



# Student Disability Accommodation Policy

## **Guidelines Concerning Non-discrimination On The Basis Of Disability And Student Accommodation Procedures**

### **I. Introduction**

In compliance with the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended in 2008, San Joaquin Valley College (“the College”) policy prohibits unlawful discrimination on the basis of disability in its programs, services, and activities. The following *Guidelines* are designed to be consistent with the aforementioned laws; however, it is possible that these statutes may be amended in the future and, in such instances, the most current applicable laws shall represent the College’s policy as it applies to nondiscrimination on the basis of disability.

The College seeks to accommodate students with disabilities on an individual basis. Individual students are given reasonable and necessary accommodations based on specific information and assessment data documented by a qualified professional. The Office of Student Services makes available information as to the existence and location of services, activities and facilities that are accessible to and usable by persons with disabilities.

The Dean of Student Services shall administer the program for adjustments or accommodations under the direction of the Campus Director with the approval of the College’s Vice-President of Administration. An interactive process is conducted to determine adjustments or accommodations. It is the student’s responsibility to initiate the interactive process by notifying the Dean of Student Services of his or her disability and need for adjustment or accommodation. The office of the Dean of Student Services serves as the College’s Disability Resources Department. While the College will strive to accommodate students as fully as possible, reasonable adjustments or accommodations do not include measures which fundamentally alter the academic program of the College or which place an undue financial burden on the College.

This policy applies only to student disability accommodation issues in the academic program context. With respect to students employed by the College, and accommodations in the work context, please refer to the College’s employee handbook.

### **II. Definitions – Student Disability Accommodation Policy**

- A. “An “individual with a disability” means any student who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) who has a record of such an impairment; or (3) who is regarded as having an impairment.
- B. “Physical or mental impairment” mean any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, hemic and lymphatic, skin, and endocrine.

Physical and mental impairment also includes, but is not limited to, contagious and noncontagious diseases and conditions such as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, HIV disease (whether symptomatic or asymptomatic) and tuberculosis.

- C. "Major life activities" means and includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and operations of major bodily systems (bowel, bladder, and cardiovascular, among others).
- D. "Is regarded as having an impairment" means that the individual has a physical or mental impairment that does not substantially limit major life activities, but is treated by the College as limiting such activities; has a physical or mental impairment that substantially limits major life activities as a result of attitudes of others toward such an impairment; or has none of the impairments listed in *Section II. B*, but is treated as having such an impairment, such as persons with a limp or persons with disfiguring scars.
- E. An "individual with a disability" does not include a person who is currently engaging in the illegal use of drugs. However, an individual who is currently participating in, or who has successfully completed, a supervised drug rehabilitation program and is not currently engaging in the illegal use of drugs, or who is otherwise no longer engaging in such use, shall be considered an individual with a disability if the individual otherwise fits the definition of a disabled person as described in *Section II. A* through *Section II. D* of these *Guidelines*.

Individuals with drug or alcohol addictions who are not currently engaging in the illegal use of drugs, or who are no longer engaging in drug or alcohol abuse as described in this Section, should not be prohibited from attending the College if they can successfully participate in the education program of the College, if they comply with College policies, and if their behavior does not impede the performance of others.

- F. "Facility" means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock and other conveyances (e.g., buses, shuttles, vans), roads, walks, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.
- G. "Reasonable Accommodation" means an accommodation, or more simply, a change or variance from practice or procedure that allows for a student's full participation in the College's educational and extra-curricular activities. As discussed in further detail below, a reasonable accommodation for a qualified individual may include modified testing procedures, course load reduction, or use of auxiliary aides in the classroom, such as sign language interpreters or tape recorders. However, the College is **not** obligated to provide personal aids and services such as attendants, individually prescribed devices such as

wheelchairs, readers for personal use or study, or other devices and services of a personal nature.

### **III. Qualified Individual With A Disability**

- A. With respect to postsecondary education, an otherwise qualified individual with a disability is one who meets the academic and technical standards requisite for admission or participation in the education programs of the College and who meets the definition of an individual with a disability, as specified in *Section II. A* through *Section II. E* of these *Guidelines*.

The term “technical standards” refers to nonacademic admissions criteria that are applicable to such programs.

- B. With respect to other services, a qualified individual with a disability is one who meets the eligibility requirements for the receipt of such services and who meets the definition of an individual with a disability, as specified in *Section II. A* through *Section II. E* of these *Guidelines*.

### **IV. Discrimination Prohibited**

In providing any aid, benefit, or service, the College may not, directly or through contractual licensing, or other arrangements, discriminate on the basis of disability to:

- A. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service which it provides;
- B. Provide any qualified individual with a disability an opportunity to participate in, or benefit from, any aid, benefits or services that are not equal to those afforded to individuals who do not have disabilities;
- C. Provide a qualified individual with a disability with any aid, benefits or services that are not as effective as those provided to individuals who do not have disabilities. To be “equally effective,” an aid, benefit, or service need not produce an identical result or level of achievement for individuals with disabilities and individuals without disabilities. However, the College must afford individuals with disabilities an equal opportunity to obtain the same result or level of achievement in the most integrated setting appropriate to the individual’s needs and encourage, as appropriate, interaction among all users, including individuals with disabilities;
- D. Provide any different or separate aid, benefits, or services to individuals with disabilities or to any class of individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, or services that are as effective as those provided to individuals who are not disabled;
- E. Aid or perpetuate discrimination against a qualified individual with a disability by providing any significant assistance to any agency, organization, or person

that discriminates on the basis of disability against beneficiaries of the College's programs;

- F. Otherwise limit a qualified individual with a disability in the enjoyment of any College right, privilege, advantage or opportunity enjoyed by individuals who are not disabled.

**V. Admissions, Enrollment and Recruitment**

**A. No Limitations On Number of Admissions Or Enrollment**

Qualified individuals with disabilities may not, on the basis of disability, be denied admission to the College or enrollment in College classes or participation in College programs, services, or activities, or be subjected to discrimination in the admissions process or in recruitment procedures. Limitations may not be applied upon the number or proportion of individuals with disabilities who may be admitted or enrolled.

**B. Enrollment Tests**

1. Tests or criteria for admission may not have a disproportionate, adverse effect on individuals with disabilities or any class of such individuals unless:
  - a. The tests or criteria have been validated as predictors of success in the education programs, services or activities in question; and
  - b. Alternate tests or criteria that have a less disproportionate, adverse effect, and which are acceptable to the College, are not shown to be available by the appropriate federal agency.
2. Before admissions tests are selected and administered, campuses should be assured that:
  - a. Admissions tests are selected and administered to ensure that when a test is administered to an applicant who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level, or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills, except when those skills are the factors that the test purports to measure;
  - b. Admissions tests that are designed for persons with disabilities are offered as often and in as timely a manner as are other admissions tests; and
  - c. Admissions tests are administered in facilities that on the whole are accessible to individuals with disabilities. In the context, "on the whole" does not mean that all facilities must be accessible, only that a sufficient number must be available to individuals with disabilities.

## **VI. Academic Adjustments**

### **A. Modification of Academic Requirements**

Academic requirements should be modified, as necessary and appropriate, to ensure that they do not discriminate or have the effect of discriminating, on the basis of disability, against qualified applicants or students with disabilities. As appropriate, modification may include changes in the length of time permitted for the completion of degree requirements, substitution or waiver of specific courses required for the completion of the requirements, and adaptation of the manner in which specific courses are conducted. However, academic requirements that are determined by the Academic Dean or Program Director to be essential to programs of instruction or for any directly related licensing requirement are not regarded as discriminatory.

The implementation of any modification identified by the Dean of Student Services and to Campus Director, as necessary for a qualified individual with a disability is required to be provided and is not discretionary.

### **B. Course Examination**

In course examinations or other procedures for evaluating students' academic achievement, methods should be provided, as appropriate, 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 represent students' achievement in the course, rather than reflecting students' impaired sensory, manual, or speaking skills, except when such skills are among the factors the test purports to measure.

### **C. Auxiliary Support Services and Devices**

1. Steps should be taken, as appropriate, to ensure that no qualified individual or participant with a disability in a College program is denied the benefits of, is excluded from participation in, or is otherwise subjected to discrimination because of the absence of educational auxiliary support services and devices.

In meeting this requirement, campuses may assist qualified individuals in College programs in contacting existing resources, such as State Vocational rehabilitation agencies and private charitable organizations, to obtain auxiliary support services and devices. Also, other students may be asked to work with students with disabilities, or private agencies that tape texts for individuals with disabilities free of charge may be contacted in order to reduce the number of readers needed for students with visual impairments and students with learning disabilities. Typically, it is still the College's obligation to provide appropriate educational auxiliary support services and devices should public and private agencies be unable to provide such services or devices.

As long as no qualified person with a disability is excluded from a program because of the lack of appropriate auxiliary support services or devices, such support services and devices need not be on hand at all times.

2. Educational auxiliary support services and devices include, but are not limited to, taped texts, interpreters, notetakers, or other effective methods of making orally delivered materials available to, for example, students with hearing impairments or learning disabilities; readers for students with visual impairments; classroom equipment adapted for use by students with manual impairments; or other aids for students with disabilities.

Attendants, individually prescribed devices, readers for personal use, or other devices or services of a personal nature need not be provided.

Students or participants with disabilities in College programs may be required to sign an agreement that they will not release tape recordings or transcriptions of lectures, or otherwise hinder the ability of a teacher to obtain a copyright.

#### D. Responsibility for Academic Adjustments

In attempting to provide any type of academic adjustment, faculty, disability-management staff, and students with disabilities should work in concert to formulate accommodations that meet the individual educational needs of qualified individuals with disabilities while maintaining the academic integrity of the program or course to be modified.

Moreover, it is essential that during this consultative process students be given an opportunity to express their preferred choice for disability accommodations and that this be given careful consideration, unless an equally effective accommodation can be provided, or that the use of the student's choice would result in a fundamental alteration of the academic program, or would result in an undue financial and administrative burden.

#### E. Student-Specific Obligations in the Provision of Academic Adjustments

In providing any type of academic adjustment, including, but not limited to, modification of academic requirements, course examinations, or support services and devices, the College may require that: (1) students with disabilities provide reasonable advance notice of requests for, changes to or cancellation of, academic adjustments; (2) students with disabilities provide sufficient and timely verification of their disability and documentation of their disability-related academic adjustment needs; and (3) student with disabilities comply with campus rules regulating requests for, and the proper use of, auxiliary support services or devices.

## VII. Procedures for Determining Disability and Accommodations

Overview: Upon receipt of notification of a disability and a request for an accommodation by a qualified individual, the College shall engage in the interactive process with the student making the request. This shall be an informal process designed to determine the nature of the limitations resulting from the disability and the appropriate accommodation that will overcome this limitation. Prior to providing an accommodation, the College reserves the right to require documentation prepared by an appropriate professional, including, but not limited to: a statement regarding how the student's disability affects a major life activity, and a recommendation of a reasonable accommodation.

If the accommodation as initially provided is insufficient, upon receipt of notice of the insufficiency, the College shall make a good faith effort to implement any appropriate additional measures necessary to overcome the qualified individual's limitations.

If a student requests accommodations directly from a faculty member and no letter of verification has been sent by the College, it is the faculty member's responsibility to inform the student that services are available and to refer the student to the Office of the Dean of Student Services to begin the process of verification of a disability and the subsequent notification of faculty. Except in cases of minor accommodations, such as sitting in the front of the classroom, faculty shall not provide accommodations without verification from the Dean of Student Services. Faculty shall consult with the Dean of Student Services if there are questions regarding accommodation issues.

### A. Verification of Physical Disabilities

A student with a physical disability must provide professional verification certified by a licensed physician, psychologist, audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other professional health care provider who is qualified in the diagnosis of the disability. The verification must reflect the student's present level of functioning of the major life activity affected by the disability. The student shall provide the verification documentation to the Dean of Student Services. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the present extent of the disability and appropriate accommodations, the College shall have the discretion to require supplemental assessment of a physical disability. The cost of the supplemental assessment shall be borne by the student. If the College requires an additional assessment for purposes of obtaining a second professional opinion then the College shall bear any cost not covered by any third party payor.

### B. Verification of Learning Disability

A student with a learning disability must provide professional testing and evaluation results which reflect the individual's present level of processing information and present achievement level. The cost of obtaining the professional verification shall be borne by the student.



The four criteria necessary to establish a student's eligibility for learning disability adjustments or accommodations are: (1) average or above average intelligence as measured by a standardized intelligence test which includes assessment of verbal and non-verbal abilities; (2) the presence of a cognitive-achievement discrepancy or an intra-cognitive discrepancy indicated by a score on a standardized test of achievement which is 1.5 standard deviations or more below the level corresponding to a student's sub-scale or full-scale IQ; (3) the presence of disorders in cognitive or sensory processing such as those related to memory, language, or attention; and (4) an absence of other primary causal factors, leading to achievement below expectations such as visual or auditory disabilities, emotional or behavioral disorders, a lack of opportunity to learn due to cultural or socio-economic circumstances, or deficiencies in intellectual ability.

Documentation verifying the learning disability must:

1. be prepared by a professional qualified to diagnose a learning disability, including but not limited to a licensed physician, learning disability specialist, or psychologist;
2. include the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of the test results by the professional;
3. reflect the individual's present level of functioning in the achievement areas of: reading comprehension, reading rate, written expression, writing mechanics and vocabulary, writing, grammar, and spelling; and
4. reflect the individual's present level of functioning in the areas of intelligence and processing skills.

The assessment must provide data that supports the requests for any academic adjustment. In the event that a student requests an academic adjustment or accommodation that is not supported by the data in the assessment, or if the initial verification is incomplete or inadequate to determine the extent of the disability, then it is incumbent on the student to obtain supplemental testing or assessment at the student's expense.

If the College requires an additional assessment for purposes of obtaining a second professional opinion then the College shall bear any cost not covered by any third party payor.

#### C. Determination of Reasonable Accommodation

1. The Dean of Student Services will review all documents submitted to verify a disability and will conduct a personal interview to explore the needs of the student in the context of the particular academic program.
2. Students will be asked to submit to the Dean of Student Services a history of academic adjustments and accommodations received in

secondary or post-secondary institutions or in places of employment. Such a history of adjustments and accommodations will be subject to verification by the institution or place of employment that facilitated the adjustments or accommodations.

3. After considering the verification documents, the results of the personal interview, and the history of academic adjustments and accommodations, the Dean of Student Services will propose a schedule of the academic adjustments and accommodations appropriate for the student to receive from the College. In arriving at the proposal, the Dean of Student Services shall consult, as needed, with appropriate faculty, administrative staff of the College and professional consultants to the College.
4. Reasonable academic adjustments and accommodations designed to provide equal opportunity to the students with disabilities shall be made in the following three areas:
  - a. Academic Program. Adjustments in this category include those necessary to enable a student to enroll in, study for, attend and participate in classes, and may include modification of course load.
  - b. Examinations. Examination adjustments and accommodations will be made as necessary to minimize the effect of a particular disability. Any adjustments and accommodations in the conduct of examinations which alter the form of the examination shall be made in consultation with the faculty member or instructor of the course for which the accommodation is sought.
  - c. Auxiliary Aids. To the extent feasible, the College shall either provide or assist students with disabilities in acquiring educational auxiliary aids designed to enable them to participate fully in the academic program and may do so by contacting existing resources, such as State and community agencies, private charitable organizations, and individual volunteers.
5. The Dean of Student Services shall present the proposed schedule of academic adjustments and accommodations for consideration and approval by the Student and Employee Services Coordinator.
6. After approval by the Student and Employee Services Coordinator, the schedule of academic adjustments and accommodations shall be provided to the student in the form of a written "Student Individual Accommodation Schedule."
7. Each student receiving academic adjustments or accommodations shall meet upon request with the Dean of Student Services to evaluate the effectiveness of the academic adjustments and accommodations in place. Each student shall immediately report any dissatisfaction with an academic adjustment or accommodation to the Dean of Student Services. Additionally, the schedule shall be subject to review and

possible termination upon any change in the nature of the student's disability or the student's failure to properly utilize the services provided.

8. Services for students who improperly procure adjustments or accommodations under this policy will be immediately terminated and the student may be subject to possible disciplinary action under the Student Conduct Code.
9. Subject to applicable rules of confidentiality, the Dean of Student Services shall provide information to appropriate administrative staff and faculty when necessary to arrange for efficient administration of academic adjustments and accommodations.
10. The Academic Dean/Program Director shall have ultimate responsibility for approving adjustments and accommodations, based upon consultation with appropriate faculty committees and administrative offices. This authority may be delegated as necessary to the Student and Employee Services Coordinator.

#### D. Notification Of Faculty and Staff

1. On a need to know basis, Faculty and Staff members will be informed of qualifying students' academic adjustments or accommodations by the Dean of Student Services.
2. The Dean of Student Services shall be available to respond to questions from faculty and staff members concerning the College's policy and procedures regarding the provisions of academic adjustments or accommodations and their implementation.

#### E. Records and Privacy

1. The College shall maintain confidential records within the Student Services Office relating to academic adjustments and accommodations based upon disability. The records shall include the documentation submitted to verify the disability. Upon graduation or termination of enrollment, these records shall be consolidated with all other records of the student for archiving.
2. All documents produced by consultants in the performance of services for the College shall be and shall remain the property of the College.

### **VIII. Grievance Procedures Concerning Disputes Over Accommodations**

The following Procedures shall not be implemented unless and until an initial accommodation determination has been made pursuant to Section VI of this Policy.

- A. Any student with a complaint concerning either an ineffective accommodation or a failure to implement an accommodation shall first attempt to reach

resolution through discussion with the particular faculty or staff member(s) involved.

- B. If resolution by informal means is not achieved, the student may then institute a formal grievance directed to the Dean of Student Services, setting forth in writing the issue and the prior informal attempts at resolution.
- C. The Dean of Student Services shall meet with the student and involved faculty or staff to facilitate resolution. If resolution is not achieved, the Dean of Student Services shall refer the issue to either the Student and Employee Services Coordinator, or the Campus Director. Decisions by the Campus Director concerning such grievances shall be final.

#### **IX. Access to Regulations and Policies**

Any student wishing to view copies of Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, as amended in 2008, or this policy may do so by visiting the office of the Dean of Student Services.