

ADMINISTRATIVE PROCEDURE 5140 DISABLED STUDENTS PROGRAMS AND SERVICES

Under federal and State laws, the District and Colleges are required to ensure that academic requirements and practices, facilities, electronic information technology, printed materials, and College services and activities are accessible to individuals with disabilities. The College will make modifications as necessary in order to provide equal access.

- I. The role of the Disabled Student Programs and Services (DSP&S) program is to assist the colleges in meeting federal and state obligations to students with disabilities. DSP&S is the primary provider for support programs and services that facilitate equal educational opportunities for students with disabilities who can benefit from instruction as required by federal and State laws.
 - A. No student with disabilities is required to participate in the DSP&S program. If a student requests accommodations and does not want to register with DSP&S, he/she will need to submit documentation to the College 504/ADA Coordinator. DSP&S will evaluate the disability documentation and discuss the request for accommodations with the student.
 - B. Each College maintains a plan for the provision of programs and services to students with disabilities designed to assure that they have equal access to College classes and programs. The yearly DSP&S Plan, as required by the State Chancellor's Office, describes the processes, procedures, and requirements, as well as a full description of the program. Other information regarding the long-range goals and measurable objectives of DSP&S can be found in the DSP&S Program Review document.

II. Academic Accommodations Procedures for Students with Disabilities

- A. Pursuant to Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Title 5, Section 56027, and Board Policy 5140, the Peralta Community College District has developed the following procedures to respond in a timely manner to requests by students with disabilities for academic adjustments. Pursuant to Title 5, Sections 56000-56088 the District has developed DSP&S at each college to assist students with disabilities in accessing appropriate instruction, programs, academic adjustments, services and auxiliary aids.
- B. The goal of all academic adjustments, services and auxiliary aids is to minimize the effects of the disability on the educational process. The student with a disability shall be given the opportunity both to acquire information and to be evaluated in a way that allows the student to fully demonstrate his/her knowledge of the subject. The goal is to maintain academic standards by giving the student assignments that are comparable in content, complexity, and quantity.
 1. When a student requests disability-related services, the student's disability is verified by the DSP&S professional, according to state-mandated criteria which are in compliance with federal requirements. If the student is deemed ineligible for services, DSP&S shall provide the student with written notice of the denial stating both the reasons for the denial and that the student has a right to appeal the denial through the process listed below in "Section III Resolution of Disagreements related to DSPS Services and Grievance Procedure". Pending the resolution of any dispute/disagreement regarding an academic adjustment, the academic adjustment will be provided.
 2. The DSP&S professional (as defined in Title 5 Section 56006, 56048, 56060, 56064 and 56066), in consultation with the student, determines educational limitations based on documentation of the disability and functional limitations and authorizes the use of any appropriate auxiliary aids, services, and/or academic adjustments. These may include but are not limited to:

- a. Auxiliary aids such as a tape recorder, assistive listening device, calculator, computer, taped text or spelling checker used in the classroom and/or in completing class assignments;
 - b. The use in the classroom of a reader, American Sign Language interpreter, note taker, or scribe, or real-time captioner for students who are deaf or hard of hearing or the presence of service animals, mobility assistants, or attendants in the classroom;
 - c. Testing accommodations such as extended time for test taking and distraction-reduced test setting;
 - d. Extending the length of time permitted for course or degree requirements and flexibility in the manner in which specific course content is accessed, based on individual disability;
 - e. Substitution for specific courses required for the completion of general education degree requirements, or substitutions or waivers of major or certificate requirements;
 - f. Access to Alternate Media such as Braille, large print, and electronic text (e-text).
3. With the consent of the student, instructors are informed of authorized auxiliary aids and academic adjustments. It is the responsibility of the instructor to allow auxiliary aids to be used in the classroom or to coordinate with the DSP&S professional for the delivery of academic adjustments. It is the responsibility of the DSP&S professional to make arrangements for and facilitate the delivery of academic adjustments with the student with a disability in coordination with instructional faculty, as appropriate. The DSP&S professional will assist with providing the appropriate academic adjustments and appropriate follow up for DSP&S students. An example of appropriate follow up might be a DSP&S Counselor contacting an instructor and DSP&S student to inquire about the effectiveness of an academic adjustment.
 4. Instructors cannot unilaterally deny approved academic adjustments and students may not be asked or required to negotiate with instructors or staff about the provisions of academic adjustments, services, or auxiliary aids that have been approved by DSP&S. If an instructor receives an academic adjustment form and does not understand it or disagrees with the academic adjustment it is the instructor's responsibility to contact DSP&S to discuss the issue.

III. Resolution of Disagreements related to DSPS Services and Grievance Procedure

- A. Students with disabilities have the right to an informal disagreement resolution when a student does not agree with the academic adjustments that are offered by Disabled Student Programs and Services or when an instructor refuses to allow the academic adjustment or use of auxiliary aids in the classroom. If the issue/disagreement cannot be resolved to the student's satisfaction through the informal process, the student has the right to follow the formal grievance procedure provided below. Authorized academic adjustments should be delivered during the informal and formal process.
- B. Every effort will be made to expedite the process during the informal disagreement resolution and written grievance process.
- C. Informal Disagreement Resolution – First Level
 1. Students with a disagreement against DSPS for not authorizing and academic adjustment or not providing and academic adjustment as authorized should first attempt to resolve the matter by means of an informal meeting with the person(s) against whom the student has the disagreement, generally the DSPS Counselor, DSPS Coordinator (or Counselor/Coordinator), the LD Specialist, or other DSPS faculty member responsible for providing the academic adjustments. This discussion should be timely, optimally within ten (10) instructional days of the alleged incident.

2. Students who believe an authorized academic adjustment is being denied or Ignored by an instructional faculty member should first attempt to resolve the matter by means of an informal meeting with the instructor whom the student believes is not complying with the academic adjustment. The student should contact the DSPS professional who authorized the academic adjustment(s). The DSPS professional will schedule a meeting with the instructor to discuss and resolve the issue. The student may request that the DSPS attend the meeting. This discussion should be timely, optimally within ten(10) instructional Days of the alleged denial.

D. Informal Disagreement Resolution – Second Level

1. Students who are dissatisfied with the outcome of the meeting with either the DSPS professional or instructional faculty member can schedule an appointment with the DSPS Coordinator (or Counselor/Coordinator) or the Dean who oversees DSPS when the disagreement is with the DSPS Coordinator. Students should bring their referral for academic adjustment along with the relevant information about dates of requests, services not received, and responses to their previous inquiries. Students should address these concerns within ten (10) instructional days of the first level meeting.

2. The DSPS Coordinator or the Dean who oversees DSPS may conduct an informal inquiry with various parties involved in the alleged incident and inform students verbally of the resolution. The DSPS Coordinator or the Dean who oversees DSPS should communicate this resolution to the student within ten (10) instructional days of the second level informal disagreement meeting.

E. Formal Written Grievance Procedure

1. If the informal disagreement resolution process does not resolve the issue to the student's satisfaction, the student has the right to file a formal written grievance. The student must submit in writing the formal written grievance to the Vice President of Student Services within ten (10) instructional days after being informed of the decision determined in the second level informal disagreement resolution.

2. The Vice President of Student Services will be responsible for notifying the student of his/her rights, responsibilities, and the procedures.

3. The Vice President of Student Services will review the written grievance and may confer, as appropriate, with the DSPS Coordinator or Dean who oversees DSPS and other appropriate college professionals, as necessary, before making a determination. The Vice President of Student Services will make every effort to resolve the grievance in accordance with applicable laws.

4. The Vice President of Student Services shall review the issues presented and shall render a written decision within ten (10) instructional days. The student will be provided the written decision.

IV. Meeting General Education Degree Requirements:

When the severity of the disability of an otherwise qualified student precludes successful completion of a course required for graduation from a college within the Peralta Community College District, despite an earnest effort on the part of the student to complete the course or its prerequisite, if appropriate for the disability as determined by a qualified DSP&S professional, and despite the

provision of academic adjustments, services, and/or auxiliary aids, the student may request a substitution of the course as an alternative method of meeting general education degree requirements.

- A. An Evaluation Team will consist of the DSP&S Coordinator, the Department chair or instructor from the discipline of the course or major for which a substitution is being requested, and the appropriate Dean of Instruction.
- B. The team may consult, as appropriate, with DSP&S professionals, the Vice Chancellor for Student Services, and the College Vice President of Instruction in order to make a decision.
- C. In assessing requests, the Evaluation Team should consider the anticipated exit skills from the course that can be substituted for comparable exit skills in another course. These comparable skills may be found in a discipline different from the discipline of the original course.

V. Meeting Major or Certificate Requirements

The process for evaluating requests for major or certificate requirements is the same as stated in the section (IV) above except that the student may request a substitution or a waiver of the course as an alternative method of meeting major or certificate requirements.

- A. A course substitution maintains the standards of academic rigor of degree programs because the student is required to demonstrate comparable skills (when a student completes a comparable course as established by an Evaluation Team). Therefore, requesting a course substitution is the preferred option to meet general education degree requirements. For major or certificate course requirements, course substitutions and/or waivers may be considered.
- B. Course substitutions are applicable for the Peralta Community College District and may not be recognized by a transfer college.

VI. Evaluation of Substitution/ Waiver Request

A. Documentation

The student will complete the *Request for Change of Graduation Requirements Form* (available in the DSP&S office) and submit it to the DSP&S professional with the following attachments:

1. Petition for Substitution/Waiver (obtained from the Admissions Office).
2. Letter (written by the student) addressing the criteria listed in Part B.
3. Evidence from the DSP&S Professional (DSP&S Coordinator, Counselor, Instructor, Acquired Brain Injury (ABI) Specialist, Learning Disability (LD) Specialist, etc.) verifying the disability and how it relates to the student's request.
4. Documentation of the student's academic record, the degree requirements for graduation and information about the course in question regarding whether or not it is essential to the student's course of study, major, transfer goals and/or employment goals as appropriate.
5. Additional Supporting Documentation can be provided by students.

B. Evaluation of Request

1. The DSP&S professional will review all documents, outline evidence of the use of all

- appropriate and available services and academic adjustments and indicate that, according to CRITERIA listed below, that the request is appropriate. The DSP&S professional then signs the *Request for Change of Graduation Requirements* Form and forwards the packet to the DSP&S Coordinator, who will convene an Evaluation Team.
2. The Evaluation Team consists of the DSP&S Coordinator, the Department Chair (or an Instructor) from the discipline of the course or major for which a substitution is being requested and the Dean of Instruction with responsibility for the Division, which includes the discipline of the course substitution. The Evaluation Team meeting is to be chaired by the Dean of Instruction and should consult with the Vice Chancellor for Student Services, DSP&S professionals, and the College Vice President of Instruction, as appropriate
 3. The Evaluation Team will assess student requests based on the following criteria:
 - a. Documentation of the student's disability with specific test scores, when appropriate, and a description of educationally related functional limitations in the academic area under discussion/consideration.
 - b. Evidence of the student's earnest efforts to meet the graduation requirement, which may include:
 - i. Consistent and persistent efforts in attempting to meet all graduation requirements.
 - ii. Evidence that the student has attempted to take the course in question or its prerequisite with academic adjustments and has been unable to successfully complete course requirements.
 - iii. Regular attendance (i.e., meeting the attendance requirements of the course);
 - iv. Completion of all course assignments.
 - v. Use of all appropriate and available services such as tutorial assistance or instructional support classes.
 - vi. Use of all appropriate and available academic adjustments, such as test accommodations.
 - vii. Agreement among the student, DSP&S Counselor and the appropriate Disabilities Specialist that, due to the severity of the disability, the student would not be able to successfully complete the course requirements, even with academic adjustments.
 - c. Evidence that the student is otherwise qualified such as:
 - i. The student's success in completing other course work requirements for the degree/certificate as indicated by a grade point average of 2.0 or greater in degree applicable classes.
 - d. Information about the course in question regarding whether or not it is essential to the student's Course of Study, Major, Transfer Goals or Employment Goals.
 - e. Information about alternatives to the course in question based on the learning/academic goals of that course.

VII. Decision Process

- A. Meeting General Education Degree Requirements
The Evaluation Team's decision will be made by majority vote. If the Evaluation Team recommends a course substitution, the Evaluation Team will request the department in which the student is asking for course substitution to provide a list of previously identified appropriate course substitutions. If the department cannot identify an appropriate course substitution or if the

Evaluation Team concludes that a substitute course is inappropriate due to the severity of the disability, as documented by the *Verification of Disability and Educational Limitations* Form, then the College Vice President of Instruction and the Vice Chancellor for Student Services shall be included in the evaluation process to assist with the identification of an appropriate course substitution. To approve recommendations for course substitutions, the Evaluation Team will forward its recommendation to the Vice President of Instruction and then to the Vice Chancellor for Student Services. The District Office of Admissions and Records will verify, implement and notify the student.

B. Meeting Major/Certificate Requirements

The process for evaluating request for major/certificate requirement is the same as those stated above *except* that the student may request a substitution or a waiver of a course as an alternative method of meeting major or certificate requirement.

VIII. Complaint Procedure Regarding a Substitution/Waiver Decision

If the student is dissatisfied with the decision of the Evaluation Team, the student may appeal in writing the decision to the Vice President of Student Services, who is required to confer with the Vice President of Instruction, and provide a decision within ten (10) instructional days of receipt of the student's written complaint. All documentation reviewed by the Evaluation Team will be provided to the Vice President of Student Services, as well as their written rationale for denial of the substitution/waiver. If the Vice President of Student Services concurs with the Evaluation Team's decision, the student has the right to appeal the decision directly to the District Affirmative Action Officer. Students can obtain the assistance of the District Affirmative Action Office at any point during this process.

IX. Equal Access to Electronic and Information Technology

Federal and State laws require that all electronic and information technology purchased or used by federal agencies must be accessible for use by persons with disabilities. This regulation applies to the development, procurement, maintenance and/or use of all electronic and information technologies.

- A. The Information Technology Department will ensure that College employees who purchase or request recommendations about information technology products are informed of the accessibility requirements of Section 508.
- B. Grant recipients will be informed of their obligations under Section 508 requirements.
- C. The Purchasing Department will ensure that vendors and other contract recipients are informed of their obligations under section 508 requirements.
- D. The Colleges and District will ensure that web pages and related links are accessible to individuals with disabilities as defined by World Wide Web Consortium (W3C).
- E. The Colleges will ensure that video and multimedia products developed by the College and/or housed at the College are equally accessible to individuals with disabilities and comply with Section 508.
- F. The Colleges will ensure that faculty who develop web pages, online learning, and other distance learning options for students are informed of their obligations under section 508.
- G. The College will ensure that faculty and staff are informed of their obligations under Section 508 requirements as they pertain to enrolled and prospective students.
- H. The Colleges will ensure that all staff members are informed of their obligations under Section 508 requirements as they pertain to visitors and events on campus.
- I. The Office of Instruction will ensure that all library staff members are informed of their obligations under Section 508 as they pertain to library patrons.

References:

Education Code Sections 67302, 67310 and 84850;
Title 5 Sections 56000 et seq.
42 U.S.C. Section 12101, 34 CFR Sections 104.3 and 104.44; 36 CFR 11135

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