

# **San Mateo County Community College District Policy and Procedures for Providing Academic Adjustments for Students with Disabilities**

## **POLICY**

Students with verified disabilities have the right to receive reasonable academic adjustments in order to create an educational environment where they have equal access to instruction. The District is thus responsible to make modifications to academic requirements and practices as necessary-without any fundamental alteration of academic standards, courses, educational programs or degrees-to ensure that it does not discriminate against qualified students with disabilities. In addition, each district is required to have a policy and procedure for responding to students with verified disabilities who request academic adjustments.

## **Background**

This policy is based on federal and state legislation, which requires community college districts receiving funding to establish programmatic access as well as physical access to its academic offerings. Two of these regulations are:

### **34 Code of Federal Regulations 104.44 implementing Section 504 of 1973 Rehabilitation Act:**

"(a)Academic requirements. A recipient to this subpart applies shall make such modifications to its academic requirements as are necessary to ensure that such requirements to not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.>

## **5 California Code of Regulations 56027:**

"Each community college district receiving funding pursuant to this subchapter shall... establish a policy and procedure for responding, in a timely manner, to accommodation requests involving academic adjustments. This procedure shall provide for an individualized review of each request. The procedure shall also permit the Section 504 Coordinator, or other designated district official with knowledge of accommodation requirements, to make an interim decision pending a final resolution."

### **Accommodations**

Accommodations of three levels are available. Accommodations may be made 1) in the manner of presentation of the course to permit the student to complete the required course; 2) by substitutions of another course for the required course or 3) through waiver of the course requirement.

*Academic requirements that the college can demonstrate are essential to the program of instruction being pursued by the student or directly related to licensing requirements will not be regarded as discriminatory.*<sup>34 C.F.R. 104.44</sup>

### **Level I Special Course Accommodations:**

San Mateo County Community College District intends all of its graduates to master the competencies required by Title 5 of the California Education Code. The course requirements are established to meet that requirement and students should, where possible, complete the courses required for graduation. The District recognizes that most disabilities that preclude a student from completing a course can be overcome by altering the method of course delivery and providing a combination of appropriate accommodations, e.g., facilitation of tutorial assistance, in-class support services, auxiliary aids, test accommodations, a slower paced version of the course, advisement to complete lower level or developmental courses in a sequence. Therefore, for most students with documented disabilities, the first level of accommodation will involve an attempt to complete the course with additional assistance or altered means of delivery.

## **Level II Course Substitution:**

Course substitution will be considered for those students with a verified disability in two circumstances:

1. When the student has attempted and exhausted Level I accommodations and for whom Level I accommodations are not adequate to enable them to complete the course; and
2. When the student can show that his/her disability is of a type or magnitude that any attempt at completing the course would be futile.

The absence of a substitute course does not automatically establish grounds for Level III accommodation, course waiver.

## **Level III Course Wavier:**

Course waiver will be considered on a case-by-case basis and will be granted only when:

1. There is evidence that the student has met all the requirements noted above for substitution, and
2. The Academic Standards Committee has determined there are not viable alternative courses. A waiver of the course requirement will not be considered a waiver of the student's responsibility to complete the minimum number of units required by the institution for completion of the course of study.

Any Course substitution or waiver granted by San Mateo County Community College District is for the purpose of the District's requirements only, and may not be recognized by a subsequent educational institution and/or licensing board.

## **Procedure**

Note: By law, a student is not required to go through DSPS to receive academic adjustments and auxiliary aids. Separate procedures are noted below for students exercising this option at Level I, II, or III. Recent verification of the disability and special educational limitations is required whether or not a student chooses to use DSPS services.

## **Verification of the Disability**

1. Where the nature or extent of the disability is not apparent, the student bears the responsibility of presenting recent professional documentation of specific educational limitations to the college before an academic accommodation will be granted.
2. If the student does not have appropriate verification of a disability, the student may request an assessment or verification from Disabled Students Programs and Services (DSPS) to determine and document the disability if it is within the scope of services provided by DSPS. Where possible, DSPS may provide referrals for assessment or documentation of those disabilities beyond the scope of services provided by the college.

## **For Students Using DSPS Services**

### **Level I Course Accommodation Procedures**

1. Requests for course accommodation should be presented to the DSPS specialist.
2. The student, in collaboration with the DSPS professional staff, will determine a reasonable and appropriate accommodation(s) based upon his/her educational limitation(s). The student will submit to his/her instructors the accommodations authorization forms completed by the DSPS professional.
3. If the student disagrees with the academic accommodations authorized by the DSPS professional staff, he/she should discuss his/her concern with the professional recommending the adjustment. If the student's concern continues to be unresolved, the student should discuss his/her concern with the appropriate immediate supervisor of DSPS. Every attempt should be made to resolve the disagreement with the immediate supervisor. If the disagreement continues to be unresolved, the student's next step is to contact the 504 Coordinator as outlined below.
4. If the instructor has questions about an accommodation requested by a student with verified disability, the instructor should promptly contact the DSPS professional who authorized the accommodation(s).

5. Meetings and discussion among the instructor, Division Dean or designee, the student, the appropriate members of DSPS and/or other appropriate members of the college community are essential at the outset, and will be completed within five (5) instructional days following the request for the accommodation.
6. If no resolution can be found within five (5) working days and the accommodation is not allowed, the DSPS professional, student or the instructor will refer the matter to the 504 Coordinator as soon as possible for review. The 504 Coordinator will make a decision regarding the accommodation within five (5) instructional days of having received the matter.
7. If either the instructor or the student disagrees with the decision by the 504 Coordinator, either of them needs to notify the 504 Coordinator in writing within ten (10) instructional days. The 504 Coordinator will then proceed to the next level administrator or committee.
8. The accommodation originally authorized by DSPS will be allowed for a maximum of three (3) instructional weeks during which time a resolution will be achieved. If the reviewing administrator's decision is that the accommodation is not reasonable, then the accommodation will either be modified or rescinded.

### **Level II and III - Course Substitution or Waiver**

1. Requests for Course substitution or waiver shall be submitted by the student to the immediate supervisor of DSPS. Course substitutions or waivers shall be determined by the Academic Standards Committee. The Academic Standards Committee shall review cases under any of the following conditions:
  - a. The student, having made a good-faith effort to complete the required course in question by availing themselves of the accommodations recommended by DSPS professional staff, has been unable to satisfactorily complete the required course.
  - b. The student and the DSPS professional staff member agree that, due to the nature of the disability, even beginning the course with Level I accommodations is futile.

- c. The student desires to appeal a DSPS professional staff member's assessment that the educational implications of their disability is not sufficient to warrant a substitution or, in the most extreme cases, a waiver.
2. First, the Committee will determine if the required course is essential to the student's individual course of study. If the Committee decides the course is essential, the substitution request (or in the most extreme cases waiver) shall be denied in order to protect the integrity of the program of study and to protect the student's best interest in pursuing that program. If the course in question is found to be non-essential to the student's plan of study, the Committee shall seek to provide an appropriate course substitution.
3. If no appropriate substitution course can be found, or in the most extreme cases, if the Committee concludes that a substitute course is inappropriate due to the nature of the disability, a waiver may be granted.
4. The Committee's decision will be determined by the simple majority vote. The Committee will forward its decision, in writing, to the student and immediate supervisor of DSPS within ten (10) instructional days.
5. An exception to the above timeline will be made should the Chair of the Academic Standards Committee receive the petition so late in the semester that the Committee would not be able to complete its process while classes are in session. In such a case, the Chair will convene the committee at the earliest possible time during the next session. The timeline for the Committee's decision (within 10 instructional days of receipt) will then apply in the subsequent session.

## **Appeal Process**

1. If the student is dissatisfied, he or she may appeal to the Vice President of Instruction within ten (10) instructional days of receiving a decision at Level I, II or III.
2. During this appeal process, the 504 Coordinator may make an interim decision on an accommodation pending the final resolution. This decision remains in place while the final determination is being made.
3. If the Vice President of Instruction rejects the appeal, the student hasten (10) instructional days from the time of notification to request the appeal be forwarded to the President.

4. If the President rejects the appeal, the student may pursue the Section 504/Americans with Disabilities Act Complaint Policy or, ultimately, file a complaint with the Office of Civil Rights.

504 Campus Coordinators:

*Cañada College*: Dr. Denise Swett, Vice President of Student Services; *College of San Mateo*: Dr. Patricia Griffin, Vice President of Student Services; *Skyline College*: Dr. Joi Blake, Vice President of Student Services.

## **For Students Not Using DSPS Services**

### **Level I Course Accommodation Procedures**

1. Requests for course accommodation should be presented to the instructor of the course. The instructor is encouraged to consult with a DSPS counselor/specialist regarding the procedure for verifying the disability.
2. The student, in collaboration with the instructor will determine a reasonable and appropriate accommodation(s) based upon his/her educational limitation(s). The instructor is encouraged to consult with a DSPS counselor/specialist regarding ways in which to implement academic adjustments and/or auxiliary aids.
3. If the student disagrees with the academic accommodations authorized by the instructor or the instructor does not allow an accommodation, the student or instructor should contact the 504 Coordinator.
4. The 504 Coordinator will make a decision regarding the accommodation within five (5) instructional days of having received the matter.
5. If either the instructor or the student disagrees with the decision by the 504 Coordinator, either of them needs to notify the 504 Coordinator in writing within ten (10) instructional days. The 504 Coordinator will then proceed to the next level administrator or committee.
6. The accommodation originally requested will be allowed for a maximum of three (3) instructional weeks during which time a resolution will be achieved. If the reviewing administrator's decision is that the accommodation is not reasonable, then the accommodation will either be modified or rescinded.

## **Level II and III - Course Substitution or Waiver for Students Not Using DSPS Services**

1. Requests for Course substitution or waiver shall be submitted by the student to the Academic Standards Committee. The Academic Standards Committee shall review cases under any of the following conditions:
  - a. The student, having made a good-faith effort to complete the required course in question by availing themselves of accommodations has been unable to satisfactorily complete the required course.
  - b. The student and the 504 Coordinator agree that, due to the nature of the disability, even beginning the course with Level I accommodations is futile.
  - c. The student desires to appeal the 504 Coordinator's assessment that the educational implications of their disability is not sufficient to warrant a substitution or, in the most extreme cases, a waiver.
2. First, the Committee will determine if the required course is essential to the student's individual course of study. If the Committee decides the course is essential, the substitution request (or in the most extreme cases waiver) shall be denied in order to protect the integrity of the program of study and to protect the student's best interest in pursuing that program. If the course in question is found to be non-essential to the student's plan of study, the Committee shall seek to provide an appropriate course substitution.
3. If no appropriate substitution course can be found, or in the most extreme cases, if the Committee concludes that a substitute course is inappropriate due to the nature of the disability, a waiver may be granted.
4. The Committee's decision will be determined by the simple majority vote. The Committee will forward its decision, in writing, to the student and 504 Coordinator within ten (10) instructional days.
5. An exception to the above timeline will be made should the Chair of the Academic Standards Committee receive the petition so late in the semester that the Committee would not be able to complete its process while classes are in session. In such a case, the Chair will convene the committee at the earliest possible time during the next session. The

timeline for the Committee's decision (within 10 instructional days of receipt) will then apply in the subsequent session.

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1. If the student is dissatisfied, he or she may appeal to the Vice President of Instruction within ten (10) instructional days of receiving a decision at Level 1, II or III.
2. During this appeal process, the 504 Coordinator may make an interim decision on an accommodation pending the final resolution. This decision remains in place while the final determination is being made.
3. If the Vice President of Instruction rejects the appeal, the student has ten (10) instructional days from the time of notification to request the appeal be forwarded to the President.
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