Fieldwork Education and Students With Disabilities: Enter the Americans With Disabilities Act

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For occupational therapy students with disabilities, making the transition from the classroom to clinical fieldwork presents an interesting challenge to clinical fieldwork supervisors and academic fieldwork advisors. The Americans With Disabilities Act (ADA) and other laws have changed the rules by requiring fieldwork sites and academic programs to make accommodations for students with disabilities. Occupational therapy's basic philosophy combined with the occupational therapist's training in task analysis, functional limitations of disabilities, modification of the environment and clinical reasoning skills, places the occupational therapist in a natural position to make these reasonable accommodations. The author presents the DIALOGUE system, a method of communication designed to make a smooth transition to ADA compliance in the fieldwork arena.

Issues Relating to Occupational Therapy Students With Disabilities in Fieldwork Sites

Although occupational therapists have been strong advocates for inclusion of clients into an accessible society they may have mixed feelings about having persons formerly treated as clients return to clinics as occupational therapy students and future clinicians and peers.

Accepting this role change means a willingness to acknowledge that persons with disabilities can be compe-
tent occupational therapists. It means a willingness to be flexible and to look for ways to accommodate students with disabilities to include them, rather than exclude them. As with any new activity, time and experience with compliance will make us more familiar with finding reasonable accommodations for students with disabilities.

Although fieldwork supervisors may be surprised to see a student enter the clinic for the first time seated in a wheelchair or accompanied by lobster crutches, most students with disabilities easily make the transition from student to affiliate without requiring many adjustments. Those who appear to need considerable time and attention probably only require some additional thought about accommodations, a process of clinical reasoning that occupational therapy clinicians readily use in working with the client. Clinicians who act as fieldwork supervisors can also use the task analysis skills, which they have honed in making adaptations and modifications to smooth their clients' function, to find reasonable accommodations for students with disabilities. Or, as so often happens, the student may solve accessibility problems himself or herself. In any event, the accommodation discussion may not occur until the student is actually on site and ready to begin the affiliation. In addition to their clinical reasoning and task analysis skills, fieldwork supervisors will need to focus on their communication skills to keep an open dialogue with fieldwork students with disabilities.

Unfortunately, not all disabilities are visible. Students with hidden disabilities may not disclose them before arriving at the clinic or may not disclose them until problems arise with their performance. Personality conflicts may cloud the issue as the disability becomes apparent. Academic fieldwork coordinators have reported resentment on the part of the clinical site staff members who are not warned in advance that a fieldwork student may have a disability (Kornblau, 1993). However, these resentments may be avoided through clear and open dialogue. The following two examples illustrate the kinds of problems that occupational therapy students at fieldwork sites may encounter.

Case Study 1

Amy, a student with juvenile rheumatoid arthritis, decides not to disclose her disability to her fieldwork supervisor before beginning fieldwork. After 4 weeks on the affiliation, Amy's knee swells with fluid. She asks her supervisor if she may take the afternoon off to have her knee drained. The supervisor, considering Amy lazy because she always looks for opportunities to sit while she works, refuses. What the supervisor perceives as laziness is Amy's way of accommodating her disability. Because Amy's disability is not visible, the supervisor sees Amy's behavior as unreasonable and evidence of a personality conflict. When Amy explains about her disability, the supervisor immediately calls the academic fieldwork coordinator to complain that the school had failed to inform her that the student had a disability.

Amy's fieldwork coordinator finds herself in an awkward position. Although the coordinator wishes to maintain a good relationship with the fieldwork site, she has little ammunition with which to defend her decision to withhold information about Amy's disability. She has been right to abide by privacy laws and ADA confidentiality requirements that prohibit schools of occupational therapy from reporting students' disabilities to clinical fieldwork sites. The decision to disclose a disability to a fieldwork site before beginning the experience rests with the student, in this case Amy.

Advance knowledge of a student's disability can eliminate potential problems by allowing accommodations to be put in place in time for the student's arrival. Advance knowledge also eliminates the element of surprise that may cause tension among the clinicians, the supervisor at the fieldwork site, the student, and the academic fieldwork coordinator. Once fieldwork supervisors understand that coordinators cannot disclose a student's disability—that the decision to disclose rests solely with the student—they will find themselves less frustrated with the fieldwork coordinator.

In deciding whether to disclose a disability to a fieldwork site, students take into account the attitudes occupational therapists have about people with disabilities, including their peers. Lack of insight into his or her own disability may influence whether the student decides to disclose a disability to a fieldwork site.

Students who fail to disclose their disabilities, hidden or nonhidden, create uncomfortable situations for all parties involved, including themselves. They also lose the benefits that accommodations, to which they are entitled only under the ADA, provide. Without the needed accommodations, the student faces the probability of failing behind in his or her affiliation or, worse yet, failing.

Case Study 2

Mike has a learning disability that affects his auditory perception. During academic coursework, Mike audiotaped all of his lectures and lab classes. The school also provided Mike with a note taker in all classes.

Against his fieldwork coordinator's advice, Mike chooses not to disclose his disability to his clinical fieldwork supervisor. Four weeks into the affiliation, Mike's clinical supervisor informs him that he is on the verge of failing the affiliation because he does not respond to supervision or direction from other therapists, and his documentation has fallen below expectation. The supervisor gives Mike the option to quit the affiliation or risk the likely chance of failing.

Mike responds by informing the supervisor that he has a learning disability. The supervisor asks him how he expects to be an occupational therapist given his per-
formance. Mike suggests accommodations that the fieldwork facility can make to enable him to perform as expected. He asks for permission to record his supervisory sessions on tape and to be given written rather than verbal instruction. Like other employers and places of public accommodations offering programs to the public (as identified by the ADA), many occupational therapy fieldwork sites are not sure what to do in situations like Mike's. Mike's supervisor is not sure that she wants to have supervisory sessions tape recorded and worries that written instructions are time consuming and less effective than verbal instructions. She fears that she has already formed a negative opinion of Mike's skills and abilities and that their interactions have been very tense. Must she make the accommodations Mike requested? Who will pay for the accommodations? What are her alternatives? How can she prevent situations such as these from arising again and stay within the law?

The DIALOGUE System of Prevention

How do fieldwork supervisors, academic fieldwork coordinators, and fieldwork students prevent the problems illustrated by the case studies? The entire occupational therapy community must broaden its idea of persons with disabilities, as competent peers and occupational therapists. Fieldwork supervisors must develop an understanding of the ADA requirements that pertain to fieldwork and must encourage their coworkers to keep open minds about students and to be prepared to discuss reasonable accommodations as disability-related problems occur with the fieldwork. Academic fieldwork coordinators must work with students to identify their strengths, weaknesses, and required reasonable accommodations and must encourage students to have open dialogue with clinical sites about their need for reasonable accommodations. (Kornblau & Dudley, 1993). Fieldwork students must be willing to share their need for accommodation in a mutually convenient and timely manner. All parties must focus on flexibility and maintain open communication.

The word dialogue spells out the components of a system that should prevent most fieldwork situations with students with disabilities from developing into major problems. The system works as follows:

“D”iscuss basic ADA requirements governing fieldwork with clinical fieldwork sites and obtain a job description applicable to the student's position. Not all occupational therapy job descriptions are the same. A therapist who works in a hand clinic has different essential functions from a therapist in a school setting. Include a discussion of the confidentiality requirements of all relative laws. The ADA not only prevents the academic fieldwork coordinator from disclosing information about the student's disability, it also prevents the clinical fieldwork site from disclosing any information about the student's disability to potential employers. Consider placing provisions in the fieldwork contract to govern compliance with discrimination laws. Had the clinic sites in the case studies been knowledgeable about their obligations under the ADA, accommodations would have been made once requested rather than creating strained relationships between the student, the clinical site, and the academic fieldwork coordinator.

“I”dentify students with disabilities who may need accommodations. By the time a student nears his or her affiliation, the fieldwork coordinator, or other faculty members, usually knows which students have disabilities. Students who have kept their disabilities hidden from the faculty may choose to disclose at this time so faculty members may assist them in planning accommodations for the clinical setting.

“Assess the advantages and disadvantages of disclosing a disability and asking for accommodations before the affiliation. The academic fieldwork coordinator meets with students on a one-to-one basis to evaluate each student’s particular situation and accommodation needs. Discussions should include examples, such as the case studies outlined herein, explaining problems that can develop should the student choose not to disclose. When a disability is disclosed after fieldwork begins, the element of surprise detracts from the student's skills and abilities.

“L”ist accommodations used in school and develop accommodations needed by reviewing functional job descriptions supplied by the fieldwork site. A detailed job description may help a student self-select out of a clinical affiliation in which the student is unable to perform the essential functions with or without a reasonable accommodation. The accommodations used in school and those needed on fieldwork may differ. For example, Amy probably sat in class most of the school day, never worrying about her difficulty in standing. However, once on her affiliation, standing became a problem and she needed an accommodation.

“O”pen lines of communication by encouraging the student to discuss accommodations needs with the clinical coordinator before the affiliation begins. The fieldwork site's obligation to accommodate arises only when the student requests accommodations. Because students are assigned to fieldwork sites months in advance, the fieldwork site has time to put the accommodations in place before the student arrives. For example, had Mike requested the accommodations before starting his affiliation, he would have avoided many difficulties.

“G”o to the fieldwork site before the affiliation begins, to discuss the accommodations if necessary. A site visit helps if accommodations are unusual or controversial. In some situations, the fieldwork coordinator may want to accompany the student to the fieldwork site to encourage open communications and a workable solution to any accommodation problem that may arise.
need to negotiate which entity, the school or the clinic, will pay for the required accommodations. An advance site visit also allows the facility to put its house in order, raise the consciousness of the staff members, and accustom the staff members to the idea of training a student with a disability. Had Mike visited the fieldwork site in advance, he could have ironed out potential problems and had the accommodations in place for his arrival.

"U"ndertake all required steps for complying with the spirit of the disability discrimination laws, including making accommodations for students with hidden disabilities as those disabilities come to light. Clinical sites must accept the changes required by the ADA and incorporate them into their policies and procedures. Clinical coordinators, like academic fieldwork coordinators, should encourage students to request reasonable accommodations from the outset of their clinical experience.

"E"ncourage all parties to keep lines of communication open so problems are addressed in their infancy and do not develop into big problems. Therapists may find that a hidden disability causes a student’s performance to fall below expected levels. Once accommodated, the student’s performance will probably improve. One accommodation may be for the fieldwork site to extend the length of the affiliation to allow the student to make up for their unaccommodated, poor performance.

Using the DIALOGUE method, student, academic fieldwork coordinator, and clinical supervisor can make a smooth transition to ADA compliance. Keeping the lines of communication open and focusing on a flexible attitude will foster the environment necessary for success.

Fieldwork Responsibilities Related to the Law

To solve these problems and prevent them from reoccurring, all parties—the student, the fieldwork coordinator, and the clinical supervisor—must understand the basics of what the law requires in the fieldwork relationship. Different laws with differing requirements apply depending upon the particular situation.

The Rehabilitation Act

Section 504 requires postsecondary institutions and hospitals to operate in a nondiscriminatory manner in recruitment, admission, academic programs, research, occupational training, housing, counseling, and other areas. Postsecondary institutions cannot contract with a fieldwork site that discriminates.

According to Section 504, students with disabilities must be given an equal opportunity to participate in and benefit from all postsecondary education programs and activities, including education programs and activities not operated wholly by the school (U.S. Department of Education, 1989). Section 504 requires educators to modify academic requirements on a case-by-case basis, to afford qualified students with disabilities an equal opportunity. However, academic requirements that recipients of federal funds demonstrate are essential will not be regarded as discriminatory (U.S. Department of Education, 1989). For example, completion of fieldwork is an essential requirement of an occupational therapy program. Therefore, occupational therapy educators could not eliminate fieldwork for a student with a disability as an accommodation to the student’s disability.

Section 504 prohibits recipients of federal funds from imposing upon students with disabilities rules that have the effect of limiting their participation. Students with disabilities must be given the opportunity to participate in any course, course of study, or other part of the education program or activity offered by a recipient of federal funds. A fieldwork site falls under the definition of an educational program or activity. Allowing a student to participate in a fieldwork experience often will require the federal fund recipient to make reasonable accommodations for the student.

Hospitals, and other health care clinics that serve as fieldwork sites, fall under Section 504’s requirements because they receive federal funding in the form of Medicare, Medicaid, or Champus, whereas most colleges and universities receive federal funds through student loan programs and other sources (Civil Rights Restoration Act, Public Law 100-259, 1988). Public school systems that might serve as fieldwork sites receive federal funds through a variety of programs placing them under Section 504’s mandates.

Section 501 of the Rehabilitation Act of 1973 imposes similar requirements for agencies of the federal government, such as Veterans Administration Hospitals. Section 503 of the Rehabilitation Act also imposes the obligation to accommodate. However, Section 503 also imposes a duty to act affirmatively, thus fieldwork sites that pay fieldwork students must give preference to students with disabilities, if the site falls under Section 503. Section 503 applies to federal government contractors that contract with the federal government for sums of $10,000 or more annually.

Section 504 provides that “no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, under any program or activity that receives of benefits from Federal financial assistance.” (28 C.F.R. §41.51(a), 1991).

Defining Disability

Handicap in Section 504 breaks down into three definitions similar to those found in the ADA for a person with a disability. Section 504 defines “handicapped” as one who:

1. "... has a physical or mental impairment that
substantially limits one or more of the major life activities.”

2. “... has a record of such an impairment”

3. “... is regarded as having a handicap.” (28 C.F.R. § 41.31 (a)(b))

**Qualified Individual With a Disability**

Department of Justice regulations define “qualified handicapped person” (referred to as “qualified individual with a disability” under the ADA) with respect to services as “[a] person who meets the essential eligibility requirements for the receipt of such services” (28 C.F.R. § 41.32). According to the U.S. Department of Education, for purposes of postsecondary education services, “a qualified handicapped person is an individual with handicap(s) who meets the academic and technical standards requisite to admission or participation in the recipient’s education program or activity” (U. S. Department of Education. 1989) In *Southeastern Community College v. Davis*, 442 U.S. 2361 (1979), the United States Supreme Court defined “an otherwise qualified person” under Section 504 as one who is able to meet all of a program’s requirements in spite of his or her handicap. Although Section 504 refers to individuals with disabilities as “handicapped,” the term “individual with a disability” has replaced the former language.

**The Americans With Disabilities Act**

The ADA broadens Section 504’s requirements and extends them to nonrecipients of federal funds. The Title I employment provisions apply to salaried fieldwork students.

Although Title I only applies to employment, even nonsalaried fieldwork students look similar to employees because of the scope of work they perform. The Title I regulations provide guidance to clinical supervisors for handling potential controversial situations, involving a student’s ability to perform the work of an occupational therapy affiliate. Therefore, clinical fieldwork supervisors, whose facility falls under Title III, Public Accommodations, should familiarize themselves with some basic principles of the Title I regulations.

**ADA Title I: Employment**

The Title I regulations may be summarized by one super rule that states as follows:

No covered entity may discriminate against a qualified individual with a disability (emphasis added) because of the individual’s disability, in regard to job application procedures, the hiring, advancement or discharge of employees, employment compensations, job training, social and recreational programs sponsored by the employer, and other terms, conditions, and privileges of employment.” (29 C.F.R. § 1630.4)

To understand the rule, one must break it down into its component parts and define some of the applicable terms. The definitions of disability mirror the definitions found in Section 504 of the Rehabilitation Act.

Qualified individual with a disability under ADA

To find protection under the ADA, a fieldwork student must fall within the boundaries of the definition of a “qualified individual with a disability.” The ADA defines such a person as “an individual with a disability who satisfies the requisite skill, experience, education and other job related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires.” (29 C.F.R. §1630.2(m)).

Essential job functions. In order to fall under the umbrella of “qualified individual with a disability,” the fieldwork student must perform those essential functions of an occupational therapy fieldwork student with or without reasonable accommodations. “Essential job functions” means those job duties that are fundamental to the position the individual holds, or desires to hold, as opposed to functions that are marginal. (29 C.F.R. §1630.2(n)(1)). Essential functions are those that the person who holds the position must perform with or without the assistance of a reasonable accommodation. For example, an occupational therapist’s essential functions might include evaluating patients, recording progress, developing treatment programs and goals, and educating clients in home programs. The essential functions of occupational therapy fieldwork students will be substantially similar to those of the therapist; however, the standards of production and caseload will vary. Essential functions often will vary from setting to setting and may be specific to a particular site.

Reasonable accommodations. “Reasonable accommodations,” another key ADA term, includes changes in the work environment, or in the way work is customarily performed that enables an individual with a disability to perform the essential functions of the job and enjoy equal employment opportunity (29 C.F.R. §1630.2(o), 29 C.F.R. §1630.2(o)(1)(i)). If a student with dyslexia needs assistance with reading a job application or a student on kidney dialysis needs permission to leave an affiliation an hour early 3 days per week, these may be considered reasonable accommodations.

Under the ADA, reasonable accommodations include making facilities accessible; job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modification of examinations, training materials, or policies; provision of qualified readers or interpreters; and other similar accommodations (29 C.F.R. §1630.2(o)(2)(i)(ii)).

The process of identifying reasonable accommodations under the ADA may make it necessary for the field-
Title III’s public accommodations provisions apply to fieldwork relationships where the student is not an employee. Title III states that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any private entity who owns, leases, or operates a place of public accommodation. (28 C.F.R. § 36.201)

Under Title III, places of public accommodation, including hospitals and schools, must make their services available to individuals with disabilities.

Fieldwork programs fall under the umbrella of services, thus fieldwork sites must make the clinical affiliation available to all students regardless of their disability and may not refuse to take a student merely because the student has a disability. Title III also prohibits fieldwork sites from refusing to accept individuals with specific types of disabilities. For example, a fieldwork site could not put a policy in place that restricts admission to students who use wheelchairs for mobility.

Title III also outlines other specific prohibited activities and mandates certain requirements to assure access. For example, places of public accommodations may not provide services in a segregated setting (28 C.F.R. § 36.202(c)). Thus, a clinical site could not restrict all students with disabilities to the hand clinic if other students without disabilities rotated through several services. Further, a clinical site could not exclude a student from fieldwork because of the known disability, such as acquired immunodeficiency syndrome (AIDS), of an individual with whom the student is known to have a relationship or association (28 C.F.R. § 36.202(a)).

Further, as places of public accommodation, clinical sites may not impose or apply eligibility criteria that tend to screen out an individual or class from fully and equally enjoying the fieldwork, unless it can show the criteria necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations it offers (28 C.F.R. § 36.301(a)). For example, a clinical site could not require that students prove they are HIV negative in order to begin their affiliation, because this requirement screens out individuals with disabilities.

Fieldwork sites must make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to assure the fieldwork is available to individuals with disabilities, unless the fieldwork site can demonstrate that making the modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations (28 C.F.R. § 36.302(a)).

For example, suppose an occupational therapy clinic required all therapists and students to wear white shoes and a fieldwork student with arthritis wore special black orthopedic shoes. Title III mandates that the facility make a reasonable modification to its policy to allow the student to wear black shoes. In the case study of Amy, allowing her to leave the fieldwork site to have her knee drained would be a reasonable modification to its schedule policy, provided that someone could cover her patients.

Clinical sites must take steps to ensure that no student with a disability is excluded, denied services, segregated, or otherwise treated differently because of the absence of auxiliary aides (28 C.F.R. § 36.303(a)). Auxiliary aides include what occupational therapists refer to as adaptive equipment.

Places of public accommodation are required to provide auxiliary aides and services to assure access, such as a note taker or audiotape to allow access to a lecture for an individual whose disability prevents him or her from taking notes (28 C.F.R. § 36.303(a)). Auxiliary aides and services may include qualified interpreters, note takers, computer-aided transcription services, telephone hand-
set amplifiers, assistive listening devices or systems, tele­
phones compatible with hearing aids, closed caption de­
coders, open and closed captioning, telecommunication
devices for the deaf, videotext displays, qualified readers,
taped text, audio recording, braille materials, and large
print materials (28 C.F.R. § 36.303(b)(1)). For example, in
the case study of Mike, as a reasonable accommodation,
the fieldwork site would probably need to provide Mike
with a tape recorder to tape supervisory sessions. Howev­
er, the responsibility for providing this item may also lie
with the academic program.

Alternatives to auxiliary aides or services may be pro­
vided if an auxiliary aide would fundamentally alter the
nature of the services provided or cause an undue bur­
den. Under the ADA, undue burden means significant
difficulty or expense considering among other factors,
the cost of the action needed, and the financial resources
of the facility as a whole.

At the same time Title III requires fieldwork sites to
provide reasonable accommodations. Title III, Section
504, and Title II (for state institutions) require education­
al programs to make their programs accessible, because
schools are also places of public accommodation. In most
educational programs, students pay tuition during the
period in which they perform fieldwork. This situation
gives rise to a strong relationship between the school and
the clinic as one of the programs offered by the school.
Therefore the school also has responsibility for making
—and paying for—reasonable accommodations.

The regulations require places of public accommo­
dations, including clinical fieldwork sites, to remove ar­
chitectural barriers in existing facilities, including com­
munication barriers that are structural, where such
removal is "readily achievable" in order to allow students
to benefit from their fieldwork programs (28 C.F.R. §
36.304(a)). The ADA defines readily achievable as
changes that may be easily accomplished without much
difficulty or expense (28 C.F.R. § 36.304(a)). Public ac­
commodations may not impose a surcharge to cover
costs of removing barriers or providing auxiliary aids or
services (28 C.F.R. § 36.301(c)). If removing a barrier is
not readily achievable, alternatives must be employed,
such as relocating activities to an accessible location.

Fieldwork sites may impose legitimate safety re­
quirements that are necessary for safe operation of the
clinic (28 C.F.R. § 36.301(a)). However, the clinic must
base its concerns on actual risks rather than speculation,
stereotypes, or generalizations about individuals with dis­
abilities (28 C.F.R. § 36.301(a)). To exclude a student on
the basis of safety concerns, the clinical site must prove
that the student poses a serious risk to the health or
safety of others that cannot be eliminated by a modifica­
tion of policies, practices, or procedures or by the provi­
sion of auxiliary aids or services. A clinic probably could
not exclude a student with epilepsy as a safety risk, if the
seizures were well controlled.

Conclusion

By focusing on communication and keeping an open di­
ologue, academic fieldwork coordinators, clinical supervi­
sors and students with disabilities will assure a smooth
transition from classroom to clinic.

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