

GROSSMONT-CUYAMACA COMMUNITY COLLEGE DISTRICT OPERATING PROCEDURE

Providing Academic Accommodations to Students with Disabilities ST4

DATE: 5/10/2002

REVISED:

Overview

This Operating Procedure describes the District's procedure concerning academic accommodations to students with disabilities.

Forms Used

Accommodations Appeals Petition, ST4.F1

Vice Presidential Determination of Academic Accommodation, ST4.F2 Disabled Student

Programs and Services Academic Accessibility and Appropriate Accommodations, ST4.F3

Codes, Regulations, and District Policies Related to This Procedure

The Rehabilitation Act of 1973 (Section 504) Americans with Disabilities Act (ADA) of 1990

Primary Stakeholder: Vice President of Student Services
Vice President of Student Development and Services

Comments

An individual with a disability is "anyone with a physical or mental impairment that substantially impairs or restricts one or more major life activities." The term physical or mental impairment includes, but is not limited to: psychological disabilities; speech and language disabilities; hearing, visual and orthopedic impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer, diabetes; heart disease; mental retardation; acquired brain injuries; developmental aphasia; specific learning disabilities; and under some circumstances, alcoholism and drug addiction. In addition, Section 504 of the Rehabilitation Act of 1973 defines a person with a disability as one who has a record of having a physical or mental impairment which substantially limits one or more major life activities as well as an individual who is regarded as having such an impairment. The term "major life activities" encompasses such areas as transportation, housing, work, and education.

Academic accommodations may be necessary at times for students with disabilities to be successful in their academic endeavors. The procedures on the following pages are outlined for students with disabilities requesting academic accommodations within the Grossmont-Cuyamaca Community College District. These procedures are available on both campuses in the Disabled Student Programs and Services (DSPS) Offices, and through the Chief Student Services Officers, Chief Instructional Officers, and ADA/504 Compliance Officers.

The Rehabilitation Act of 1973 (Section 504) provides, in part, that "no otherwise qualified handicapped individual in the United States... shall, solely by reason of handicap, ...be excluded from the participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The term "qualified Individual" refers to a person who, aside from the area of disability and the limitations resulting from that disability, is otherwise qualified to participate in the major life activities under consideration.

The Americans with Disabilities Act (ADA) of 1990 expanded and clarified the prohibitions regarding discrimination against individuals with disabilities established by Section 504 and, in concert with Section 504, provides for greater access and opportunities for community college students with disabilities.

Title V of the California Code of Regulations, revised in November, 1992, requires that each community college district establish a policy and a procedure for responding to accommodation requests involving academic adjustments. Grossmont-Cuyamaca Community College District Governing Board Policy states the following: "...in compliance with federal and state regulations, it shall be the policy of the Grossmont-Cuyamaca Community College District that formal procedures involving requests for academic accommodations by students with disabilities be maintained at the Colleges."

Copies of these procedures are available on both campuses in the offices of Disabled Student Programs and Services (DSPS), the Chief Student Services Officer, the Chief Instructional Officer, and the 504 Officer/ ADA Coordinator.

Guidelines and Definitions

I. Requests for Academic Accommodations

- A. Students with disabilities who intend to use academic accommodations are strongly advised to identify themselves to the DSPS Office. Students must provide the DSPS Office with written verification of their disabilities. Accommodations will be assigned after disability verification has been received.

DSPS professional staff members have specialized training which uniquely qualifies them to verify student disabilities, to determine how such disabilities impact students in an academic environment, and to assign reasonable academic accommodations accordingly.

- B. Appropriate accommodations in the classroom are implemented to ensure that academic requirements and evaluative procedures represent the student's knowledge of course content rather than reflecting the limitations imposed by the student's disability. If there is a disagreement between a student and an instructor over providing an accommodation, and the accommodation can be provided without disruption or undue hardship to the College, the accommodation must be provided until there has been a final determination in the matter.
- C. If a student chooses to request academic services and accommodations directly from an instructor rather than through the Disabled Student Programs and Services (DSPS) Office, the student's instructor will follow the same procedures for providing academic accommodations as those outlined for a student who has requested services and accommodations through DSPS.
- D. Students need not provide verbal or written verification of their disabilities when requesting services and accommodations directly from their instructors. If an instructor requires such disability verification, the instructor must immediately advise the student to seek services and accommodations through the DSPS Office. Specific information regarding a student's area of disability is confidential and need not be disclosed to anyone

outside of the DSPS Office, including instructors from whom a student is requesting academic services and accommodations.

Students with disabilities should be aware that most instructors have not had specialized training regarding the impact of various disabilities upon education. Personnel in the DSPS Office possess such training and are uniquely qualified to recommend reasonable services and accommodations based on a student's area(s) of disability.

- E. A student who is requesting academic services and accommodations through the DSPS Office must provide written verification of his or her disability. This verification must be obtained from an appropriate professional who has knowledge of the student and of the disability. Appropriate sources of disability verification may include physicians, psychologists, psychiatrists, educational specialists, social workers, audiologists, and speech and language specialists. The professional provider's qualifications must meet the current minimum standards for individuals practicing within his or her field or expertise.

The professional staff in the DSPS Office will further determine what constitutes sufficient verification of specific disabilities on a case-by-case basis.

II. Disagreements Regarding Academic Accommodations

The appropriateness of an accommodation should be determined by weighing the limitations resulting from the student's disability versus the integrity of the instructional process. An attempt to reach an agreeable solution should be made at this meeting. A record of the discussion will be kept and filed in a confidential place. In the event of an impasse, the student and/or instructor may request his/her case to be heard by a seven-member Academic Accommodations Panel.

If an instructor for any reasons disagrees with a student's request for academic accommodations, is unable to provide the academic accommodations requested, or believes that a written verification of the student's disability is necessary, the College requires the instructor to immediately advise the student to seek services and accommodations through the DSPS Office.

The United States Office for Civil Rights has reminded the Colleges that if a student is a qualified individual with a disability, there are essentially only two reasons for denying the student academic accommodations:

- 1) The academic accommodations constitute an undue burden for the college, or
- 2) The academic accommodations constitute a fundamental alteration in the academic program.

According to the Office for Civil Rights, before the College denies a requested academic accommodation to a qualified individual with a disability, the College must engage in a diligent assessment of possible appropriate alternative academic accommodations and consider the feasibility, cost, and effect of such accommodations. The Office for Civil Rights states that this is not a process for a single individual to undertake. The Office for Civil Rights further states that an individual instructor cannot make a unilateral decision to deny a student an academic accommodation.

When a disagreement regarding academic accommodations exists, the principal parties involved must first consult with the Coordinator of Disabled Student Programs and Services. If an agreement is not reached, a meeting may be scheduled between the student and the College's Section 504 Compliance Officer and ADA/Coordinator. Either the student or the Compliance Officer may request that additional parties who have knowledge of the case also attend this meeting.

An attempt to reach an agreeable solution will be made at this meeting. A record of the discussion will be kept and filed in a confidential place. In the event of an impasse, the student and/or instructor may request the case to be heard by a seven-member Academic Accommodations Panel.

Pending a final resolution of the case, the Section 504 Coordinator, or other designed District official with knowledge of accommodation requirements, will make an interim decision. (Title V, Section 56027).

III. Academic Accommodations Panel Review

If the matter is not resolved through informal discussion, a student can request a review by the Academic Accommodations Panel. The Panel will consist of the following members:

- Dean or Director from the division where student is registering the complaint
- College 504 Compliance Officer (Committee Chair)
- Director of Student Affairs (Ex-Officio member).
- DSPS certificated staff member
- 2 Faculty member(s) (appointed by Academic Senate)
- Chair/Coordinator from the department where the student is registering the complaint
- A.S.G.C. President or designee

In order to request a review, the student must complete the *Academic Accommodations Appeals Petition* (Form ST4.F1), and submit this petition to the 504 Compliance Officer.

Within five instructional days of the receipt of the Accommodations Appeals Petition, the 504 Compliance Officer will ensure that the members of the Academic Accommodations Panel convene for a hearing. At the hearing, both the student and the instructor may appear in person to present their views of the matter and/or are also entitled to provide information that is relevant and pertinent to the requested accommodation(s) including research studies, testimonials, and other such documentation.

After listening to both sides of the case and reviewing any accompanying documentation, the Academic Accommodations Panel will render their recommendation. The Chairperson of the Panel will ensure that proper notification is made to both the student and the faculty member involved in the process. A copy of the recommendation will also be forwarded to the Vice President of Student Services and the Vice President of Academic Affairs of the College in the event that it becomes necessary for them to make a determination in the case.

If the student disagrees with the recommendation of the Academic Accommodations Panel Review, he or she may take the case to the next stage of the process in which the two Vice

Presidents of the College review the case and make a determination. Similarly, if the instructor disagrees with the Academic Accommodations panel review, the instructor may take his or her case to the Vice Presidents of the College for review and determination. It is the responsibility of the 504 Compliance Officer to inform the student of this recourse.

IV. Vice Presidential Determination

In the event that it is necessary to proceed to a review by the two Vice Presidents, a determination will be made within five instructional days of receiving the recommendations from the Academic Accommodations Panel. The two Vice Presidents of the College will make a joint determination which may, or may not, be made in consultation with the Grossmont-Cuyamaca Community College District ADA Coordinator.

The determination by the two College Vice Presidents will take the form of a written report, *Vice Presidential Determination of Academic Accommodation* (Form ST4.F2), and will be forwarded immediately to all parties involved in the process. The 504 Compliance Officer will then provide a copy of the Vice Presidential determination to the President of the College.

V. Presidential Authority

If a disagreement still exists between an instructor and a student over the use of academic accommodations in the classroom, the President of the College will make a final decision.

Within five instructional days of the Vice Presidential determination, the President of the College will receive documentation of the grievance from the 504 Compliance Officer.

The President's decision may, or may not, be made in consultation with the District ADA Coordinator, as well as with the Chancellor of the Grossmont-Cuyamaca Community College District. All parties should understand that the President of the College will have final decision-making authority at the local level.

VI. United States Office for Civil Rights

If a student feels that his or her civil rights have been denied, he or she may contact the Office for Civil Rights at the address below.

Office for Civil Rights
U.S. Department of Education
221 Main Street, Suite 120
San Francisco, CA 94105
Phone: (800) 872-5327