How to Ask for a Reasonable Accommodation/Modification to Policy or Procedure

What is a Reasonable Accommodation/Modification to Policy or Procedure?

A reasonable accommodation/modification to policy or procedure is a change or adjustment to assist an individual with a disability in enjoying equal access to the services and/ or facilities offered to the public by private businesses (Title III of the ADA) or government entities (Title II of the ADA if state or local government; Rehabilitation Act if federal).

Some examples of a reasonable accommodation/modification to policy or procedure are:

• Modifications to testing in higher education or exams, like extra time or a quiet room.
• Modifications to admission pricing for a private business to allow a personal care attendant to enter without charge.
• Modifications to ensure effective communication, like providing an ASL interpreter or written documents in large font or other accessible format.

Requesting an Accommodation

If you do ask for a reasonable accommodation/modification, you should:

• Request the reasonable accommodation/modification to policy or procedure in writing (see sample letter accompanying this factsheet, which can also work as an email)
• Submit the accommodation request to an ADA coordinator or other appropriate staff at the business or governmental entity.
• Request a written response to your accommodation request.
• Keep a copy of your reasonable accommodation request for your records.

If an Accommodation/Modification Request is Denied

A covered entity is obligated by law to enter into a discussion about your request for accommodation within a reasonable time frame. It is unlawful for them to simply refuse to respond to a request for an accommodation/modification. And though they are not necessarily required to grant the specific accommodation/modification requested, they are obligated to participate in an interactive process and/ or a good-faith discussion with you as part of their decision. A covered entity can deny a reasonable accommodation/modification to policy or procedure if they believe it is an “undue burden” or “fundamental alteration.” An “undue burden” means a reasonable accommodation causes an entity significant difficulty or expense. Undue burden is determined on a case-by-case basis. An example of an undue burden might be a small business with low profits being unable to reasonably afford to provide an expensive ASL interpreter; however, they
should still work with an individual to find an accommodation/modification that ensures effective communication. A “fundamental alteration” may exist where the requested accommodation/modification would substantially change the way the service or product is being offered in a way that is unreasonable. An example of a fundamental alteration might be a student wanting a university to waive a specific class that is required for a specific degree when it is unreasonable to do so (e.g., a pre-Med major requesting that Anatomy class be waived when it is a core requirement). While the university might be excused from waiving the class, it may be required to offer the student reasonable accommodations needed to successfully take and pass the class, such as extra time on tests or flexibility in attendance. While a business or government entity may be entitled to refuse a specific accommodation under the undue burden or fundamental alteration defenses, it may still be obligated to discuss alternative accommodations that might provide the individual with a disability the equal access being sought.

Retaliation and/or Coercion

It is unlawful to retaliate against, or coerce, any individual who has requested an accommodation, or raised an ADA compliance issue. It is unlawful to retaliate against, or coerce, an individual who has assisted, or encouraged, any other individual in their effort to seek protection under the ADA, or other nondiscrimination law. According to USLegal.com, “retaliation” generally means the act of seeking revenge upon another. “Coercion” generally means to impose one’s will on another by means of force or threats.

Reasonable Accommodation Sample Letter

Date

Business/Governmental Entity Name

Business/Governmental Entity Address

Dear (Individual or Entity Name),

Under the Americans with Disabilities Act (ADA)/Rehabilitation Act, I am a qualified individual with a disability. By this I mean, I am an individual who is/ living with (describe disability: e.g., “deaf” or “a diagnosis of multiple sclerosis”). The ADA/Rehabilitation Act requires that covered entities provide reasonable accommodations/modifications to policies or procedures to ensure that qualified individuals with disabilities have equal access. Pursuant to the ADA/Rehabilitation Act, I am requesting that (details about accommodation/modification needed).

If you have any questions, or would like to discuss this request further, I would be happy to discuss it with you. Please respond to this request in writing within two weeks (list date).

Sincerely,

(Your signature or name.)

(Your contact information.)
The Disability Law Center (DLC) is a private, non-profit organization, designated by the governor as Utah's Protection and Advocacy agency. The DLC believes in a society where abilities, rather than disabilities, are recognized; all people have an equal opportunity to participate; and where all people are treated with equity, dignity, and respect. We work toward our vision by enforcing and advancing the legal rights, choices, and opportunities of Utahns with disabilities. DLC services are available free of charge statewide, regardless of income, legal status, language, or place of residence.

If you have further questions, please contact us. Even though our focus is on cases that can help as many people as possible - because time and resources are limited - we at least offer information and/or referral options to everyone who contacts us. Materials are also available in alternative formats such as audio, large-print, Braille and Spanish. Call (800) 662-9080 or apply for help online, and our staff will contact you within 1-3 business days.

View this Resource Online
https://disabilitylawcenter.org/?p=181