

## **Fullerton College Procedure Academic Accommodations for Students with Disabilities**

### **1.0 Intent**

Fullerton College recognizes that a disability may impede a student from completing course requirements in the same manner as non-disabled students. The college also recognizes the need to accommodate students with documented educational limitations resulting from verified disabilities to the greatest extent possible. However, the institution needs not provide accommodations that would fundamentally alter the educational program or academic requirements which are essential to a program of study. It is the intention of the institution to provide reasonable accommodations to students with disabilities who are otherwise qualified to participate in the institution's courses, programs and activities:

### **2.0 Background**

In addition to physical access, federal and state legislation has called for the creation of policies and procedures regarding disabled student programmatic access to the academic offerings of post-secondary (and other) institutions. As cases in point:

1. Academic Adjustments (s 104.44 of 34 Code of Federal Regulations implementing Section 504 of 1973 Rehabilitation Act)

“(a) Academic requirements: A recipient to which this subpart applies shall make such modification 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 handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of 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.”

2. Section 56027 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the California Code of Regulations states:

Each community college district receiving funding pursuant to this subchapter shall establish a policy and procedure for responding, in a timely manner, to accommodation requests involving academic adjustments. 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.

### **3.0 Academic Accommodation**

Students may initiate requests for accommodation under 504/ADA auspices through the DSS office at three levels:

1. Accommodations appropriate to permit the student to complete the required course.
2. Substitution of another course for the required course.
3. Waiver of the course requirement.

A student requesting academic accommodations shall initiate the process by notifying the DSS office in writing. The student is responsible for providing the necessary documentation to the DSS office verifying his/her disability. For level 1 accommodations, the faculty member shall be notified. For level 2 and level 3 accommodations, it shall be the responsibility of the DSS specialist, the appropriate area dean, and a discipline faculty member, in consultation with the student involved, to configure appropriate accommodations.

#### **3.1 Level 1. Special Accommodations**

Most educational limitation which results from disabilities that impede a student from completing a course can be overcome by providing a combination of appropriate accommodations. The first level of accommodations will involve an attempt to complete the course with special assistance, which may include, but not be limited to, the following: Tutorial assistance, note-taking assistance, tape recording lectures, in-class support services, auxiliary aids, test accommodations, advisement to complete lower level or developmental courses in a sequence in order to insure success, etc.

#### **3.2 Level 2. Course Substitution**

If a student with a disability can demonstrate that the accommodation(s) offered will not enable her/him to successfully complete a required course and attempts with additional or different accommodations have been exhausted, or if the student can show that the disability is of such magnitude that any attempt at completing the course would be futile, that student may request a course substitution.

It must be found that there is no reasonable expectation that the student will successfully complete the required course even with all the accommodations that the college can provide, and that an appropriate suitable course for substitution can be found. The college shall explore alternatives, but it is not required to develop a substitute course should one not exist. Academic requirements that the college can demonstrate are essential to licensing requirements will not be regarded as discriminatory (Rehabilitation Act of 1973, Subpart E, S. 104.44)

A course substitution can be granted provided that the DSS specialist, the area dean and an appropriate discipline faculty member concur that the required course is non-essential to the student's course of study. If there is no consensus among the parties involved, the Faculty Senate shall determine in a timely manner if the course is non-essential to the student's course of study.

If the course is determined to be non-essential to the student's course of study, the DSS specialist, the area dean and an appropriate discipline faculty member shall determine an appropriate course for substitution.

### **3.3 Level 3. Course Waiver**

In cases where academic accommodations have been deemed unsuccessful or insufficient to ensure the student's success and the course has been determined to be non-essential to the student's course of study, and if an appropriate substitute course does not exist, a course waiver may be considered. A waiver of the course requirement will not be considered a waiver of the student's responsibility to complete the minimum number of units required by the institution for completion of the course of study. Course waiver requests will be considered by the area dean, the DSS specialist and an appropriate discipline faculty member. If there is no consensus among the parties involved, the Faculty Senate shall determine in a timely manner if a course waiver is appropriate.

**Note: Students will be informed in writing that a substitution or waiver granted by Fullerton College may not be recognized by another educational institution. Course substitution and/or waivers will be noted on the student's transcript.**

### **4.0 Appeal Process for Course Substitution or Waiver:**

A student has the right to appeal the recommendation of course substitution or course waiver under the following circumstances:

1. Contrary to the decision of the DSS specialist and the area dean, the student can demonstrate that the course is not essential to her/his course of study.
2. After reviewing the recommended accommodation(s), the student can demonstrate that Level 1 accommodation(s) will not enable her/him to successfully complete the course under consideration.
3. After unsuccessful attempts to complete the course with special accommodations, the student can demonstrate that additional attempts utilizing the same or other accommodations constitute an unreasonable barrier to her/his academic success.
4. The student can demonstrate that a recommended and approved course substitution is not appropriate and/or does not meet the academic needs of the student.

The student must inform the DSS specialist in writing of her/his intention to appeal the proposed accommodation and/or level within twenty five (25) days of receipt of notification of the proposed accommodation. The DSS specialist shall notify the college president or designee within five (5) days of receipt of the notice of appeal from the student.

#### **4.1 Appeal Procedure**

- 4.1.1** The college president or designee shall convene a meeting within twenty five (25) days of receipt of the written request from the student. If the initial request is made within twenty five (25) days of the end of the semester, the time lines will begin at the start of the next semester.

The meeting shall consist of a committee composed of the president/designee, the 504/ADA Coordinator, the DSS specialist, and a representative of the faculty. The faculty member shall be selected by procedures established by the Faculty Senate.

- 4.1.2** The committee shall determine if the course is essential to the student's course of study, and/or if the accommodation recommended is appropriate and of the appropriate level. If the course is deemed essential, and the accommodation is deemed to be appropriate and at the appropriate level, the committee shall provide written notification to the student and shall provide copies to the DSS specialist and the area dean.

- 4.1.3** If the accommodation is deemed not to be appropriate and/or not of the appropriate level, the committee shall inform the DSS specialist and the area dean, and shall provide written notification to the student.

If the accommodation has been deemed not to be appropriate and/or not at the appropriate level, the DSS specialist and the area dean shall develop an appropriate accommodation at the recommended level and shall provide written notification to the student and to the president/designee.

- 4.1.4** If the committee denies the student's appeal, the student may request review from the Vice Chancellor of Human Resources acting as the designee of the Board. If the student's appeal is granted, the Vice Chancellor of Human Resources shall notify the committee. The committee shall notify the DSS specialist and the area dean. The DSS specialist and the area dean shall develop appropriate level accommodations and shall forward notification to all interested parties.

- 4.1.5** If the student's appeal is rejected, the student may pursue the Section 504/ADA Complaint Policy or, ultimately, file a complaint with the Office of Civil Rights of the United States Justice Department.

## **4.2 Student Complaint Resolution Procedure**

Fullerton College is committed to providing services to all students equitably and fairly. In regard to accommodating students with disabilities, Fullerton College complies with all state and federal laws and regulations including Title 5 of the California Education Code, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. If a student believes that there has been a violation of these regulations, the student is encouraged to discuss the matter with the Disability Support Services (DSS) staff

### **Rights of Students**

A student with a disability who is 18 years of age or older is considered to be an adult under federal law and DSPS regulations. As an adult, s/he is expected to decide on their own about attending Fullerton College and selecting classes. Information about a disabled student will not be released to parents or family members unless such family members are legal conservators or the student gives DSS staff written permission to release information to specific individuals.

### **Accommodations**

Fullerton College strives to accommodate the special needs of all qualified students with disabilities. "Qualified" students include those students with verified disabilities and demonstrated need for accommodations. The list of qualifying disabilities includes, but is not limited to, learning disabilities, acquired brain injuries, developmental delays, hearing impairments, visual impairments, communication impairments, psychological disabilities, mobility impairments and other health impairments.

A qualified student with a disability should contact the DSS Office to request services. Among the most commonly provided accommodations are sign language interpreters, note-taking assistance, test accommodations, reader services, materials in alternative formats (e.g. a-text, large print, Braille, etc.), adaptive computers and other assistive technology.

Personal assistance services are not provided in postsecondary educational settings (beyond high school). A student needing assistance with activities of daily living, e.g., toileting, feeding, ambulating, etc., must provide their own personal care attendants. However, DSS may be of assistance in coordinating personal assistance issues that may arise while the student is on campus.

A student with cognitive impairments may be eligible to receive learning disability testing through DSS. The results of such testing will be used to determine reasonable educational accommodations.

## **Complaint Resolution Procedure**

Disability Support Services (DSS) prides itself on providing appropriate accommodations in a timely manner. However, there are rare instances in which a student feels that s/he has been treated unfairly. There are two processes: (1) an informal resolution process described below involving the DSS staff and student services management; and (2) a formal complaint process through the Fullerton Office of Equity and Diversity.

Alternatively, a complaint may be filed with the U.S. Department of Education, Office of Civil Rights, 50 Beale St. Suite 7200, San Francisco, CA 94105. Although use of the informal process for resolving a complaint is suggested, it is not required. If the informal process is used and the complaint is resolved through that process, the complainant will not be provided with notice of any investigation determinations or corrective actions. The formal process is available to the student at any time and during or after any step in the informal process. For more information on the formal complaint process contact the Office of Equity and Diversity at (714) 992-7720, located in Building 100, Room 128

## **Informal Resolution Process**

If a student has a complaint about services or accommodations, s/he should contact the Disability Support Services (DSS) staff member responsible for that specific service. If preferred, a student may submit a letter of complaint or complete a "Complaint Resolution Form" which is available in the DSS office:

321 E. Chapman Avenue, Room 840  
(714) 992-7270  
TTY: (714) 992-7221

Step 1: The DSS staff member responsible for the service will investigate the complaint and make every effort to issue a written response within a reasonable time, not to exceed two weeks, following the initial contact with the student.

Step 2: If a student is dissatisfied with this decision, s/he may appeal in writing\* or meet with the DSS Coordinator:

\*A student who has a difficulty with writing or reading may request accommodations from the DSS office to assist in filing a complaint/appeal form.

The Coordinator will also investigate the complaint and endeavor to issue a written decision in a timely manner, not to exceed two weeks, following receipt of the appeal.

Step 3: A student who is dissatisfied with the Coordinator's decision may file a written appeal or meet with the Dean of Student Support Services:

The Dean will render a decision in a timely fashion, not to exceed two weeks, following receipt of an appeal.

Step 4: If the student is still dissatisfied, the next appeal step for the student is to contact the Fullerton College Vice President of Student Services:

The Vice President will investigate and render a decision in a timely fashion.

Timelines shown for submitting and ruling on a complaint may be extended at the discretion of the DSS Coordinator or the administrator investigating the complaint, for good cause. In situations when the administrator is unavailable to review a complaint (e.g., he/she is ill, on vacation or away on business), an alternate administrator will be designated to carry out the procedures.

Questions about the Accommodation Complaint Resolution Procedure should be directed to the DSS Coordinator.

## **5.0 Faculty/Staff Complaint Procedure**

When an academic accommodation is approved via the official Fullerton College process by a DSS Specialist, it must be put into effect in a timely manner so as not to put the student at a disadvantage (Section 56027 of Subchapter 1 of Chapter 7 of Division 6 of Title 5 of the California Code of Regulations). Should a faculty or classified member have questions or concerns regarding a FC DSS approved and mandated accommodation, the following procedure must be followed to protect the rights of the student, employee and institution.

1. Provide the accommodation as approved in a timely manner so as not to place the student with a disability at a disadvantage.
2. Contact DSS to discuss the concern with a DSS Specialist and to receive clarification as needed.
3. If the member still has concerns, the matter should next be taken to the member's Immediate Managing Supervisor for discussion while the accommodation continues to be provided for the student as approved.
4. Further concerns should be addressed to the appropriate Vice President and the 504/ADA Officer for the campus/district should be brought into the conversation while the approved accommodation continues to be provided. The 504/ADA Officer will render a decision within 5 days of this meeting.