

# **STUDENT ACCESSIBILITY RESOURCES**

## **Procedures Manual**

## STUDENT ACCESSIBILITY RESOURCES Procedures Manual

TABLE OF CONTENTS Section/Title		Page
I.	INTRODUCTION	
1.1	Mission	3
1.2	Guiding Legislation	3
II	IMPLEMENTATION	
2.1	Tarrant County College Rights and Responsibilities	4
	1) Maintenance /Disposal of Records	4
2.2	Student Rights and Responsibilities	5
2.3	Faculty Rights and Responsibilities	5
2.4	Classroom Procedures	5
	1) Syllabus Statement	5
	2) Confidentiality	5
III.	ACCESS TO SERVICES	
3.1	Qualifications for Services	6
3.2	Requests for Services	6
3.3	Documentation Requirements	6
3.4	Documentation Guidelines for Student Accessibility Resources	6
3.5	Intake Interview	8
3.6	Instructor Notification	8
3.7	Early High School/Dual Credit Enrollment	8
3.8	Distance Learning Enrollment	8
3.9	Enrollment at Multiple Locations	8
3.10	Timeliness and Quality Services	8
	1) Written Requests for Accommodations	9
	2) Schedule of Classes	9
	3) Change of Schedule	9
	4) Supplemental Services	9
	5) Cancellation of Services	9
	6) Failure to Notify	9
IV	FACILITIES	
4.1	Access to Facilities	9
4.2	Student Accessibility Resources Offices	9
4.3	Telephone Communication Devices for the Deaf and Hard of Hearing	9
4.4	Off-Campus Facilities and Services	10
4.5	Parking	10
V.	PROBLEM SOLVING	
5.1	Reconsideration of Accommodations	10
5.2	Faculty Liaison	10
5.3	Grievance/Appeal Process	10
VI.	ACADEMIC POLICIES	
6.1	Course Substitution	11
6.2	Absences	11
6.3	Service Animals	11

## SECTION I

### 1.1 MISSION

The mission of Student Accessibility Resources (SAR) is to promote equal access to education for students with disabilities in an environment that is respectful, values individual differences and encourages self-advocacy.

### 1.2 GUIDING LEGISLATION

There are two federal laws which prohibit discrimination against individuals with disabilities: Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA). Section 504 applies if the school receives federal financial assistance. Title II of the ADA applies if the school is operated by the state, county, or a political subdivision of the state, county, or city, such as a community college district. If a postsecondary school receives federal financial assistance and is operated by a state or local government, then both Section 504 and Title II of the ADA apply to the institution. TCC is bound by both.

#### Section 504 and the ADA

Section 504 of the Rehabilitation Act of 1973 (504) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) prohibit discrimination against individuals with disabilities. Tarrant County College is committed to providing students with disabilities, who are otherwise qualified, an equal opportunity to access an education through the provision of reasonable and appropriate accommodations and support services.

*Section 504 provides: "No otherwise qualified individual with a disability will, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity offered by an educational institution receiving federal funding. With respect to post-secondary educational services, "otherwise qualified" means "a person who meets the academic and technical standards requisite to admission or participation in the educational program or activity whether with or without reasonable modifications to rules, policies or practices; the removal of architectural, communication or transportation barriers; or the provision of auxiliary aids and services."*

*Title II of the ADA provides: No qualified individual with a disability...shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity...42 U.S.C. 12132(Supp. V).*

Family Education Rights and Privacy Act (FERPA) All student records are governed by FERPA which assures primary educational privacy rights to students including (a.) the right to inspect and review education records, (b.) the right to seek to amend education records, and (c) the right to have some control over the disclosure of information from education records. Unless identified as "Directory Information", FERPA protects academic records. While medical information is not protected by FERPA, information used to determine appropriate educational placement and achieve educational goals is protected. Thus, documents submitted by persons receiving or requesting disability services is protected information and will be kept confidential unless a release of information is provided by the student or unless the release is specifically allowed under the law.

In accordance with FERPA, disability-related information may be shared on a limited basis within the academic community on a "need to know" basis pertaining to a specific and/or an emergency situation. The "need to know" is determined in each instance by the Coordinator of SAR and is very limited.

## SECTION II IMPLEMENTATION

All employees of Tarrant County College adhere to the college's obligations under federal law by sharing responsibility in providing reasonable accommodations for students with disabilities and are guided by the policies as shown at <https://www.tasb.org/services/legal-policy-services-for-community-colleges/resources/federal-and-state-resources.aspx>, and by the procedures outlined in this SAR Manual. The law does not require accommodations that alter academic standards or to substantially change program requirements.

The responsibility for managing the accommodations to individuals with disabilities has been assigned to a Coordinator of SAR on each campus. The Coordinator reports to the campus Directors of Advising and Counseling. A SAR Work Group provides recommendations concerning the services provided to students.

### 2.1 Tarrant County College Rights

- Maintain the College standards;
- Select among equally effective and appropriate accommodation(s), auxiliary aids, or services on a case-by-case basis;
- To determine the appropriateness of documentation and requests for accommodation(s) on a case-by-case basis, using the professional judgment of the Coordinator of SAR;
- To request additional information to determine eligibility for services;
- To share relevant information regarding the student's disability with those who have a legitimate educational interest;
- Discuss the student's need for reasonable accommodation(s), auxiliary aids or services with the professional source of the student's documentation, or request additional information to determine eligibility for services with the student's signed consent authorizing such discussion;
- Deny a request for accommodation(s), auxiliary aids, or services or withdraw an accommodation when a student fails to meet the College's academic and institutional criteria, if the documentation fails to verify the need for the requested services, or if the documentation is not provided in a timely manner;
- Refuse to provide accommodation(s), auxiliary aids or services that are inappropriate or unreasonable, including any that
  - Pose a direct threat to the health and safety of others
  - Constitute a substantial alteration in the manner in which the College provides services
  - Pose undue financial or administrative burden on the College

### Tarrant County College Responsibilities

- To reduce or eliminate physical, academic and attitudinal barriers;
- To assure that every student receives an equal level of service and expertise from the College, regardless of campus or type of enrollment, by systematizing intra-campus communication and support;
- To serve as an advocate for students with disabilities and to ensure equal access;
- To consult with faculty regarding academic accommodations and compliance with legal responsibilities;
- To develop written policies and guidelines regarding procedures for determining and accessing "reasonable accommodations";
- To provide services that are based on the institution's mission and/or service philosophy;
- To prohibit discrimination against qualified individuals with disabilities.
- To assure the safety and confidentiality of all documentation related to student's disabilities.
- Inform students with disabilities of College policies and procedures for filing an appeal or formal grievance.

### Maintenance/Disposal of Records

The Coordinator of SAR is assigned the responsibility of collecting and holding disability-related documentation and a confidential record of each student's visit and any ongoing changes in the student's condition. These files are saved electronically on a secure server or in a separate, locked file cabinet accessible only to the SAR staff.

## 2.2 Student Rights

- To have equal access to educational programs, services and activities;
- To request reasonable accommodations;
- To comply with Guidelines for SAR Service Users
- To be permitted to discuss problems related to his/her accommodation/s with the Coordinator of SAR and, if necessary, to seek redress through appropriate administrative channels (Section 5.3).
- To privacy and limited access regarding confidential information

## Student Responsibilities

- To provide notice for all accommodation requests and a current semester schedule
- To provide appropriate documentation of disabilities;
- To provide for his/her own personal, independent living needs and other personal disability-related needs.
- Self-identify that he/she has a disability, if services are desired by meeting in a timely manner with the Coordinator of SAR during an initial intake appointment to discuss the nature and impact of his/her disabilities.
- Meet qualification criteria, essential academic and technical standards for instructional services, programs, activities, and facilities.
- To follow the institutional policies and procedures regarding accommodation requests.
- To fully participate in the accommodation process.
- To use accommodations appropriately.
- To adhere to the institutional student code of conduct.

## 2.3 Faculty Rights

### • **Classroom Behavior**

All college students, whether or not disabled, must adhere to the college's Code of Conduct. Faculty should not tolerate disruptive behavior. Infractions of this code fall under student conduct procedures and should be referred to the Coordinator of Student Support.

- **Written Agreements** - Faculty members may request a written agreement before allowing any student to record a class.
- **Challenge of Accommodations** - A faculty member has the right to challenge an accommodation request if they believe the accommodation would result in a fundamental alteration of the class. Faculty members must consult with the Coordinator of SAR, not the student, if there are questions or concerns about designated accommodations.

## Faculty Responsibilities

- Provide academic accommodations approved by the Coordinator of SAR
- **Letter of Accommodation** - Faculty should not provide academic accommodations for a disability without a notice from SAR certifying that the student is qualified to receive services and identifying the nature of the accommodations.
- **Referral to SAR** - If a student notifies a faculty member that he/she has a disability or takes documentation to the instructor, it is the faculty member's responsibility to refer the student with his/her documentation to the SAR Office.

## 2.4 Classroom Procedures

### 1) **Syllabus Statement**

Federal law requires each course syllabus and Instructor Class Requirement (ICR) contain the reasonable accommodation statement below:

Any student with a documented disability needing academic accommodations is required to contact the Student Accessibility Resources (SAR) Office located on each campus to schedule an appointment with the Coordinator of SAR. All discussions are confidential. Because SAR accommodations may require early planning and are not provided retroactively, students are

encouraged to contact SAR as early in the semester as possible. SAR is responsible for approving and coordinating all disability-related services. TCC professors will honor requests for accommodation when they are issued by SAR.

## **2) Confidentiality**

The confidentiality of records and certain other information for students with disabilities are protected under FERPA and civil rights legislation. At no time will the faculty/staff make any statements or take any action implying that the student is any different from the general student population. Examples of unacceptable actions include the following:

- Do not ask the student to come to the classroom and then leave with the test in hand.
- Do not ask the student for any additional documentation about his/her disability that is not supplied by the SAR office.
- Do not discuss the student's needs or accommodations with anyone except the student or a representative of the SAR office.
- Do not make comparisons between students and their needs.
- Do not use a grading standard that is any different from the rest of the class.
- Do not give students with disabilities an advantage over other students; the law requires equal access or equal opportunity provided through the recommended accommodations.

## **SECTION III ACCESS TO SERVICES**

### **3.1 Qualifications for Services**

Eligibility for services is dependent upon appropriate documentation of disability. All qualified Tarrant County College students are provided academic support services, regardless of location/medium of instruction.

### **3.2 Requests for Services**

A Student Request Form must be submitted to the SAR office in order for a student to be eligible for accommodations.

### **3.3 Documentation Requirements**

The student is responsible for adhering to the guidelines for a specific disability by providing documentation for the disability.

The Coordinator of SAR is assigned the responsibility of collecting and holding disability related documentation. Required documentation must be on file before an evaluation for accommodations will be completed and before any accommodations are provided. All documentation, whether maintained in paper or electronic media, is confidential in accordance with federal and state laws. SAR documentation can be accessed only by those specifically authorized. Documentation should include the following

### **3.4 Documentation Guidelines for SAR**

The Office of SAR (SAR) is responsible for providing students with disabilities equal access to education. For SAR to fully evaluate requests for accommodations or auxiliary aids under Section 504 or the Rehabilitation Act of 1973 and the Americans with Disabilities Act, students must provide documentation to SAR.

The general guidelines listed below assist prospective students in working with the treating/diagnosing professional(s) to prepare the information needed to evaluate the request. If, after reading these guidelines, there are any questions, students can contact the campus they plan to attend for further assistance. Campus contacts are listed on the last page. These guidelines are based upon the Association on Higher Education and Disabilities (AHEAD) description of quality disability documentation.

*Please note: Notwithstanding any language to the contrary, nothing contained herein constitutes nor is intended to constitute an offer, inducement, promise, guarantee, warranty or contract of any kind. The data contained herein is for informational purposes only, is not*

*represented to be error free, and is subject to change at any time. The information on this handout is intended only for educational or informational purposes and should not be considered an endorsement by Tarrant County College District*

The documentation must reflect the following:

1. Credentials of the Evaluator(s)  
Documentation should be provided by a licensed or otherwise properly credentialed professional for the area being evaluated, who has undergone appropriate and comprehensive training, has relevant experience, and has no personal relationship with the individual being evaluated. The documentation should be on letterhead, typed, dated, and signed.
2. A diagnostic statement identifying the disability  
Documentation should include a clear diagnostic statement that describes how the disability was diagnosed, including level of severity. It should provide information on the functional impact, and detail the typical progression or prognosis of the condition. When appropriate, it should include International Classification of diseases (ICD) or Diagnostic Statistical Manual (DSM) codes.
3. A description of the diagnostic methodology  
Documentation should include a description of the diagnostic criteria, evaluation methods, procedures, tests, and dates of administration as well as a clinical narrative, observation, and specific tests scores should be included.
4. A description of the current functional limitations as they directly relate to the stated disabilities and necessitate any accommodations  
The current impact of the disability aids in establishing a disability and identifying accommodations. A combination of the results of formal evaluation procedures, clinical narrative, and self-report is the most comprehensive approach to fully document the impact of a disability. The report should include severity, frequency, and pervasiveness of the condition.
5. A description of the expected progression or stability of the disability  
If possible, provide a description of the expected change in the functional impact of the condition(s) over time. If the condition is variable, describe the known triggers that may exacerbate the condition.
6. A description of current and past accommodations, services and medication list  
Documentation should include a description of both current and past medications, auxiliary aids, assistive devices, support services, and accommodations including the effectiveness in minimizing the functional impact of the disability. There should be a discussion of significant side effects from current medications or services that may impact physical, perceptual, behavioral, or cognitive performance. This information may provide insight into making current decisions.
7. Recommendations for accommodations  
Recommended accommodations and strategies should be logically related to functional limitations. If there is not an obvious connection, a clear explanation of the relationship in making current accommodation decisions is helpful. While SAR has no obligation to provide or adopt recommendations made by outside entities, those that are congruent with the programs, services, and benefits currently offered by SAR may be appropriate.

Please direct your questions to the SAR Office on the campus you plan to attend, all documentation submitted to SAR is considered to be confidential under FERPA guidelines.

Student Accessibility Resources  
TCC Northeast Campus  
828 W. Harwood Rd.  
Hurst, TX 76054  
Location: NSTU 1629B  
817-515-6333  
[NE.SAR@tccd.edu](mailto:NE.SAR@tccd.edu)

Student Accessibility Resources  
TCC Northwest Campus  
4801 Marine Creek Pkwy.  
Fort Worth, TX 76179  
Location: WCTS 1124F  
817-515-7733  
[NW.SAR@tccd.edu](mailto:NW.SAR@tccd.edu)

Student Accessibility Resources  
TCC South Campus  
5301 Campus Drive  
Fort Worth, TX 76119  
Location: SFOC 1327A  
817-515-4554  
[SO.SAR@tccd.edu](mailto:SO.SAR@tccd.edu)



Student Accessibility Resources  
TCC Southeast Campus  
2100 Southeast Pkwy.  
Arlington, TX 76018  
Location: ESED 2302A  
817-515-3593  
[SE.SAR@tccd.edu](mailto:SE.SAR@tccd.edu)

Student Accessibility Resources  
TCC Trinity River Campus  
300 Trinity Campus Circle  
Fort Worth, TX 76102  
Location: TRTR 3817A  
817-515-1295  
[TR.SAR@tccd.edu](mailto:TR.SAR@tccd.edu)

### **3.5 Intake Interview**

Students requesting accommodations must make an appointment each semester and meet with the Coordinator of SAR. If interpreter services or special equipment is needed during the interview, the students should notify the Coordinator at least forty-eight (48) hours prior to the interview to arrange accommodations.

### **3.6 Instructor Letter of Accommodation**

Each student's instructor will be provided written notification that the student has documentation of a disability on file at the SAR office. This notification will also include accommodations for which the student is eligible.

### **3.7 Early High School/Dual Credit Enrollment**

Otherwise qualified high school students enrolled in the Early High School/Dual Credit Program are eligible for services on the same basis as all other students. Documentation submitted must meet the college criteria whether the class is held on a TCC campus or at a high school site. Faculty must not extend accommodations until authorized by the College. The TCC Campus Coordinator of SAR will authorize appropriate accommodations.

### **3.8 Online Learning Enrollment**

Students enrolled only in Online Learning classes qualify for services on the same basis as on-campus students. Students enrolled only in Online Learning courses should contact the SAR office at the campus that they consider to be the "home" campus.

Online Learning students may email required documentation of disability to the SAR Office. It is the student's responsibility to schedule an appointment with the Coordinator of SAR to request services and accommodations, review documentation, and establish accommodations. In certain situations, it may be possible to conduct the interview virtually or by telephone.

All Online Learning students have the prerogative of testing at any TCC campus or any approved proctored site. The SAR office will collaborate and/or mediate, as needed with testing sites if accommodations are required. It is the student's responsibility to identify an appropriate remote proctored testing site.

### **3.9 Enrollment at Multiple Locations**

Students who are concurrently enrolled in a combination of on-campus, off-campus, and/or Distance Learning should initiate intake with the SAR office on the campus where the majority of their courses are held. If a dominant, or "home" campus cannot be identified based on their enrollment, students can request services through the SAR office on the campus they consider to be the "home" campus.

Students who receive services at more than one location must notify their home campus if services are also needed at a location other than the home campus. It is the responsibility of the "home" campus SAR office to collaborate and/or mediate, if needed, with the service provider at the other location/s regarding student needs, accommodations, or concerns. Students are responsible for identifying themselves to the SAR office at the additional location and to the instructors of each class.

### **3.10 Timeliness and Quality Services**

It is imperative that students adhere to the following procedures to assure that necessary accommodations are available before classes begin.



- 1) **Written Request for Accommodations:** At least twenty (20) business days prior to the first day of class, students must submit a SAR Student Request Form. Failure to submit a request 20 days in advance with the required documentation may cause a delay in providing an accommodation.
- 2) **Schedule of Classes:** Students must provide a copy of their class schedules to the SAR office no later than twenty (20) business days before their first class begins.
- 3) **Change of Schedule:** Students must notify the SAR office of any changes to their class schedules, including any change of class, instructor, location, day/time.
- 4) **Supplemental Services:** If a student needs additional service time for a conference with the instructor, for team assignments, or to attend a co-curricular event assigned by the instructor, a separate and timely request must be made to the Coordinator of SAR.
- 5) **Cancellation of Services:** When services are not required for a particular class meeting, students are responsible for notifying both the services provider and the SAR office in a timely fashion; if the services is provided by an agency, the SAR office will then be responsible for notifying the agency.

Instructor Cancellations: When a class has been cancelled by the instructor, students are responsible for notifying both the service provider (if any) and the SAR office immediately; however, if the service is provided by an agency, the SAR office will notify the agency.

Student Tardiness/Absence: When students fail to appear for services, the service providers are required to wait 20 minutes for a 50 minute class and 30 minutes for all other classes. Note that interpreters must be paid the two hour minimum when the student does not show.

- 6) **Failure to Notify:** Students, who fail to notify the SAR office in a timely manner of the need to temporarily cancel services, must notify the Coordinator of SAR as soon as possible of the reason for the failure to cancel. Students may be subject to suspension of services when the no-show behavior occurs the second time in a semester unless a “good cause” can be shown.

## SECTION IV FACILITIES

### 4.1 Access to Facilities

All facilities of the Tarrant County College District are ADA compliant. This includes all other buildings and locations under the direct control of the District. The College makes every effort to assure compliance when courses are offered at other sites in the community. Students who encounter an issue of facility non-compliance should contact the appropriate Coordinator of SAR.

### 4.2 SAR Offices

A SAR office, under the direction of a Coordinator, is located on each campus.

### 4.3 Communication Devices for the Deaf and Hard of Hearing

These devices are available to students and to the public. Those who need to communicate with another campus or location should contact the SAR office for direction and assistance.

### 4.4 Off-Campus Facilities and Services

Students attending classes or required activities at an off-campus facility are entitled to the same accommodations as those who remain on campus. Students must identify themselves to the SAR office and provide documentation to establish eligibility just as they would if the class or required activity were on campus.

Students who are concurrently enrolled in a combination of on-campus, off-campus, and/or Distance Learning should register with the SAR office on the campus where the majority of their courses are held. If a dominant or “home” campus cannot be identified based on enrollment, the student may request services through the SAR office on the campus that he/she considers to be the home campus.

#### **4.5 Parking**

Handicapped parking spaces are available adjacent to all Tarrant County College buildings. A disability permit is issued by the Department of Public Transportation and is recognized universally at all TCC facilities.

Handicap parking permits are obtained from the County Tax Assessor's office. Applications are available at TCC Health Services offices.

## **SECTION V PROBLEM SOLVING**

### **5.1 Reconsideration of Accommodations**

A student may request reconsideration of a prescribed accommodation with the Coordinator of SAR. Normally, these requests should be made within the first two weeks of class.

Decisions on reconsideration requests will be made on a case-by-case basis using the prescription provided by the licensed evaluator, the essential elements as documented in *Core Competencies, Learning outcomes, etc.* of each class, and the impact of the disability on the student.

### **5.2 Faculty Liaison**

Students are encouraged to be self-advocates and are provide guidance only when required. Most faculty-student issues can be resolved between the two parties. In the event of communications problems or failure to resolve a problem, the Coordinator of SAR may act as liaison.

### **5.3 Grievance/Appeal Procedures**

Students who cannot resolve problems concerning their disability accommodation may file a grievance by following the following procedures.

- 1) Students are encouraged (but not required) to discuss problems or concerns with the faculty or staff member directly involved. The simplest, quickest, and most satisfactory solution will often be reached at this level.
- 2) If a solution cannot be achieved at that informal level, students should discuss the matter with the Coordinator of SAR, who will work with campus and/or district administration toward a resolution.
- 3) Students who are not satisfied with the resolution may file a complaint with the college district compliance officer for Title IX, Section 504, and the Americans with Disabilities Act. The office may be accessed as follows:

Osvaldo Gomez  
District Title IX Coordinator  
300 Trinity Campus Circle  
Fort Worth, Texas, 76102  
817-515-5041  
[hrtileix@tccd.edu](mailto:hrtileix@tccd.edu)  
[TCC Human Resources – District Title IX Office](#)

## SECTION VI ACADEMIC POLICIES

**Students with disabilities are subject to the same academic policies as the student body as a whole unless the need for an accommodation is approved.**

### 6.1 Course Substitution

Requested course substitutions not related to students' disabilities are subject to substitution guidelines and practices allowed to all other students. Consideration for course substitutions based on disability must be documented by the diagnosis and recommendations of a licensed professional who is qualified to prescribe needed accommodations for college students. Substitutions for the Associate of Arts degree are allowed for courses in the TCC Common Core Curriculum only when the substituted course also meets core requirements. Substitutions for the Associate in Applied Science degree and/or Certificate of Completion must not adversely change the basic requirements of the AAS degree or Certificate. Requests for course substitutions are initiated through the TCC Counseling Center. The course substitution form must be reviewed by the Coordinator of SAR who will verify the recommendation made by the licensed professional and submit the form along with the documentation to the appropriate academic officer for a decision.

### 6.2 Absences

The College is not required to accommodate absences from classes due to a disability; however, each request will be considered on an individual basis. Students are responsible for notifying the faculty member on the Instructor Notification Form that excessive absences are a possibility. If a portion of the grade is dependent on class attendance, the student can discuss it with the faculty member and make an informed decision about any alternative that may be available.

### 6.3 Service Animal

Tarrant County College has the following policy regarding service animals. In accordance with the ADAAA, individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities, where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

"Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

28 C.F.R. 35.104

## POLICIES, PRACTICES, OR PROCEDURES

A public entity, including a college district, shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. 28 C.F.R. 35.130(b)(7), .136(a) [See FA(LEGAL)]

## **ACCESS**

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities, where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. 28 C.F.R. 35.136(g)

## **EXCEPTIONS**

A public entity may ask an individual with a disability to remove a service animal from the premises if:  
The animal is out of control and the animal's handler does not take effective action to control it; or  
The animal is not housebroken.  
28 C.F.R. 35.136(b)

The Americans with Disabilities Act does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others.  
28 C.F.R. 35.139 [See FA(LEGAL)]  
If a public entity properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. 28C.F.R. 35.136(c)

## **ANIMAL UNDER HANDLER'S CONTROL**

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). 28 C.F.R. 35.136(d)

## **INQUIRIES**

A public entity shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.

A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

28 C.F.R. 35.136(f)

## **CARE OR SUPERVISION OF ANIMAL**

A public entity is not responsible for the care or supervision of a service animal. 28 C.F.R.35.136(e)

## **SURCHARGES**

A public entity shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

If a public entity normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

28 C.F.R. 35.136(h)

## **OTHER REQUIREMENTS**

Provisions at 28 C.F.R. 35.136(c) through (h) shall also apply to miniature horses. 28 C.F.R. 35.136(i)(3)  
"ASSISTANCE ANIMAL"

"Assistance animal" means an animal that is specially trained or equipped to help a person with a disability and that:  
Is used by a person with a disability who has satisfactorily completed a specific course of training in the use of the animal; and  
Has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities as reputable and competent to provide animals with training of this type.  
Human Resources Code 121.002(1)

## **ASSISTANCE ANIMAL ACCESS**

No person with a disability may be denied admittance to any public facility in the state because of the person's disability or may be denied the use of an assistance animal.  
Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their use of assistance animals, would fall within the designated class.  
An assistance animal in training shall not be denied admittance to any public facility when accompanied by an approved trainer who is an agent of an organization generally recognized by agencies involved in the rehabilitation of persons who are disabled as reputable and competent to provide training for assistance animals and/or their handlers.  
Human Resources Code 121.003(c), (e), (i)

## **HARASSMENT AND HARM PROHIBITED**

A person may not assault, harass, interfere with, kill, or injure in any way, or attempt to assault, harass, interfere with, kill, or injure in any way, an assistance animal. Human Resources Code 121.003(j)

## **TRANSPORTATION**

No public conveyance or mode of transportation operating within the state may refuse to accept as a passenger a person with a disability solely because of the person's disability, nor may a person with a disability be required to pay an additional fare because of his or her use of an assistance animal. Human Resources Code 121.003(b)

## **RESPONSIBILITIES OF PERSONS WITH DISABILITIES**

A person with a disability who uses an assistance animal for assistance in travel is liable for any damages done to the premises or facilities by the animal.  
A person with a disability who uses an assistance animal for assistance in travel or auditory awareness shall keep the animal properly harnessed or leashed, and a person who is injured by the animal because of the failure of a person with a disability to properly harness or leash the animal is entitled to maintain a cause of action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals.  
Human Resources Code 121.005

## **PENALTIES**

A person, association, or other organization or the agent of a person, association, or other organization who violates a provision of Human Resources Code 121.003 commits a misdemeanor punishable by a fine of not less than \$300 or more than \$1,000 and is deemed to have deprived a person with a disability of his or her civil liberties. The person with a disability deprived of his or her civil liberties may maintain a cause of action for damages in a court of competent jurisdiction, and there is a conclusive presumption of damages in the amount of at least \$100 to the person with a disability. Human Resources Code 121.004

*If you would like more information regarding the obligations of Tarrant County College to provide equal access to students with disabilities in programs, services, and activities, you may reference the following sections of the TCC Board Policy Manual:*

- *Section EFCA: Special Programs - Students with Disabilities*
- *Section FAA: Equal Educational Opportunity - Service Animals*
- *Section GL: Access to Programs, Services, and Activities*