

Issues Faced in Placing Students with Non-Cognitive Difficulties on Clinical Practicums

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Objectives

- Summarize the legal requirements defined within state and federal laws regarding student disability accommodation in higher education.
- Recognize the challenges with adhering to FERPA guidelines while maintaining a sound relationship between the department and the clinical affiliates.
- Formulate strategies to successfully integrate students with non-cognitive difficulties into the established clinical practicum experience.

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Introduction

- Who?
 - MLT/MLS students with invisible/hidden disabilities.
 - University Departments, faculty & clinical instructors struggling to accommodate.
- What?
 - Difficulties with non-cognitive skills.
 - Patterns of thoughts, feelings, and behaviors of an individual.
 - Socio-emotional and/or behavioral characteristics .
- Why?
 - Increase in college students with disabilities not previously found.
 - Top 4 traits needed for work-place success – oral communication, teamwork/collaboration, professionalism/work ethic, critical thinking/problem solving
- What to do?



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Case 1: Anxious Amanda

- What do you do when you have a student who has successfully navigated your didactic and student laboratory courses, then ...
- Falls apart during clinical practicums, which make up the last 5 months of the curriculum?

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Concerns involved in this scenario

Student:

- Wants to graduate to get working (and out of home situation).
- Unrealistic view about workload, expectations at clinical site.



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Concerns involved in these scenarios

Affiliate:

- Student absenteeism
- Stressed when present
- Upon return, starting over
- Make-up time required
- Bottom line: They do not want to be responsible for failing the student.



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Case 2: Emotional Edward

- What do you do when you have a student without Disability Support Services (DSS) accommodations who realizes they need this support at the end of the didactic portion of the program?

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Concerns involved in this scenario

Student:

- Emotional events prior to exams
- Requested extension

Instructor:

- Granted extension first time – requested documentation.
- Documentation not received, retake was a different exam format.

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Concerns involved in this scenario

Student:

- Felt alternate exam was unfair
- Had started DSS registration process but was stonewalled by amount of paperwork involved
- Did not pass course

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Case 3: Different Drummer Dan

- What do you do when you have a student who demonstrates different affective behaviors than what is typically considered the norm but...is extremely successful didactically?

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Concerns involved in this scenario

Student:

- Does not seem to recognize there is a problem.

Instructor:

- Needs to recognize what behaviors can be modified and what needs to be accepted.
- Has serious concerns with student moving on to clinical practicum and ability to be successful in that environment.

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Case 4: Out of Place Olivia

- What do you do when you can immediately realize that a student is not in the right major for their psychomotor and social skill sets?

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Concerns involved in this scenario:

Student:

- Does not seem to recognize there is a problem.

Instructor:

- Student met minimum criteria for admission into the program and acknowledged their ability to perform the Essential Functions.
- Instructor clearly recognized in early laboratory courses that the student could not perform most tasks.

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Concerns involved in this scenario:

Program:

- Student rights
- Fairness to all students
- Need to maintain affiliate relationships



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Concerns involved in this scenario:

Institution/Legal:

- Student rights
- Fairness to all students



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Defining Disability

- **What is a disability?**
 - A disabling medical condition limiting a major life activity such as: breathing, walking, talking, hearing, seeing, eating, learning, reading, concentrating and thinking.
 - To include: major bodily functions & systems
- **Disability Law:**
 - Social, moral and legal obligation of providing reasonable accommodations for the integrations of the disabled into mainstream society. Should be viewed as another diverse population.
 - **Does not mandate a change of educational standards**, but requires institutions to provide “reasonable flexibility” for disable students to demonstrate competency.
- **Right to non-discrimination & reasonable accommodations when necessary for the participation of the person with a disability.**

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• Three laws governing disabled persons in the United States:

- **The Individuals with Disabilities Education Act (IDEA)**
 - K-12 schools to provide a Free Appropriate Public Education (FAPE) and related services for all eligible students with disabilities.
- **Section 504 of the Rehabilitation Act, 1973**
 - **Prohibits** discrimination against handicapped persons in programs receiving federal funding.
 - **Reasonable accommodations** when necessary, allowing the disabled to participate in programs receiving federal funding.
- **Americans with Disabilities Act (ADA), 1990**
 - **Extends § 504 protection** to the private sector to include: employment, education, transportation, public accommodations, telecommunications

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Federal Law (IDEA, § 504, ADA) vs. State Law

- **In states with their own disability laws, the federal or state law that provides the MOST protection provides the decision.**
 - In states without relevant disability laws, policies default to the ADA and § 504.
- **States can pass new statutes as long as they are consistent with the ADA.**
 - www.dol.gov/whd/contacts/state_of.htm
 - www.ncsl.org/research/labor-and-employment/discrimination-employment.aspx

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- **The Individuals with Disabilities Education Act (IDEA) 1975 , (20 U.S.C. § 1401, 2015)**
- K-12 only!
- Requires provision of a **Free Appropriate Public Education (FAPE)** and related services for all eligible students with disabilities.
 - Expensive, complex and comprehensive
 - Local municipality facilitated and sponsored, however state-level involvement for extensive care.
 - Each individual receives a plan developed by a team allowing for the provision of specialized educational services.
 - **Individualized education plan (IEP)**
- Students will need to understand the transition from IDEA to § 504 and the ADA.

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Section 504 compared to ADA

- **The ADA extended discrimination protection to the private sector.**
 - Does not depend upon receiving federal funds.
 - Specifically, Title II:
 - Applies to public institutions including public educational institutions, and public transportation.
 - Little change since Section 504 impacted higher education.
- **Passed by Congress enforcing the 14th Amendment regulating interstate commerce prohibiting discrimination in both public and private sectors.**
 - Addresses aspects of citizenship and the rights of citizens to receive "equal protection of the laws".

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- **Section 504 of the Rehabilitation Act 1973, (29 U.S.C. § 794, 2015)**
 - Prohibits discrimination against handicapped persons in programs receiving federal funding.
 - Protection provided to:

“Any person who (i) has a physical or mental impairment which substantially limits one or more major life activity; (ii) has a record of such impairment; or (iii) is regarded as having such impairment.”
 - **Reasonable accommodations** when necessary, allowing the disabled to participate in programs receiving federal funding.

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- **Section 504 of the Rehabilitation Act 1973, (29 U.S.C. § 794, 2015)**
- Students will need to understand the transition from IDEA to § 504 and the ADA.
 - Higher education only requires non-discrimination and providing reasonable accommodations.
 - Will NOT receive expensive, complex and comprehensive accommodations.
 - No funding received to complete the accommodation.

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- **Section 504 of the Rehabilitation Act 1973, (29 U.S.C. § 794, 2015)**
- **Who and what decides what is reasonable?**
 - Educational Program Director, Student Disability Office Director, institution legal services if needed.
 - Overall goal is to facilitate participation by:
 - Making facilities accessible
 - Reasonable accommodations to an academic program; assessments.
 - Reasonable accommodations to work conditions; bench access
 - **Unreasonable examples:**
 - Excessive costs
 - Undue administrative burdens
 - Health or safety risks
 - Impacting rights of others involved

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- **Americans with Disabilities Act (ADA) 1990, (42 U.S.C. § 12101, 2015)**
 - Extends § 504 to the private sector to include: employment, education, transportation, public accommodations, telecommunications
- **ADA consideration of a disability requiring accommodations in a college environment:**
 - A medical condition, disability, that limits a major life activity.
 - Have a record of a disability.
 - History of illness rendering disabled even if this no longer inhibits life activities.
 - Regarded as a person with a disability.
 - Does not have disability, but is treated as such by others.
 - **Activity impaired must relate to the student's functioning on campus in regards to: academics, housing, transportation, extracurricular activities, dining.**

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How does this translate to the academic environment?

- The Student **must** provide a record of a qualifying disability that limits one or more major life activity.
 - It is appropriate to request documentation for non-observable/invisible disabilities.
 - anxiety, depression, diabetes, behavioral
 - Observable disabilities do not require medical documentation
 - Wheel-chair bound, blindness
 - Obtaining documentation can not be burdensome.
 - Cost associated with documentation may be placed upon the student.
- Students must comply with institution policies for accommodation.
 - Students must be made aware of all policies
 - Lack of compliance = no accommodation provided

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- **FIRST and FOREMOST**, a student regardless of their disability must be qualified to participate in the program they seek.
 - The institution **CAN NOT** change the academic criteria of a program for a disabled student.
 - Institutions are not required to provide accommodations if the student is not qualified OR if a reasonable accommodation does not exist.
- The institution is legally responsible to assure a students success in academics by providing reasonable accommodations for that success to occur.
- **CAN NOT** consider employability of an individual as a criteria for program entry or degree completion.
- **CAN NOT** “screen out or tend to screen out an individual with a disability.”

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How does this translate to the academic environment?

- **Non-essential elements** of an educational program:
 - If an accommodation is not possible, this element is waived.
- **Essential elements** of an educational program:
 - “Essential elements of a program that disproportionately impact a student with a disability must be justified by documenting the essential nature of the activity to the program and clearly documenting no reasonable accommodation can be provided without changing the nature of the program.”
 - Student can be removed with documentation.
- **PROACTIVE engagement of:**
 - Office for Student Disability Services when entering as freshman and continued follow-up.
 - Student coaching sessions
 - Clinical instructor – details of the environment and need of the individual

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How is medical information regarding student disabilities communicated with faculty?

- **The Family Educational Rights and Privacy Act, FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) 1974**
 - All educational institutions that receive federal funds.
 - Health care records are protected under Health Insurance Portability and Accountability Act (HIPAA).
 - If FERPA and HIPAA are in conflict, FERPA controls
- **Student records are confidential under FERPA, not HIPAA.**
 - Disability service offices are not medical therefore part of education record.
 - Most offices will not release student records, even to faculty, unless students provide written approval.
 - Faculty are informed of accommodations only.

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Family Educational Rights and Privacy Act (FERPA)

- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records... FERPA gives parents certain rights with respect to their children's education records. **These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level.**

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Family Educational Rights and Privacy Act (FERPA)

- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
- **School officials with legitimate educational interest; and lots more.**

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Family Educational Rights and Privacy Act (FERPA)

- **And the question is:**
 - Do our clinical affiliate instructors fall under the umbrella of **school officials with legitimate educational interest?**
- **BUT the BIG QUESTION IS:**
 - How much information about a student can we legally share with the affiliate instructors?

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Let's return to Anxious Amanda

Our senior clinical practicums:

- Four 4-week clinical practicums January – May senior year.
- Can be in as many as 4 different sites (DE, MD, NJ, PA)



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Let's return to Anxious Amanda

Our senior clinical practicums:

- Four 4-week clinical practicums January – May senior year.
- Can be in as many as 4 different sites (DE, MD, NJ, PA).
- Must complete 20 days (not 160 hours)
- Notification of absence to affiliate and UD clinical education coordinator – make-up day required.

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Let's return to Anxious Amanda

What happened?

Rotation 1 Microbiology - all went well!

Rotation 2 Hematology - something happened in her world that we are unaware of:



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Let's return to Anxious Amanda

What did we do?

- Now missed 10 of 20 days – worked with affiliate to schedule through spring break.
- Now cannot ID cells, starting over each day.

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Let's return to Anxious Amanda

What did we do?

- Tried to convince her to withdraw from this rotation and reset – we would complete in summer.
- Student wanted to keep moving forward
- Requested meeting with Dean of Students, DSS, Legal, other depts. in our college with similar issues.

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What were we told?

- Student has right to continue – new course/new practicum.
- Remember (ADA and section 504) - Job potential is not our concern.
- Let the grade stand in previous rotation.



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Let's return to Anxious Amanda

Rotation 3 – FRESH START

- No forewarning to clinical affiliate regarding past issues.

Student given lots of pep talks and coaching regarding:

- Attendance requirements
- Communication
- Workload expectations

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IMPACT ON CLINICAL AFFILIATE RELATIONSHIPS

Rotation 2 Hospital – no students the following year (probably needed to recover).

Rotation 3 Hospital – affiliation agreement wording change regarding removal of students.

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IMPACT ON CLINICAL AFFILIATE RELATIONSHIPS:

Rotation 3 Hospital – 2010 Agreement:

The dismissal of a student for academic or disciplinary reasons will be the responsibility of the **Institution**, but the **CLINICAL CENTER** maintains the right to remove a student from the clinical education portion of the program if a student's behavior should be violative of existing rules and regulations of the **CLINICAL CENTER** in such matters as procedure, policies, conduct, manner of dress, patient contact, and in such other respects as the **CLINICAL CENTER** may **require to prevent interference with its proper operation.**

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IMPACT ON CLINICAL AFFILIATE RELATIONSHIPS:

Rotation 3 Hospital – 2016 Agreement:

Termination of Student Participation:

In the event HOSPITAL determines, in its own discretion, that an act and/or omission of a Student presents a risk of harm to HOSPITAL or to other persons, then HOSPITAL may immediately terminate the participation by such person under this Agreement.

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IMPACT ON CLINICAL AFFILIATE RELATIONSHIPS:

Review of recent contracts – sensing a theme HOSPITAL X

If HOSPITAL is dissatisfied with the performance of a specific student, it will promptly notify Delaware, specifying the reasons for the dissatisfaction. Delaware and HOSPITAL will cooperate to resolve the matter within a reasonable period of time. HOSPITAL reserves the right to terminate the rotation of any specific student at any time for one or more serious violations of HOSPITAL's policies, **or for other good cause** made known to Delaware.

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Let's return to Anxious Amanda

Took a semester off to regroup.

Attended some lab sessions free of charge for review of skills.

Completed clinical practicums the following spring – SUCCESSFULLY.

- Carefully chosen sites
- Obtained gainful employment as an MLS upon graduation at a small community hospital 😊

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Students with Autism Spectrum Disorder or other similar social challenges

Very little research available – need more

Recent study – 1 in 68 children in US have ASD.

Translates to possibility of 200+ students with ASD at a Institution with 14,000 undergraduates.

How can we provide avenues for success for this population?

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Students with Autism Spectrum Disorder or other similar social challenges

We must remember that students who meet the admission requirements have a right to choose a major that may not fit best with their strengths.

- Equal right to study even if they may not become employable based upon disability.
- Apply standard policies to all equally and equitably.

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Students with Autism Spectrum Disorder or other similar social challenges

Initial challenges:

- Living independently for the first time.
- Time management, meeting schedules and deadlines.
- Social/interpersonal relationships



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Remember Different Drummer Dan?

What are the behaviors?

- Social miscues
- No eye contact
- Repetitive distracting behaviors

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Students with Autism Spectrum Disorder or other similar social challenges

The biggest challenge presents when the student is faced with clinical practicum situations.

How can we help prepare the student for this new experience?

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Students with Autism Spectrum Disorder or other similar social challenges

For these students, the challenges may include:

- Having different instructors, from day-to-day or week-to-week.
- A more chaotic, noisy environment.
- Often not the same workflow each day.
- Interruptions
- Oral instructions about what to complete for the day.

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Students with Autism Spectrum Disorder or other similar social challenges

What can be done on campus to prepare the student for this scenario?

- Model appropriate behaviors.
- Correct inappropriate behavior immediately.
- Adjust to challenging behaviors that cannot be modified.
- Meet with student periodically to discuss changes witnessed and areas to work on (remediate).

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Students with Autism Spectrum Disorder or other similar social challenges

Can we prepare our affiliates for this student?

Remember FERPA –

- Do our clinical affiliate instructors fall under the umbrella of **school officials with legitimate educational interest?**

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Students with Autism Spectrum Disorder or other similar social challenges

What can be done to prepare the clinical instructors for this student's challenges to help the student be successful?

• WITH STUDENT PERMISSION:

1. Talk to primary clinical liaison in advance about ways that facilitate success for this student (e.g., written plans for the day, introductions ahead of time about who the student will be with each day).

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Students with Autism Spectrum Disorder or other similar social challenges

What can be done to prepare the clinical instructors for this student's challenges to help the student be successful?

• WITH STUDENT PERMISSION:

2. Ask to bring student before the start of clinical practicum to meet instructors, see the laboratory, find the break room/lockers as applicable, "get the lay of the land."

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Remember Different Drummer Dan?

How did things turn out?

Different Drummer Dan = two students

- Student A graduated, is applying to medical school, but has not yet been admitted and does not have a job.
- Student B is in clinicals as we speak ... so far, so good, staff is learning to be patient.

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Remember Emotional Edward

- Asking for accommodations after the fact
- Legal precedent: Goodwin v. Keuka College 1995:
 - *For a school to dismiss a student based on her disability, it must first be aware of that disability.*

Remember Emotional Edward

- **How did we handle it?**
 - Student failed the course
 - Student/Parent/Program Director met to discuss options moving forward.
 - Student was permitted to complete three practicum courses and return to campus to repeat failed course. Student is currently in fourth practicum – delay of graduation by 1 year.

Remember Emotional Edward

PROACTIVE STRATEGIES:

1. Strongly encourage incoming new students, if they have an identified disability, register with DSS even if they do not plan to use the accommodations.
2. Review YOUR DSS policies and intake procedures – are they too cumbersome? Are they actually roadblocks to services?

Remember Out of Place Olivia

- What do you do when you immediately recognize that a student is not in the right major for their psychomotor and social skill sets?

Concerns involved in this scenario:

Student:

- Does not seem to recognize there is a problem.

Instructor:

- Student met minimum criteria for admission into the program and acknowledged their ability to perform the Essential Functions.
- Instructor clearly recognized in early laboratory courses that the student could not perform most tasks.

Concerns involved in this scenario:

Expectations must be equal for all students.

Expectations must be clearly stated.

Look at your competencies

- Are they written in a way to identify a student who, with reasonable accommodations, cannot meet them?

What happened with Out of Place Olivia?

Many coaching sessions took place to try to help her to realize that MLS was not the best fit for abilities.

In actuality, she was caught falsifying laboratory results.

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OTHER SITUATIONS

Colorblindness – in educational setting

- Counter-stains for microbiology (in student lab).
- Review with faculty member at multi-headed microscope when learning how to compensate.
- Use high quality, high-contrast grayscale photos next to color photos.
- UA strips – rely on shade or tone rather than color.
- Lecture – use arrows and pointers that are black, and remember red laser pointers may not be visible.

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OTHER SITUATIONS

Colorblindness – in clinical setting

- Reasonable accommodations are expected.
- Counter-stains often not available.
- Cellavision and Iris – examples of microscopic readings on computer screens may help if shading comparisons have been established in student lab.
- Two-headed microscope comparison with instructor to establish competency.

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OTHER SITUATIONS

Type 1 Diabetes – in both settings

- Reasonable accommodations are expected.
- Time for checking glucose.
- Permission to walk away and eat something when needed.
- May have excused absences if having an episode, must still make up work.
- Permission to keep monitor on desk, in lab.

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In Summary

- Physical disabilities – Higher education and Clinical institutions have well established and accepted policies to accommodate.
- “Hidden” disabilities – present a different challenge to meet legal and Institution DSS requirements, especially at the Clinical Sites.

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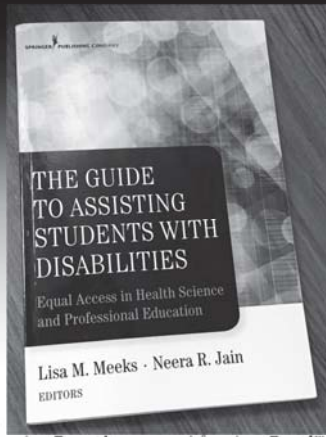
Things to Remember

- Work early and often with DSS.
- What is the intake process for DSS at your institution? Is it cumbersome or streamlined?
- Review your Essential Functions.
- Coaching is crucial – start early with the student to facilitate success later.
- The student population is changing, we need to change and accommodate.

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References:

If you learn
nothing else
today, buy
this book! 😊



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