

5021.                    ADMINISTRATIVE REGULATIONS ON SERVICES TO STUDENTS  
WITH DISABILITIES

5021.1            The Vice President of Student Support Services shall be responsible for the administration of these regulations. Reference Administrative Regulation 4002 for additional information.

5021.2            District Plan for Services to Students with Disabilities

- A.    The District maintains a plan for the provision of programs and services to students with disabilities designed to assure that they have the equality of access to District classes and programs.
- B.    The Disabled Student Programs and Services (DSPS) Office is the primary provider for support programs and services. Students with disabilities are not required to register with DSPS. Non-DSPS student accommodations are overseen by the ADA/504 Compliance Officer.
- C.    Per Title 5, the DSPS Office holds an annual meeting with its advisory group, which includes representation from internal and external community groups as well as a current college student.

5021.3            Students with Disabilities Rights and Responsibilities

- A.    Student Rights:
  - 1.    Participation by students with disabilities in DSPS is voluntary.
  - 2.    Receiving academic adjustments, auxiliary aids, services and/or instruction through DSPS does not preclude a student from also participating in any other course, program or activity offered by the college.
  - 3.    All records maintained by DSPS personnel pertaining to students with disabilities are protected from disclosure and shall be subject to all other requirements for handling of student records.
- B.    Student responsibilities. Students receiving academic adjustments, auxiliary aids, services and/or instruction shall:
  - 1.    Comply with the student code of conduct adopted by the college and all other applicable statutes and regulations related to student conduct.

2. Be responsible in their use of DSPS services and adhere to written service provision procedures adopted by DSPS.
  3. Meet academic standards established by the college, as applied to all students, when enrolled in general college classes.
  4. Make progress toward their educational goals developed for the course as established in the student's Academic Accommodation Plan (AAP), when enrolled in educational assistance classes.
- C. The district may adopt a written procedure providing for the suspension or termination of DSPS services when a student fails to comply with the student responsibilities defined above. This procedure shall provide for written notice to the student prior to the suspension or termination and shall afford the student an opportunity to appeal the decision. Each student shall be given a copy of this procedure upon first applying for services from DSPS.

5021.4      Definitions of Disabilities and Related Services

- A. Disabilities for which academic accommodations may be provided include, but are not limited to:
1. Acquired Brain Injuries (ABI)
  2. Attention Deficit and Hyperactivity Disorder (ADHD)
  3. Autism Spectrum
  4. Blind and Low Vision
  5. Deaf and Hard of Hearing
  6. Intellectual Disabilities/Developmental Disabilities
  7. Learning Disabilities
  8. Mental Health Disabilities
  9. Other Health Conditions and Disabilities
  10. Physical Disabilities
- B. The following are some examples of services that may be provided to students based upon educational need in relation to the disabilities listed above:

1. Priority registration
  2. Registration assistance
  3. Reader services
  4. Scribe services
  5. Testing accommodations
  6. Note taker services
  7. Recording of lectures
  8. Class aids for lab courses or hands-on tasks
  9. Sign language interpreters
  10. Closed or open captioning
  11. Printed college materials in alternate formats
  12. Adaptive equipment
  13. Specialized classes and support programs
  14. Technology accessibility
  15. Accessible facilities
  16. Disability and academic counseling
  17. Liaison with faculty and staff
- C. Students are eligible to participate in the DSPS program if they have an impairment which is verified and which results in an educational limitation. The existence of an impairment may be verified by one of the following means or through the interactive process:
1. Observation by DSPS certificated staff;
  2. Assessment by appropriate DSPS certificated staff; or
  3. Review of documentation provided by agencies or by certified or licensed professionals outside of DSPS.

5021.5     Providing Academic Adjustments for Individuals with Disabilities

- A. Academic adjustments or accommodations may not fundamentally alter the essential requirements of a course, program, certificate, or degree. Students with disabilities are assured equal access to educational institutions and all systems of communication under federal and State laws. Equal access for an individual with a disability is defined as the opportunity to obtain the same result, gain the same benefit or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs. Equal access is achieved either by providing universal access or by academic adjustments (accommodations). Academic adjustments or accommodations are modifications to the way instructional material is presented, learned, expressed, and/or assessed.
- B. Verification Process: The student with a disability can provide documentation of disability for verification of the need for academic adjustments or accommodations and is responsible for requesting adjustments or accommodations in a timely manner.
1. Students should submit their documentation to DSPTS or to the ADA/504 Compliance Officer. Students who directly submit documentation to their professors should be encouraged to register with DSPTS.
  2. If the student prefers not to use DSPTS services, the ADA/504 Compliance Officer will address the issue of accommodations in consultation with appropriate DSPTS personnel.
  3. Professors are not permitted to offer accommodations without authorization from DSPTS or the ADA/504 Compliance Officer.
  4. If the student does not have appropriate verification of disability, a DSPTS professional will engage in the interactive process and determine if an assessment is appropriate. If student is found eligible, the Learning Disability Specialist will document a disability if within the scope of assessment services provided by DSPTS.
  5. A DSPTS Counselor, the Learning Disability Specialist, or the DSPTS Director will assess and document the extent and the effects of the current disability. Depending on the severity and educationally-related functional limitations of the assessed disability, the DSPTS professional shall recommend accommodations upon request of the student; the DSPTS professional will then develop an academic accommodation plan in consultation with the student. The student will submit to his/her instructors the accommodations authorization forms completed by the DSPTS professional.

6. The DSPS Director or appropriate designee may permit interim accommodations involving academic adjustments on such requests pending final resolution of the interactive process.
- C. Requests: Once the disability is verified and accommodations are established through DSPS, the student must authorize the release of their letter of accommodation to their instructors every enrolled term. The student must also confirm which accommodations will be used in each course as well as the preferred form of accommodation (i.e., in the case of alternate formats, there is Braille, e-text, audio tape, etc.).
- D. Student Enrollment and Requirements: Students must be currently enrolled in a credit or noncredit course to request and receive academic adjustments.

5021.6      Course Substitutions

- A. Request: The student must file a written, formal request for course substitution with DSPS. This form is provided and completed through an interactive process with a DSPS counselor and the student. This request must be received by DSPS at least two semesters prior to the student enrolling in their final semester. A failure to adhere to this standard may result in delays in graduation. Sufficient written documentation that the student meets all standardized criteria established by Title 5 and the Chancellor's Office relevant to the student's disability must be demonstrated to the DSPS office in order to proceed with a formal request. The student may also initiate a request verbally at which point the form will be provided for the student to complete.
- B. Process: Reference Administrative Regulation 4002 for specific information related to the process for reviewing these requests. All decisions will be provided through written notification to the student.
- C. Timeline: If DSPS determines that the above requirements are met, it will forward the request in writing to an ad hoc committee within 60 days. Every effort will be made to resolve these requests in 45 days. In addition, requests will only be reviewed during fall and spring semesters. The Disability Related Course Substitution Committee (DRCS) committee will not convene over the winter intersession or summer session.
- D. Appeal: If the student is dissatisfied with the committee's decision, the student may appeal to the Vice President of Academic Affairs. The appeal must be submitted in writing to the ad hoc committee chair within 10 days of notification of the committee's decision.

5021.7 Complaint/Grievance Process for Providing Equal Access

- A. Students registered with the Disabled Student Programs and Services (DSPS) for a qualifying disability who are dissatisfied with an assigned reasonable accommodation or who are dissatisfied with the implementation of an approved accommodation can make a complaint. The procedure for initiating a complaint/grievance is outlined in Administrative Regulation 4002. The following section includes information related to the timeline and options for an informal or formal resolution to the complaint.
- B. Informal Resolution Process:
1. Request: Students may initiate an informal resolution process to a complaint by a) filing a Resolution Complaint Process Form with the DSPS Office at either campus or b) meeting in person with a DSPS staff member to provide all relevant information regarding the complaint. DSPS will make every effort to first resolve the complaint through an informal resolution process.
  2. Timeline: Within three (3) business days of receipt of complaint a DSPS staff member will contact the student and/or faculty member to gather any relevant information. Within fifteen (15) business days of date of receipt, the Counselor and/or the Disability Support Services Specialist or Adaptive Technology Specialist will contact the student or faculty member to discuss concerns and offer a resolution to the complaint.
  3. Notification: Parties involved in the complaint process will be notified in writing of the agreed upon decision reached through the informal resolution process within fifteen (15) days of the date of receipt of the complaint.
- C. Formal Resolution Process:
1. Request: If no informal resolution is agreed upon, the student or faculty member may pursue a formal complaint by submitting a written request for a review of the requested academic adjustment and/or auxiliary aid to the DSPS Director or the ADA/Section 504 Compliance Officer.
  2. Timeline: Formal requests must be submitted in writing to the ADA/Section 504 Compliance Office within five (5) business days following notification of the decision reached through the informal resolution process.

3. Notification: Parties involved will be notified in writing of the agreed upon decision reached through the formal resolution process within ten (10) business days.

D. Appeal Process-Equal Access Hearing Committee

1. If the student or faculty is dissatisfied with the decision rendered through the formal resolution process they can request an Equal Access Hearing. The Equal Access Hearing will be convened by the ADA/504 Compliance Officer. The composition of the Committee is in Administrative Regulation 4002.
  - (a) Request: A student or faculty must request in writing for an Equal Access Hearing within five (5) days of the decision of the formal resolution process.
  - (b) Timeline: Every effort will be made to complete the Equal Access Hearing within thirty (30) days of receipt of written request to convene the hearing.
  - (c) Notification: All parties involved will be notified in writing within five (5) days of the decision by the Equal Access Hearing Committee.

E. Continuity of Accommodations

1. Stay Put Statement: Only during the duration of the informal and/or formal resolution processes, the College agrees to continue to provide the student with the approved academic accommodation in question until a resolution is achieved.

F. Office of Civil Rights Grievance

1. A student has the right to initiative a grievance with the Office of Civil Rights at any point during the informal and/or formal resolution processes.

Adopted: January 23, 2019