student with a disability. I need accommodations and academic adjustments to have full access to my education. Specifically, my disability limits me in \_\_\_\_\_

\_\_\_\_\_  
(taking notes, writing, concentrating, hearing, seeing, etc.). In the past, these challenges have been accommodated with \_\_\_\_\_

\_\_\_\_\_  
(note taker, smart pen, CART system, interpreter, etc.).

So that you may better understand my disability-related academic needs, I am providing you with copies of my most recent IEP and/or Section 504 plan and evaluations from high school. I've also attached records from \_\_\_\_\_.

In addition, I will be living in on-campus, student housing. I need accommodations for my disability in my housing. Specifically, I need \_\_\_\_\_

\_\_\_\_\_  
(permission to have a service animal in my room, a room located near the exit, a room located near a bathroom, permission to have an aide present in my room to assist with bathing and dressing, etc.).

Please contact me so we can set up a meeting to discuss my request for accommodations and academic adjustments. I can be contacted by phone at \_\_\_\_\_, or by e-mail at \_\_\_\_\_ . I look forward to hearing from you soon!

Sincerely,

\_\_\_\_\_  
(your name)