

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES

Policy #5365

Introduction

The Governing Board shall adopt further procedures as may be necessary to ensure that students with disabilities are provided with the necessary support services and the academic accommodations needed to reach their academic potential while enrolled at Solano Community College. This procedure provides the reader with an overview of the federal and state laws that protect the rights of individuals with disabilities; student eligibility; responsibility of students requesting academic accommodations; responsibility of the Executive Vice President of Academic and Student Affairs or designee; the responsibility of the Academic Accommodations Committee; and the hearing procedures.

I. LEGAL REQUIREMENTS FOR AN ACADEMIC ACCOMMODATIONS POLICY AND PROCEDURE (FEDERAL):

The following is an overview of Federal Law, which include Section 504 of the Americans with Disabilities Act as it relates to post secondary institutions.

Section 504 of the Rehabilitation Act of 1973, and its implementing regulation found at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title 2 of the Americans With Disabilities Act of 1990, along with its implementing regulation at 28 C.F.R. Part 35, are the Federal civil rights that protect the rights of individuals with disabilities.

Solano Community College comes under the guidelines of Section 504, Part 104 and Title 2, Part 35. The following section is taken directly from Section 504. The only changes are the substitution of the word “disabled” for the word “handicapped” and the insertion of “Solano Community College” behind the word “recipient.” The parallel Title 2 regulatory citations can be found at 28 C.F.R. Section 35.101, 35.102, 35.104, and 35.130.

SECTION 504, SUBPART A: GENERAL PROVISIONS

1. 104.1 Purpose

The purpose of this section is to effectuate Section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

2. 104.2 Application

This section applies to each recipient of Federal financial assistance from the Department of Education and to each program or activity that receives or benefits from such assistance.

3. 104.3 Definitions

For the purpose of these procedures, the following words and terms are defined as follows:

- a. The word “recipient” shall mean any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.
- b. The term “applicant for assistance” shall mean one who submits an application, request, or plan required to be approved by a Department official or by a recipient as a condition to becoming a recipient.
- c. The term “Federal financial assistance” shall mean any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of: funds, services of Federal personnel, or real and personal property or any interest in or use of such property.
- d. The term “qualified disabled person” shall mean:
 - (1) With respect to employment, a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.
 - (2) With respect to public preschool, elementary, secondary, or adult educational services, a disabled person (i) of any age during which non-disabled persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to disabled persons, or (iii) to whom a state is required to provide a free appropriate public education under Section 612 of the Education of the Disabled Act; and

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

- (3) With respect to postsecondary and vocational education services, a disabled person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity.

4. 104.44 Academic Accommodations

- a. Academic Requirements: A recipient (Solano Community College) to which this subpart applies shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified disabled applicant or student. Academic requirements that the recipient (Solano Community College) can demonstrate are essential to the program or 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. Modification 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.
- b. Other Rules: A recipient (Solano Community College) to which this subpart applies may not impose upon disabled students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of limiting the participation of disabled students in the recipient's (Solano Community College) education program or activity.
- c. Course Examinations: In its course examinations or other procedures for evaluating students' academic achievement in its program, a recipient (Solano Community College) to which this subpart applies shall provide such methods for evaluating the achievement of students who have a disability that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represents the students' achievement in the course, rather than reflecting the students' impaired sensory, manual, or speaking skills (except where such skills are the factors that the test purports to measure).
- d. Auxiliary Aids:
 - (1) A recipient (Solano Community College) to which this subpart applies shall take such steps as are necessary to ensure that no disabled student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the educational program or activity operated by the

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

recipient (Solano Community College) because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills.

- (2) Auxiliary aids may include taped text, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Recipients (Solano Community College) need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

II. SOLANO COMMUNITY COLLEGE'S COMMITMENT TO SECTION 504 AND TITLE 2 OF THE AMERICANS WITH DISABILITIES ACT

Solano Community College will ensure to the best of its ability that the provisions of Section 504, 34 C.F.R. Part 104.44, and Title 2, 28 C.F.R. Part 35.104, are enforced in all of its programs and activities.

III. LEGAL REQUIREMENT FOR AN ACADEMIC ACCOMMODATIONS POLICY (CALIFORNIA STATE LAW)

A. The following is an overview of the responsibilities of the disabled students, Solano Community College, and the college faculty and staff as outlined in California Code of Regulations, Title 5 and DSP&S Policy.

1. Academic Accommodations: California Code of Regulations, Title 5, Section 56027

Each community college district receiving funding pursuant to this such chapter shall establish a policy and procedure for responding to, in a timely manner consistent with Section 53203 of this division, accommodation requests involving academic adjustment. 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.

2. Student Eligibility: California Code of Regulations, Title 5, Section 56006

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

A student is eligible for academic accommodations if there is a documented disability, and a DSP&S faculty member has determined that functional limitations of the disability require such accommodation.

3. Student Responsibility: Solano Community College's DSP&S Office

It is the responsibility of the student to discuss the need for accommodations for his/her disability with a faculty member in the Disabled Students Programs and Services (DSP&S) Office. Once specific academic accommodations are identified and discussed, the student will communicate this information to his/her instructor by making arrangements to meet with the instructor in his/her office during office hours.

A disabled student may request that a letter be sent by the DSP&S Office to the instructor verifying the need for the accommodation. Also, on some occasions, a student may request that DSP&S faculty personally meet with the instructor to confirm the required accommodation.

4. Responsibility of College Faculty and DSP&S Staff: California Code of Regulations, Title 5, Section 56022

The DSP&S faculty member determines the student's eligibility for academic accommodations and the appropriate accommodation for each student. In addition, the DSP&S faculty/staff will perform the following:

- a. A DSP&S faculty member will assist the student in understanding his/her disability and the accommodation needed.
- b. Other college personnel, including faculty and instructional assistants, will cooperate to provide the required accommodations when needed.

5. Academic Accommodation Services Provided (Solano Community College)

Academic accommodations are individually determined according to the functional limitations of the disability. Accommodations may include, but are not limited to:

- a. The use of equipment and materials in the classroom and/or for meeting class assignments, such as a tape recorder, assistive listening device, calculator, computer, taped text or spelling checker.

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

- b. The use of personnel such as readers, interpreters, note takers, scribes, mobility assistants, attendants, and guide dogs in the classroom.
- c. Testing accommodations, which may include:
 - 1) A change in the location of the test to a quiet, private room.
 - 2) An extension of the time provided for the test, to time and one half or double time.
 - 3) An alternative method of administration of the test by use of a reader, “talking” computer, or tape recorder.
 - 4) The use of equipment such as a calculator, spelling checker, computer, or closed-circuit TV.
 - 5) An alternative method for the student to demonstrate proficiency, such as taped answers or use of a scribe.
 - 6) Modification of the test response format, including alternatives to the Scantron answer sheets, i.e. oral instead of written, essay in lieu of multiple choice, multiple choice in lieu of essay, etc.
- d. Substitution or waivers of specific courses required for the completion of degree requirements.

IV. PROCEDURE FOR OBTAINING ACADEMIC ACCOMMODATIONS AT SOLANO COMMUNITY COLLEGE

The goal of providing academic accommodations including auxiliary aids to disabled students is to minimize the effects of the disability on the educational process. The intent is not to lower academic standards by giving the student reduced assignments that are not comparable in content or complexity. The disabled student needs to 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.

- A. The following are the steps involved in obtaining academic accommodations at Solano Community College:

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

Step 1

- (a) The disabled student will first meet with a faculty member in the Disabled Students Program and Services Office where specific academic accommodations will be identified and discussed. If the student agrees with the recommended academic accommodation made by the DSP&S faculty member, the student will communicate this information to his/her instructor by making arrangements to meet with the instructor in his/her office during office and then proceed to Step 2.
- (b) If the student is in disagreement with the DSP&S staff regarding the recommended academic adjustment to be provided, the student should proceed to Step 3, Section (b).

Step 2

If the instructor grants the student the requested academic accommodation, then the remainder of this policy does not apply.

Step 3

- (a) If the instructor does not agree that the requested academic adjustment is appropriate and reasonable for the student with a disability, or otherwise refuses to allow the adjustment, the student should immediately contact DSP&S staff who will in turn meet with the instructor and student to discuss the necessity of the requested adjustment.
- (b) If the dispute cannot be resolved, DSP&S staff will contact the District 504 Compliance Officer who, as the college representative, will determine what accommodation the college will provide.

Step 4

- (a) If, after consultation with DSP&S staff and the instructor, the Section 504 Compliance Officer determines that the requested adjustment is appropriate, the instructor will provide the adjustment. If the instructor disagrees with the decision, he/she may file an appeal with the Academic Accommodations Committee. If such an appeal is filed, the approved accommodation will be provided to the student pending the outcome of the appeal process.

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

- (b) Correspondingly, if the Section 504 Compliance Officer determines that the requested adjustment is not appropriate, and the student disagrees with the decision, he/she may file an appeal with the Academic Accommodations Committee. The requested adjustment need not be provided pending the outcome of the appeal process. However, if another adjustment is deemed appropriate by the Section 504 Compliance Officer, that service will be provided in the interim.

B. The Academic Accommodations Committee Composition

The Academic Accommodations Committee will consist of the Section 504 Compliance Officer, the Executive Vice President of Academic and Student Affairs or designee, a faculty member from the Disabled Students Program and Services, an academic senator or representative, and a subject matter instructor and/or counselor who is knowledgeable in the area of the student's program of study.

C. The Academic Accommodations Hearing Procedure

If the instructor disagrees with the decision of the Section 504 Compliance Officer or if the student disagrees, either party may request a hearing by the Academic Accommodations Committee.

The following are the steps involved in obtaining an Academic Accommodations hearing:

- Step 1 The grieving party must complete the Academic Accommodations Hearing Request form and file it with the Executive Vice President of Academic and Student Affairs or designee. The Executive Vice President of Academic and Student Affairs or designee will convene the panel within five (5) instructional days following receipt of Academic Accommodations Hearing Request form.
- Step 2 The Executive Vice President of Academic and Student Affairs or designee will also act as the facilitator and is responsible for ensuring that the formal process has been attempted, the instructor and student are informed of their rights and responsibilities, the Academic Accommodations Committee members are notified, and all arrangements for a formal process are in place.

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

- Step 3 The full Academic Accommodations Committee must be present for the hearing to proceed. The Section 504 Compliance Officer will be the chairperson and will inform the participants of the procedures to be followed in the hearing.
- a. Both the instructor and student may call witnesses and introduce oral and/or written testimony relevant to the issue of the accommodation.
 - b. The Executive Vice President of Academic and Student Affairs or designee will assist both parties in the securing of witnesses.
 - c. Any relevant evidence which reasonable people are accustomed to will be considered in dealing with a serious matter.
 - d. Parties may represent themselves and will also have the right to be accompanied by a person of their choice who may act as their advisor. Parties will notify the Executive Vice President of Academic and Student Affairs or designee of their choice of representation, no later than three (3) instructional days prior to the hearing.
 - e. The Hearing may be closed and confidential. Both parties and the Academic Accommodations Committee must agree to this condition before the request may be granted.
 - f. In a closed hearing, witnesses will be present only when testifying, unless both parties and the Academic Accommodations Committee agree to the contrary. A taped record will be maintained by the Executive Vice President of Academic and Student Affairs or designee and, in the case of a confidential hearing, will be the only taped record maintained.
 - g. A majority vote by the committee is needed to make a decision.

D. Hearing Procedures for Student Request for Course Substitution or Waiver

The Academic Accommodations Committee shall also hear cases brought by students with disabilities seeking course substitutions or waivers under the following conditions:

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

1. The student having made an earnest effort to complete the required course in question and having availed him/herself of the accommodations recommended by the DSP&S faculty member has been unable to satisfactorily complete the course due to the disability.

In this case the committee must first decide if the student has made an earnest effort to complete the class. If the committee decides that an earnest effort has been made, the committee will then determine if the course in question is essential to the student's individual course of study. If the committee decides the course in question is essential, the substitution (or, in the most extreme cases, waiver) request shall be denied to protect the integrity of the program and to protect the student's best interests in pursuing that program. If the course in question is found to be peripheral to the student's plan of study, the committee will seek to provide an appropriate course substitution. If no appropriate substitute course can be found, a waiver may be approved by the committee.

2. The student and the appropriate DSP&S faculty member agree that given the severity of the disability attempting the course, even with accommodations, is futile.

In this case the committee will determine if the course in question is essential to the student's individual course of study. If the committee decides it is, the substitution (or, in the most extreme cases, waiver) request shall be denied to protect the integrity of the program and to protect the student's best interest in pursuing that program. If the course in question is found to be peripheral to the student's plan of study, the committee will seek to provide an appropriate course substitution. If no appropriate substitute course can be found, a waiver may be approved by the committee.

SOLANO COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES PROCEDURES

DISABLED STUDENTS PROGRAMS AND SERVICES (Continued)

Policy #5365

ACADEMIC ACCOMMODATIONS COMMITTEE'S DECISION

The Academic Accommodations Committee's decision will be based only upon the evidence presented at the hearing in conjunction with the relevant sections of State and Federal law.

The Executive Vice President of Academic and Student Affairs or designee will prepare a written decision for the Superintendent-President. This document will include the accommodation(s) under dispute, a summary of the evidence, and the panel's recommendation(s).

SUPERINTENDENT-PRESIDENT'S DECISION

Within five (5) instructional days following receipt of the Academic Accommodations Committee's decision, the Superintendent-President will submit to all parties his/her written decision. The Superintendent-President may accept or reject the findings and recommendations of the Academic Accommodations Committee. The findings and recommendations of the Academic Accommodations Committee will be accorded great weight. If the Superintendent-President accepts the recommendation of the Academic Accommodations Committee, he/she will approve the document and return it to the Academic Accommodations Committee. If the Superintendent-President does not accept the recommendation of the Academic Accommodations Committee, the Superintendent-President's reason will be communicated in writing to the Academic Accommodations Committee, stating why the decision was not accepted.

Governing Board Review: January 18, 2012