

## 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.; 29 U.S.C., Section 794; 42 U.S.C. Sections 12101 and 12132; 34CFR Sections 104.3 and 104.44; California Government Section 11135; 36CFR, parts, 1191-1194; BP 3440, BP 5140, AP 3450, AP 5141 and AP 5142

Accessibility Resource Centers for Students (ACCESS) also known as Disabled Student Programs and Services (DSPS) is the primary provider for support programs and services. Students with disabilities or medical conditions that require accommodations are not required to register with ACCESS. The point of contact regarding accommodations for that group is the ADA/504 Compliance Officer. The ADA/504 Compliance Officer is located in the office of Human Resources.

The College maintains a plan for the provision of programs and services to students with disabilities designed to promote equitable 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 ACCESS can be found in the ACCESS Program Review document.

#### Providing Academic Adjustments for Students with Disabilities

Students with disabilities are entitled to equitable access to educational institutions and all systems of communication under federal and State laws. Equitable access for an individual with a disability is defined as the opportunity to obtain similar results, gain similar benefits, or to reach similar levels of achievement as a non-disabled student, in the most integrated setting appropriate to the person's needs. Equivalent access is achieved either by providing universal access or by academic adjustments (accommodations). Academic adjustments or accommodations are authorized for individual students that 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).

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 ACCESS or to the ADA/504 Compliance Officer. Students who attempt to directly submit documentation to their professors should be encouraged to register with ACCESS. If the student prefers not to use ACCESS services, the ADA/504 Compliance Officer will address the issue of accommodations. Professors are not permitted to offer accommodations without authorization from ACCESS or the ADA/504 Compliance Officer (unless those same accommodations would be offered to other students in that class).

1. If the student does not have appropriate verification of disability, ACCESS will initiate an assessment to determine and document a disability if within the scope of assessment services provided by ACCESS and deemed necessary by an ACCESS professional.
2. The ACCESS 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 ACCESS professional shall recommend accommodations upon request of the student in a timely manner. ACCESS or the student will submit to his/her/their instructors the accommodations authorization forms completed by the ACCESS professional.
3. 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).
4. 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.
5. The following or similar statement is recommended for inclusion on course syllabi and should be read at the first class meeting: "I am committed to the success of every student in this class. If you have special needs or need accommodations, 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 Accessibility Resource Centers for Students (ACCESS) located in the Student Services Building, lower level, 909.274.4290, or video phone 866.954.4765."

### Course Substitutions

A course substitution is a rare accommodation in which a different course is recommended in lieu of a required course. 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. If the academic department has denied a student's request for course substitution and the student remains unable to complete a required course, the following steps must be completed.

1. The student must file a written, formal request for course substitution with ACCESS. This request must be received by ACCESS 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 ACCESS including the Dean of ACCESS. 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 ACCESS 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 ACCESS 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, ACCESS will present this plan in writing to an ad hoc committee consisting of the following: one representative from the Instruction Team; the Dean of ACCESS or Department Chair of ACCESS; the 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 ACCESS, 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 ACCESS. The Dean of ACCESS or his/her/their 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 Equivalent 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 ACCESS Counselor and/or Instructional Specialist.
2. If not satisfied with the outcome of Step 1 above, the student may call for the Dean or Department Chair of ACCESS 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 Dean of ACCESS or the ADA/504 Compliance Officer, the student should use the Complaint/Grievance Process as specified in no. 8 below.
4. If an instructor has questions or concerns about an accommodation authorized by ACCESS or requested by a student with a verified disability, the instructor should *promptly* contact the ACCESS professional who authorized the accommodation(s). Informal meetings and

discussion among the instructor, Department Chair or designee, the student, the appropriate members of ACCESS, and/or other appropriate members of the College community are essential at the outset and will be completed in a timely manner following the request for the accommodation.

5. If no informal resolution can be found within five instruction days and the accommodation is not allowed, the ACCESS professional, student, or the instructor will refer the matter to the ADA/504 Compliance Officer as soon as possible for review.
6. 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 (see no. 8 below).
7. The accommodation originally authorized by ACCESS will be allowed until a resolution is achieved.
8. Discrimination Complaints: Students wishing to file discrimination complaints on the basis of ethnic group identification, national origin, religion, age, sex or gender, gender identity, sexual orientation, race, color, ancestry, physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these perceived characteristics, and any other category of unlawful discrimination should contact the College's Title IX/504 Compliance Officer/Equal Employment Opportunity Programs representative, located in the Office of Human Resources, Building 4, Room 1460, 909.274.4225. Additional information on discrimination can be found at the following websites:
  - AP 3410 Non Discrimination <http://www.mtsac.edu/governance/trustees/apbp/AP3410.pdf>
  - AP 3435 Discrimination and Harassment Investigations <http://www.mtsac.edu/governance/trustees/apbp/AP3435.pdf>
  - Unlawful Discrimination <http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx>
  - OCR (Office of Civil Rights) <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>
  - DFEH (Department of Fair Employment and Housing) <http://www.dfeh.ca.gov/>

### 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 ACCESS if he or she has questions or concerns about the appropriateness of the accommodation (see nos. 4-6 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 Human Resources Office in 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.

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