

Coast Community College District
Administrative Procedure
Chapter 5
Student Services

AP 5140 Disabled Student Programs and Services

References:

Title 5 Sections 56000 et seq.

The District maintains a plan for the provision of programs and services to students with disabilities designed to assure that they have equality of access to District classes and programs.

In compliance with federal and state laws and in order to create an educational environment where students with disabilities have equality of access to instruction without compromising any course, educational program or degree, the following procedures have been established.

ACADEMIC ACCOMMODATION PROCEDURES

The student bears the responsibility of presenting to Disabled Students Programs and Services (DSPS), professional documentation of specific educational limitations before an academic accommodation authorization will be granted.

The DSPS professional who meets the qualification 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 make the determination on accommodations immediately upon request of the student. The DSPS determination is the final determination and cannot be overridden or delayed by an instructor, in accordance with federal statute. The student or DSPS professional will submit to instructors the accommodations authorized by DSPS.

Informal Resolution

The Colleges in the District are charged with determining and providing what they believe to be the appropriate academic accommodation for a student. A student who disagrees with the academic accommodation(s) determined by DSPS should discuss his/her concern with the DSPS professional who made the determination regarding the accommodation. If the student's concern continues to be unresolved, the student should discuss his/her concern with the DSPS Coordinator or 504 Coordinator. If the concern continues to be unresolved, the next step is to contact the College Grievance Officer, as outlined below.

If an instructor has questions about an accommodation requested by a student with a

verified disability, the instructor should immediately contact the DSPS professional who authorized the accommodation(s). However, the instructor cannot delay the DSPS determination for an accommodation. 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 need to be completed within five instructional days following the request for the accommodation.

If no informal resolution can be reached within five instructional days and the student still disagrees with the DSPS determination, the DSPS professional, student, or instructor will refer the matter to the Division Dean (of the area to which the course/instructor is assigned).

If the Division Dean cannot informally resolve the issue, he/she will notify the College Grievance Officer in writing within five instructional days. The College Grievance Officer will then proceed with the Academic Accommodation Hearing process (see below).

The accommodation originally authorized by DSPS will be allowed during which time a resolution will be achieved. If the decision of the Academic Accommodation Hearing Committee (see below) is that the accommodation is not reasonable, the accommodation will either be modified or rescinded depending upon the committee's recommendations.

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 College Vice President of Instruction. 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 DSPS Coordinator. 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.
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 instructional days of receiving the formal request, DSPS will present this plan in writing to an ad hoc committee consisting of the following: one faculty representative, the DSPS Coordinator, the DSPS professional recommending the accommodation, the appropriate Division Dean, the Chair or faculty representative from the department of the course in question, and a designee from the Academic Senate. Within ten instructional days of the referral from DSPS, this committee will determine if the requested course 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 DSPS Coordinator 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 College Grievance Officer to review and begin the Academic Accommodation Hearing Process within five instructional days.

4. Any course substitution provided for students determined to require such an academic accommodation shall 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. DSPS does not bear the responsibility or guarantee that a granted course substitution will be accepted by a transferring institution.

ACADEMIC ACCOMMODATION HEARING PROCESS

Students or instructors wishing to appeal a decision made by the College Grievance Officer at the conclusion of the informal resolution process, or a decision made by the ad hoc committee on course substitutions mentioned in item 3 above will file a formal written request for a hearing with the College Grievance Officer.

1. The College Grievance Officer is responsible for informing the complainant of his/her rights and responsibilities under these procedures.
2. An Academic Accommodation Hearing Committee will be convened by the College Grievance Officer to review the complaint. The committee will be comprised of the following voting members:
 - a. The DSPS Coordinator

- b. The Division Dean (Not from the Division in question)
 - c. The appropriate Department Chairperson
 - d. Academic Senate President or designee
3. The College Grievance Officer shall serve as Chairperson and will vote only in case of a tie and will be responsible for appointing a secretary or provide for a recording and written minutes of the hearing.
4. All five voting members, including the chair, shall constitute the quorum by which the hearing may proceed.
5. Both parties have the right to present witnesses, testimony and evidence but only as related to the case.
6. Both parties have the right to be accompanied by an advocate in the formal appeal hearing. The student, for example, may want to have another student present that is familiar with their condition and circumstances. If an instructor is involved, he/she may wish to have a union representative present. Attorneys are not permitted unless the committee requests the assistance of an attorney to explain any complex legal issues.
7. The hearing shall be closed to the public.
8. The committee shall judge the evidence presented and shall render a written decision within five instructional days following the conclusion of the hearing; a copy of the decision shall be sent to the College Vice President of Student Services. The College Vice President of Student Services will confer with the College Vice President of Instruction concerning the decision of the committee and will either accept or modify the decision.
9. The College Vice President of Student Services shall then inform the complainant and the committee of his/her final action by certified mail within five instructional days of the receipt of the committee's decision regarding his/her decision.
10. The College Vice President of Student Services' decision shall be the final decision rendered and shall be implemented within five instructional days.
11. Written minutes and an audio recording of the proceedings shall be kept in a confidential file by the College Vice President of Student Services and shall be available to the parties. All documents shall be filed separately from the personnel file of the participants. Records shall be kept for a period of one year.

General Provisions

1. The time limits specified herein shall be considered maximum and every effort shall be made to expedite the process. Time limits may be extended only by mutual consent, in writing.

2. If any party involved in any part of this review process exceeds a time limit, the matter will be considered resolved at the highest level that was reached in the process.
3. The complainant may withdraw the appeal at any time. However, the same appeal shall not then be filed again by the same complainant.
4. The College Grievance Officer may be consulted by either party regarding any of these procedures.

OTHER COMPLAINTS

Students wishing to file complaints or grievances based upon discrimination on the basis of disability should contact the College's 504 Coordinator.

Applicable law includes the following: Americans with Disabilities Act (PL 101-336); Rehabilitation Act of 1973, Section 504 [34 C.F. R s 104.3 (j)(1) and (k)(3) and s 104.44 (a) and (b)]; Family Educational Rights and Privacy Act of 1974; Title 5 of the California Code of Regulations.

Ratified December 2, 2013

Ratified May 16, 2018