

Personal Care Attendants

Policy Statement

SUNY New Paltz is committed to providing accommodations to otherwise qualified individuals with disabilities by making reasonable modifications in services, programs, and/or activities, and complies with all state and federal laws regarding individuals with disabilities. Students who seek reasonable accommodations must register with the Disability Resource Center on campus. The DRC will review all requests for reasonable accommodations on an individualized and case-by-case basis.

The College recognizes that certain students may be entitled to the services of a Personal Care Attendant (PCA). This policy addresses the use of PCAs for students that have PCAs as part of an approved accommodation through the Disability Resource Center. The College does not assume coordination of, financial responsibility for, or legal liability for PCAs.

The purpose of this policy is to describe the key concepts involved in a request for the use of a PCA; clarify the student's responsibilities with respect to their PCA; and explain the College's role in this process.

Definitions

Personal Care Attendant (PCA) – is a person who has been hired to support a student with a disability to live a more independent life by performing personal care duties or services (chronic or temporary). A PCA works directly for and is employed by the student. The type of tasks performed by PCAs vary from person to person. Tasks performed by PCAs may include, but are not limited to, the following:

- Providing help with activities of daily living, such as bathing, dressing, toileting, and grooming
- Housekeeping
- Preparing meals and assistance with eating
- Positioning or transferring to and from a wheelchair
- Running errands
- Monitoring medical conditions
- Ensuring compliance with medication regimes
- Transporting and/or escorting
- Assisting with maintenance of the housing environment, including light cleaning, laundry, and keeping the environment safe
- Turning pages and retrieving books
- Opening doors
- Alerting to distracting, repetitive movements
- Alerting to dangerous environments/situations

Student with a disability – an otherwise qualified individual who has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, as specified according to the American with Disabilities Act (ADA) of 1990 as amended in 2008.

Responsibilities of SUNY New Paltz

SUNY New Paltz does not provide PCA services and is not responsible or liable for any consequences resulting from a student's association with a PCA. Through the Disability Resource Center (DRC), the College can assist students requiring personal care attendant services by:

- Generating ideas for advertising and recruitment for PCA services on campus and in the community
- Including in an accommodation letter to faculty that a student will be accompanied by a PCA in the classroom and for all classroom-related activities
- Answering any questions from the Office of Residence Life regarding a student's need for a PCA in campus housing

Responsibilities of Students using Personal Care Attendants

A PCA works directly for a student with a disability. Students who use PCAs are responsible for securing, training, supervising, and paying their PCAs. Students can make arrangements through agencies or private contacts. SUNY New Paltz will not assume any responsibility for the PCA or for the PCA's failure to fulfill its contract with the student. Any student who wishes to bring or use a PCA on campus must:

- Be registered with the Disability Resource Center (DRC)
- Qualify as an individual with a disability
- Request, through DRC, an accommodation of using a PCA in the classroom and/or housing
- If a PCA is required in housing, submit a [Disability-Based Accessible Housing Request](#) and submit appropriate documentation to the Disability Resource Center to support the medical necessity of having a PCA in campus housing.
- Register the PCA with the Disability Resource Center by submitting a copy of the contractual agreement with the PCA or the PCA's agency. This documentation could cover a specific person, or an agency providing services through more than one PCA. The contract must stipulate that the services required by the student will in fact be provided by the PCA.
- Secure, hire, manage, and fire (if necessary) the PCA
- Develop an alternative plan of action should the regularly assigned PCA not be available for work
- Recruit and hire a PCA as soon as the student knows they will be enrolling and attending the College
- Accept responsibility for the behavior and actions of the PCA (including through the campus disciplinary system) while on campus
- Ensure that PCA personnel changes are registered with the Disability Resource Center and Office of Residence Life (if living on campus)

Responsibilities of the Personal Care Attendant

Personal Care Attendants are expected to follow all applicable College and departmental policies, regulations, rules, and procedures. PCAs will only be able to access campus housing while classes are in session or if the student has properly secured permission to be on campus during break sessions. PCAs must:

- Allow the student to take responsibility for his/her own academic responsibilities and behavior
- Refrain from contact with or asking questions of faculty, staff, or others on behalf of the student unless communication is part of the accommodation being provided by the PCA

- Refrain from intervening in conversations between the student and faculty, staff, or other students unless communication is part of the accommodation being provided by the PCA
- Refrain from discussing any private information about the student with faculty, staff, or students
- Refrain from involvement with the student's academic work related to class assignments or tests
- Follow all SUNY New Paltz policies and abide by the [Student Handbook](#) (including all policies related to law, behavior, and campus housing)
- Carry their SUNY New Paltz ID while on campus

If a PCA fails to abide by such policies, regulations, rules, and procedures and/or causes a fundamental alteration in services, programs, or activities, the Disability Resource Center may make a determination that the PCA will not be allowed to accompany the student with a disability into the classroom and/or other sites. If a PCA who resides in college housing fails to abide by the policies, regulations, rules, and procedures related to college housing, the Office of Residence Life may make a determination that the PCA will not be allowed to live with the student in campus housing. The PCA may be removed from campus immediately, regardless of the contractual arrangement the PCA has with the student. It is the student's responsibility to secure the services of another PCA in the event a PCA becomes unable to perform services for a student, whatever the cause of that unavailability.

Responsibilities of the Student Personal Care Attendant

This section pertains to the employment of SUNY New Paltz students as Personal Care Attendants for students that have PCAs as part of an approved accommodation through the Disability Resource Center. Student PCAs are expected to follow all applicable College and departmental policies, regulations, rules, and procedures. Student PCAs will only be able to access the campus housing assignment of the student with a disability while classes are in session. In addition to abiding by stipulations noted in the **Responsibilities of Personal Care Attendant** section, Student PCAs will be fully held to the standards and levels of accountability noted in the [Student Handbook](#) and all other [Residence Life Housing Handbook](#). Student PCAs must also carry their SUNY New Paltz student ID at all times.

If a student PCA fails to abide by such policies, regulations, rules, and procedures and/or causes a fundamental alteration in services, programs, or activities, the Disability Resource Center may make a determination that the student PCA will not be allowed to accompany the student with a disability into the classroom and/or other sites. If a student PCA who resides in college housing fails to abide by the policies, regulations, rules, and procedures related to college housing, the Office of Residence Life may make a determination that the student PCA will no longer have access to the housing assignment of the student with a disability. Depending on the level of violation towards the aforementioned College or campus housing policies, the student PCA may be removed from campus housing regardless of any contractual arrangement the student PCA has with the student. Violations of College and housing policies may also result in the student PCA undergoing the disciplinary process through the Office of Student Conduct & Community Standards. It is the student's responsibility to secure the services of another PCA in the event a student PCA becomes unable to perform services for a student, whatever the cause of that unavailability. Any loss of keys or damage that occurs on the part of the student PCA while assisting a student with a disability in their respective living area will be billed directly to the student PCA.

Policy and Procedures for Living on Campus with a Personal Care Attendant

Students who seek to live in SUNY New Paltz residential facilities and require the service of PCAs must follow the Disability Resource Center's [Disability-Based Accessible Housing Request Process](#) and submit requests, including appropriate documentation to the DRC. Students must follow these guidelines to arrange PCA services:

- Submit the Request for Disability-Based Accessible Housing to the Disability Resource Center, filled out by a physician or other medical professional, to verify that a live-in PCA is necessary to accommodate a student's request to live in SUNY New Paltz housing. The Disability Resource Center will review this documentation, and, if needed, may seek further clarification from the student and their physician or other medical professional regarding the request for accommodation. Guidelines on how to request accessible campus housing may be [Disability Resource Center web page](#).
- For each PCA to be residing (whether part-time or full time) with the student at the College, submit a copy of the PCA's criminal background check to the [Office of Residence Life](#). If the student is contracting with an individual PCA, then the student must ensure that the PCA submits a current criminal background check to the student to be sent to the Office of Residence Life. If the student is working with a PCA contracting agency, the student must obtain a copy of the criminal background check(s) performed by or on behalf of the agency and provide it to the Office of Residence Life. The student is responsible for notifying the Office of Residence Life if the PCA is charged with any crime during the student's time at the college (including summer and other school breaks). If the PCA has not submitted a criminal background check to the student or if there is any question or concern about the PCA's criminal history, the PCA will not be permitted on campus until such time as it has been completed and submitted, and the student will need to make alternative arrangements.
- The student will need to obtain a [SUNY New Paltz ID card](#) for each PCA, as well as an [appropriate parking decal](#) for the PCA's car (if applicable). The ID card and parking decal will be issued by the College once the PCA's information is approved. Arrangements for card access and identification should be discussed in advance, and any expense associated with these cards will remain the responsibility of the student or the agency.
- PCAs are required to follow all College and Office of Residence Life housing and license agreement rules, regulations, policies, and procedures. The college may immediately remove any PCA who fails to abide by these policies in a manner that endangers the health and safety of any member of the campus community. The college will not be responsible for any liability incurred by the student because of the PCA's removal. In cases that do not warrant immediate removal, the student should refer to the Student Handbook. Additionally, the PCA and student may receive an official warning from the Office of Residence Life. In this situation, the College will notify the student of the issue as soon as possible.