

Chapter 5 – Student Services

AP 5140 - Students with Disabilities — General Academic Adjustments

References:

Education Code Sections 67302, 67310, and 84850; Title 5 Sections 56000 et seq.; 42 U.S.C. Section 12101; 34CFR Sections 104.3 and 104.44; 36CFR Section 11135, BP 3440, BP 5140, AP 3450, AP 5141 and AP 5142

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. The point of contact regarding accommodations for those groups is the ADA/504 Compliance Officer.

The 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 DSPS Program Plan, as required by the Chancellor's Office, describes processes, procedures, and requirements as well as a full description of the program. Other information regarding the goals and objectives of DSPS can be found in the DSPS Program Review document.

Providing Academic Adjustments for Individuals with Disabilities

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. In postsecondary settings, academic adjustments or accommodations may not fundamentally alter the essential requirements of a course, program, certificate, or degree (Section 504 of the Rehabilitation Act of 1973).

1. Verification: The student with a disability must provide medical documentation of the disability for verification of the need for academic adjustments or accommodations and is responsible for requesting adjustments or accommodations in a timely fashion. Students should submit their documentation to DSPS or to the ADA/504 Compliance Officer. Students who directly submit documentation to their professors should be encouraged to register with DSPS. If the student prefers not to use DSPS services, the ADA/504 Compliance Officer will address the issue of accommodations. Professors are not permitted to offer accommodations without authorization from DSPS or the ADA/504 Compliance Officer.

2. If the student does not have appropriate verification of disability, DSPS will initiate an assessment to determine and document a disability if within the scope of assessment services provided by DSPS and deemed necessary by a DSPS professional.
3. The DSPS professional who meets the standards established by State regulations 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 DSPS professional shall recommend accommodations immediately upon request of the student. The student will submit to his/her instructors, the accommodations authorization forms completed by the DSPS professional.
4. Requests: Once the disability is verified, the student completes a form to request accommodations every enrolled term providing the necessary information regarding their needs and preferences for which type of accommodation when there are several from which to choose (i.e., in the case of alternate formats, there is Braille, e-text, audio tape, etc.).
5. Student Enrollment and Requirements: Students must be currently enrolled in a credit or noncredit adult education course in order to request and receive academic adjustments.
6. The following or similar statement is recommended for inclusion on course syllabi and should be read at the first class meeting: "If you have special needs, please let me know as soon as possible so that I may assist you to be successful in this class. Students with disabilities are highly encouraged to register with Disabled Student Programs & Services (DSPS) located in the Student Services Building, lower level, (909) 274-4290, or video phone (866) 954-4765."

Course Substitutions

If the student and the academic department mutually agree upon a course substitution, and the proposed course substitution meets the requirement of comparable concept mastery, the course substitution will be granted by the Chief Instructional Officer. If the academic department has denied a student's request for course substitution and the student remains unable to complete a course, the following steps must be completed.

1. The student must file a written, formal request for course substitution with DSPS. This request must be received by DSPS prior to enrolling in the student's final semester to avoid last-semester negotiations.
2. A preliminary review of the student's disability-related need for a course substitution will be made taking into account the unique needs of each student. This review must be conducted by a team of appropriate professionals within DSPS including the Director of DSPS. 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 (Sections 56032-56044 of Subchapter 1 of Chapter 7 of Division 6 of Title 5).
3. If the DSPS team determines that the above requirements are met, it will develop an educational plan for the student that addresses the student's particular disability, immediate and future educational and career goals, and how this particular course substitution will affect any prerequisite, graduation, or transfer requirements detailed by

this educational plan. Within five instruction days of receiving the formal request, DSPS will present this plan in writing to an ad hoc committee consisting of the following: one representative from the Instruction Team, the Director of DSPS, the DSPS professional recommending the adjustment, the Dean, the Chair or faculty representative from the department of the course in question, and a designee from the Academic Senate. Additional representatives may be added if members of this committee deem it necessary. Within ten instruction days of the referral from DSPS, this committee will determine if the requested substitution constitutes a fundamental alteration of the educational program. The committee will also develop and submit to the student, a written individualized plan for accommodations or adjustments that address the appropriate educational needs as they relate to the educational goals of the student. The plan developed by the ad hoc committee becomes effective immediately and will be coordinated and implemented by DSPS. The Director of DSPS or his/her designee will ensure that the provisions of the plan are followed. If the ad hoc committee cannot reach consensus, then the matter will be referred to the ADA/504 Compliance Officer to review and begin the Academic Adjustment Hearing Process within five instructional days.

4. Any course substitution provided for students determined to require such an academic adjustment should guarantee that any grade assigned to these students is based on their ability to demonstrate comparable concept mastery to that of other students enrolled in the course being replaced. For this reason, special project courses or others designated by the department may be assigned as the appropriate substitution courses and should incorporate those essential concepts as identified in the course outline of record for the course being replaced.
5. If the substituted course is required for transfer, and the student plans to transfer, the student is responsible for contacting the transferring institution regarding the acceptability of the substitution. Mt. SAC students will be informed in writing that a substitution granted by Mt. SAC may not be recognized by a subsequent educational institution.

COMPLAINT/GRIEVANCE PROCESS FOR PROVIDING EQUAL ACCESS

Students with disabilities or professors who are not satisfied with the reasonable accommodation, purchase, use or agreement for accessing College-related information can appeal the decision following the procedure outlined below.

1. Discuss their concerns and offer suggestions for an alternate plan with their Counselor and/or the DSPS Instructional Specialist, Adaptive Technology.
2. If not satisfied with the outcome of Step 1 above, the disabled student may call for the Director of DSPS or the ADA/504 Compliance Officer to review the complaint and determine whether changes in the accommodations plan are warranted.
3. If not in agreement with the decision made by the DSPS Director or the ADA/504 Compliance Officer, the disabled student should use the Complaint/Grievance Process as specified in No. 9 below.
4. The ADA/504 Compliance Officer is responsible for informing the complainant of his/her rights, responsibilities and procedures and will convene an Equal Access Hearing Committee (see No. 9 below).

5. If an instructor has questions or concerns about an accommodation authorized by DSPS or requested by a student with a verified disability, the instructor should *promptly* contact the DSPS professional who authorized the accommodation(s). Informal meetings and discussion among the instructor, Department Chair 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 instructional days following the request for the accommodation.
6. If no informal resolution can be found within five instruction days and the accommodation is not allowed, the DSPS professional, student, or the instructor will refer the matter to the ADA/504 Compliance Officer as soon as possible for review. The ADA/504 Compliance Officer will make a decision regarding the accommodation within five instruction days of having received the matter.
7. If either the instructor or the student disagrees with the decision, they will contact the ADA/504 Compliance Officer in writing within five instruction days. The ADA/504 Compliance Officer will then proceed with the Equal Access Hearing process (see No. 9 below).
8. The accommodation originally authorized by DSPS will be allowed for a maximum of three instructional weeks during which time a resolution will be achieved. If the decision of the Committee is that the accommodation is not reasonable, the accommodation will either be modified or rescinded depending upon the Equal Access Hearing Committee's recommendations.
9. An Equal Access Hearing Committee will be convened by the ADA/504 Compliance Officer to review the complaint/grievance. The committee will be comprised of the following voting members:
 - a. The Dean of Student Services or designee;
 - b. The Vice President of Instruction;
 - c. The appropriate Manager or Chairperson of the Division or Department;
 - d. Academic Senate President or his/her designee; and
 - e. Student representative appointed by the Associated Students.
10. The ADA/504 Compliance Officer shall serve as Chairperson and will be responsible for providing a tape recording and written minutes of the hearing. All five (5) voting members, including the chair, shall constitute a quorum by which the hearing may proceed.
11. Both parties have the right to present witnesses, testimony, and evidence, but only as related to the case.
12. Both parties have the right to be accompanied by an advocate in the formal appeal hearing. Attorneys are not permitted unless the Committee finds that complex legal issues are raised by the case.
13. The hearing shall be closed to the public.

14. The Committee shall judge the evidence presented and shall render a written decision within five (5) instruction days following the beginning of the hearing; copies of the findings shall be forwarded to the College President/CEO, who will review the decision of the Committee and will either accept or modify it.
15. The College President & CEO shall inform the complainant and the Committee of his/her final action by certified mail within ten (10) instruction days of the receipt of the Committee's recommendations.
16. Written minutes and a tape recording of the proceedings shall be kept in a confidential file by the College President & CEO and shall be available to both parties. All documents will be filed separately from personnel files of the participants.
17. The College President's & CEO's decision shall be the final decision rendered and shall be implemented within ten (10) instruction days.

GENERAL PROVISIONS

1. A complaint can be withdrawn at any step of the process; however, the same complaint shall not be re-filed.
2. The ADA/504 Compliance Officer can be consulted by any party regarding these procedures at any time.
3. Accommodations may not fundamentally alter the essential requirements of any course, program, certificate, or degree. Professors may request a review of an accommodation authorized by DSPS if he or she has questions or concerns about the appropriateness of the accommodation (see No. 5 above).
4. Accommodations may not pose a direct threat to the health or safety of others.
5. Accommodations may not pose an undue financial or administrative burden on the College.

OTHER COMPLAINTS

Students, employees, or members of the public wishing to file complaints or grievances based upon discrimination on the basis of physical or mental disability should contact the College's ADA/504 Compliance Officer located on campus, in the Human Resources Office of the Administration Building, (909) 274-4225. The College's general grievance process is outlined in the Administrative Procedures.

If these processes yield an unsatisfactory result, the Office for Civil Rights may be contacted regarding their complaint resolution processes:

United States Department of Education
Office for Civil Rights
Region IX
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, CA 94102

The Mt. San Antonio College Catalog contains the most recent information regarding services available for students with disabilities. This document is updated annually for currency and correctness.

Approved: July 25, 2012
Reviewed: November 26, 2013
Reviewed: December 6, 2014
Reviewed: June 9, 2015
Reviewed: August 17, 2016