

Information on adjustments to compensate for disabilities (*Nachteilsausgleich*)

[Compiled from: *Deutsches Studentenwerk: Nachteilsausgleich: Antragsverfahren und Nachweise* (<https://www.studentenwerke.de/de/content/nachteilsausgleich-antragsverfahren-und-nachweise>; accessed on 1/10/2019) and supplemented by Dr. Reinhard Thoma, officer for students with disabilities and chronic diseases until September 2020 at the Catholic University of Eichstätt-Ingolstadt)]

Adjustments to compensate for disabilities (*Nachteilsausgleich*) are neither a privilege for students with impairments nor do these adjustments mean that students with impairments are subject to less rigorous standards in assessments. In fact, such adjustments provide affected students with the necessary conditions to complete coursework and examinations in such a way that is fair.

Why is individual consultation important?

Students often have difficulties when it comes to acknowledging own impairments and talking about them with others. Often, they do not claim their entitlement for adjustment out of fear or shame. Others put their academic success at risk by wrongly evaluating their performance and the obstacles in their studies caused by the impairment.

Many difficulties resulting from this could be avoided if students were better informed about the topic of adjustments to compensate for disabilities in the first place. **Therefore, it is important that students contact their responsible disability officer and advisory services for students with disabilities and chronic diseases offered by the University or the *Studentenwerke* as early as possible.**

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Important note: The officers for students with disabilities and chronic diseases treat all information and personal data strictly confidential. When unsure, students are encouraged to address the issue of “data protection” and ask for information on how their documents and data are stored and handled.

In most cases, students know best where certain restrictions exist and how to compensate and overcome them. The responsible officers are experts in this field and can assist in strengthening the basis for argumentation or, if applicable, help to develop alternatives and support measures proposed during discussions with the examiners or in a written proposal.

Adjustments to compensate for disabilities: Legal basis

The entitlement to adjustments for students with disabilities and chronic diseases is established in many legislative texts in Germany:

- In the [German Basic Law](#) (Article 3)
- In the [German Higher Education Framework Act](#) (Section 2 and Section 16 HRG)
- In the [Higher Education Acts](#) of the German *Länder* (Article 2 para. 3 BayHSchG)
- In [examination regulations](#) and

- In the [UN Convention on the Rights of Persons with Disabilities](#)

An attested health impairment or officially confirmed disability alone does not substantiate a claim for adjustment to compensate for disabilities (Anspruch auf Nachteilsausgleich). It is decisive, how the impairment or disability affects the course of study. No identity card for severely disabled persons (Schwerbehindertenausweis) is required when applying for adjustments to compensate for disabilities in assessments or for modification of provisions in the examination regulations concerning time allowance and form requirements. An identity card for severely disabled persons alone does not substantiate an adjustment to compensate for disabilities. The diagnosed degree of a disability is not a decisive factor for approval and implementation of adjustments to compensate for disabilities in a student's course of study or assessment situations.

In addition to providing proof of the persistent health impairment, students also have to describe in which area and what way the process of pursuing their course of study and/or completing examinations or assessments is aggravated due to their impairment or disability and in what way this entails disadvantages for them compared to their fellow students. Only specific deficits which prevent affected persons from equal participation in society are eligible for compensation in line with the principle: "Full compensation for disadvantages – yes, privileged treatment – no".

In accordance with this guideline, examinations offices and boards of examiners as well as examiners themselves have to decide on compensations for disabilities in their own discretion.

Examples for adjustments provided to compensate for disabilities in the context of examinations and other assessments

Due to their impairment, many affected students are unable to complete assessments in the stipulated manner or period of time. They need extra time and/or modified formal conditions. This applies to all assessments in their course of study – in particular but not limited to written examinations, presentations, oral examinations, written assignments, reports and final theses.

Each individual case must be reviewed and the specific disadvantage caused by the impairment must be determined in order to decide how conditions can be adjusted appropriately to compensate for the impairment. Providing extra time to complete an examination or assessment (alone) is not always the most appropriate compensation.

Measures for adjustment to compensate for disabilities

The following overview outlines important fields of action along with possible and established measures.

Important note: The need for and possible design of adjustments to compensate for disabilities may be very different even in case of the same impairment. The respective conditions at the study location and requirements of the specific degree subject as well as the respective assessment conditions play a key role.

This is why it is impossible to stipulate binding regulations for adjustments to be made when compensating for disabilities. Such adjustments must always be agreed on in the individual case depending on the specific situation on a case-by-case basis. The agreed measures for compensation must be necessary and suitable for compensating for a disability. In most cases, a set of measures must be agreed on.

Extra time to complete assessments and extra preparation time

Students with motor impairments or dyslexia as well as students who have a visual or hearing impairment or blind or deaf students need extra time to complete written examinations.

If possible, these students should be given the possibility to complete their examination in a separate room with an own supervisor. The amount of time by which an assessment is extended shall be decided for each individual case. This shall also apply to the extra time granted for preparation work for oral examinations.

Extending examination time by actual breaks

Students who need to go to the toilet more often or need more time to go to the toilet due to their impairment or who need to take medication or eat at certain specific times need individual breaks.

Some need special recuperation breaks. In this case, the assessment time should be extended by the actual times for individual breaks. In order to ensure that all students can concentrate during an examination, it is advisable to provide students with impairments with a separate room and individual supervision.

Assessments in separate rooms with individual supervision

Many students with impairments benefit from the possibility to take an examination in a separate room with own supervision. This includes, e.g. students with diagnosed concentration disorders (for example as side effect of certain medication), anxiety disorders or dyslexia.

It is further necessary to provide an extra room for students who depend on the support of people reading texts to them aloud or who need a specially equipped workspace, for example, blind students. A separate examination room is generally advisable if students are granted extra time to complete their assessment.

In special individual cases, students should also be given the possibility to complete important assessments outside the university – e.g. in hospital or in a home environment – if they are unable to complete the assessment at the university due to their impediment.

Deadline extension for written assignments and final theses

Extending a deadline for completing an assignment or assessment can be necessary for students

- whose working ability is permanently impaired due to their disability (e.g. when dependent on 24h support or after a tumor disease),
- who do not have (sufficient) access to relevant literature in appropriately prepared form (e.g. in case of blind students and students with dyslexia),
- who have to take regular breaks at certain times during their work due to chronic diseases (e.g. dialysis patients or students suffering from migraine).

Students with chronic diseases who are temporarily unable to work due to unplanned exacerbations and need to take a break will require a doctor's certificate for the relevant periods in order to apply for corresponding deadline extensions for written assignments or final theses. The same shall apply for acute illnesses.

Students should inform themselves in advance to find out whether their university has implemented regulations regarding the maximum possible duration of breaks during written examinations or final theses (e.g. no break must be longer than four weeks, otherwise the Bachelor's thesis must be restarted from scratch).

In this case, it is particularly important to discuss and agree on regulations for the individual adjustment to compensate for disabilities in writing which enable submission of an assignment or thesis even after a longer break, at least in situations where the student's work on an assignment or thesis has already progressed significantly.

Adjustments to the type of assessment

Within the context of adjustments to compensate for disabilities, it is possible to change the type of assessment from oral to written (and vice versa), from written assignments to presentations (and vice versa) and group assessments to individual assessments if sufficient rationale is provided.

It might be necessary to change the type of assessment for different reasons connected to certain impairments. For example, changing an oral examination to a written examination can be beneficial for students who suffer from speech impediments and replacing a presentation with a written assignment might be helpful for students who have been diagnosed with anxiety disorder or autism.

However, written **examinations** can only in exceptional cases be replaced by a written **assignment** or vice versa, as these two types of assessments generally test different skills. In the individual case, however, it might be agreed that written assignments are supplemented by a submission interview (*Abgabegespräch*) or that oral examinations are supplemented by written parts.

Sometimes it can be helpful for students if a person of trust is present during an oral examination. In certain exceptional cases, it should be possible to replace individual components which a student cannot complete due to his/her impairment (e.g. graphic illustrations in case of blind students) by other, equivalent assessment components.

Modification of practical examinations

Due to their disability or chronic disease, some students are dependent on being allowed to modify, reduce or replace practical assessment components with other equivalent components. This applies to students who have mobility or sensory impairments and who are enrolled in a sports, geography or geology degree program.

Splitting coursework into individual sections

Students with a limited capability for work should be allowed to split up required internships with a duration of several months into shorter components. If applicable, other coursework components can be agreed upon for compensation or other professional experience can be accredited. Alternatively, students can complete the rest of the practical assessment component at the end of their degree programs in order to largely avoid interruptions in their studies.

Permission to use supporting materials and aids

For blind or severely visually impaired students, it can be helpful if they are allowed to use a laptop with special software for their written examinations. Deaf and hearing-impaired students possibly require communication assistance for their oral examinations while blind students and students with dyslexia will need the support of a reading assistant. Students with dyslexia can possibly also compensate for their disadvantage during written examinations with the help of dictaphones or special voice recognition and writing assistance software or by being allowed to use a laptop with spellchecker. Students with motor impairments might require working assistants in laboratories.

Whenever possible, students should be allowed to use support from familiar technical aids and assistance from persons they trust. If support measures and aids are provided by the university, students should be given the possibility to familiarize themselves with the handling of such aids before the actual assessment. If students are allowed to use their own laptops or similar, the devices must be checked beforehand to ensure they are compliant with assessment regulations. In such cases, the universities are responsible for checking the devices to ensure that no unauthorized aids and support means can be accessed by the users. In both cases, it is important to provide for sufficient preparation time.

Provision of adjusted examination documents

Especially blind students and students with dyslexia need accessible digital documents and/or audio files, students with severe visual impairments need documents in large print.

Non-consideration of spelling mistakes in written examinations

For deaf students with German as a foreign language, for students with dyslexia or for students with severe visual impairments, it is important that spelling and punctuation mistakes in written examinations are not taken into account. In written assignments and final theses, students are generally responsible for an error-free presentation themselves.

Student's influence on date, location, seat and supervision

Student's desired dates should be taken into account in cases where students are unable to complete an assessment or can only participate in assessments to a very limited extent at certain times of the day or specific days of the week. For example, this applies to students who need to take strong medicines with side effects or to dialysis patients. When allocating seats for the assessment, special needs of students with impairment must be taken into account. In some cases, it might be important that students have a say when it comes to the supervisors' gender.

Postponing or moving examination dates

For many students with disabilities and chronic diseases, it is particularly stressful if a large number of assessments have to be completed within a short period of time. When making adjustments to compensate for disabilities or chronic diseases, it should therefore be possible for affected students to use dates for retaking or making up an examination as regular first-attempt examination dates.

In some cases, it might also be useful to bring the date for the assessment forward and have students take an exam during the course of study or split it. Postponing assessments to another regular examination date should also generally be permitted. Students should agree with their university beforehand that they will still be able to register for advanced courses also without proof of a completed and passed assessment.

Non-consideration of withdrawals from examinations for reasons connected to a disability

If a maximum number of possible withdrawals from examinations is stipulated in the respective examination regulations, there must be exemptions for students with disabilities or chronic diseases. When counting the number of possible withdrawals, such withdrawals that were made due to a student's disability should not be taken into account.

Deadline extensions when registering for an examination or module

If the examination regulations stipulate mandatory deadlines for registering for assessments or modules, there must be exemptions for students with disabilities or chronic diseases, for example by offering an individual program structure as adjustment to compensate for disabilities.

Depending on the individual case, adjustments to compensate for disabilities can be effected by one or several measures. In most cases, it is advisable to provide students who are granted extra time to complete their written examinations with a separate room to ensure that their concentration is not disturbed.