

ADMINISTRATIVE REGULATION 5140

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES

DISABLED STUDENT PROGRAMS AND SERVICES

The Disabled Students Programs and Services (DSPS) Office is the primary provider for support programs and services. DSPS services will be available but not limited to students with the following disabilities: physical disability, non-hearing and hard of hearing, blind and low vision, learning disability, acquired brain injury, Attention Deficit Hyperactivity Disorder, Intellectual Disability, Autism Spectrum, mental health disability, and other health conditions and disabilities. Students with disabilities are not required to register with DSPS. The college's assigned ADA/504 Coordinator is the contact point for students with verified disabilities not participating in DSPS who require reasonable accommodations.

Each college maintains a plan for provision of programs and services to students with disabilities designed to ensure that they have equal access to classes and programs. The DSPS Program Plan describes processes, procedures, and requirements as well as a full description of the program.

Support services, auxiliary aids, academic adjustments, and assistive technology that are designed to mitigate the educational limitations resultant from a disability will be made available to enable students to participate in activities, programs and classes at the District. In compliance with state and federal laws and in order to create an educational environment where students with disabilities have equitable access to instruction without fundamentally altering any course, educational program, or degree, the procedures outlined below have been developed.

I. ACADEMIC ADJUSTMENT PROCEDURES

- A. The student with a disability must provide documentation of the disability for verification of the need for academic adjustments or accommodations and is responsible for requesting them in a timely manner.

Students should submit their documentation to DSPS, the ADA/504 Coordinator, or designee. Students who directly submit documentation to faculty should be encouraged to register with DSPS.

Faculty are not permitted to offer accommodations without authorization from DSPS, the ADA/504 Coordinator, or designee.

- B. If the student does not have appropriate verification of a disability, a request to the appropriate licensed/certificated professional will be required. DSPS will initiate an assessment to determine and document a disability if within the scope of assessment services provided by DSPS and deemed necessary by a DSPS professional.
- C. Through an interactive process the DSPS professional who meets the standards established by State regulations, will assess and document educationally related functional limitations of the student. The DSPS professional shall recommend academic adjustments and

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accommodation(s). The student will submit to their instructors, the accommodations authorization forms completed by the DSPS professional, ADA/504 Coordinator, or designee.

II. INFORMATION RESOLUTION

- A. The college is charged with determining and providing what it believes to be the appropriate academic adjustment for a student. A student who disagrees with the academic adjustment prescribed by DSPS should discuss their concern with the DSPS professional recommending the adjustment. If the student's concern continues to be unresolved, the student should discuss their concern with the DSPS Coordinator. If the concern continues to be unresolved, the next step is to contact the ADA/504 Coordinator as outlined in Section II.C below. However, the student may start this process by contacting the ADA/504 Coordinator at any time.
- B. If an instructor has questions about an accommodation requested by a student with a verified disability, the instructor and/or student should promptly contact the appropriate DSPS professional. 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 will be completed within five (5) instruction days following the request for the accommodation.
- C. If no informal resolution can be found within five (5) instruction days and the accommodation is not allowed, the DSPS professional, student, or the instructor will refer the matter to the ADA/504 Coordinator for review. The ADA/504 Coordinator will make a decision regarding the accommodation within five (5) instruction days of having received the matter.
- D. If either the instructor or the student disagrees with the decision, they will notify the ADA/504 Coordinator in writing within five (5) instruction days. The ADA/504 Coordinator will then proceed with the Academic Adjustment Hearing process (See Section IV).
- E. The accommodation originally authorized by DSPS will be allowed for a maximum of three (3) instructional weeks during which time a resolution will be achieved. If the decision of the committee is that the original accommodation is not reasonable, the accommodation will either be modified or rescinded depending upon the Academic Adjustment Hearing Committee's recommendations.

III. COURSE SUBSTITUTIONS

If the student and the academic department mutually agree upon a course substitution, as an accommodation, and the proposed course substitution meets the requirement of comparable concept mastery, Admissions and Records will be notified.

A. Course Substitution Appeal Process

If the academic department has denied a student's request for course substitution, the following steps must be completed:

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1. The student must file a written, formal request for course substitution with DSPS or the ADA/504 Coordinator. This request must be received prior to enrolling in the student's final semester. Any course substitution will occur in a subsequent semester; therefore, the course substitution request must be submitted by census date of the prior semester.
2. A preliminary review of the student's disability-related need for a course substitution will be made taking into account the individual needs of the 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 State 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 professional(s) determine(s) that the above requirements are met, within ten (10) instruction days, they will develop recommendations for the student by addressing 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. DSPS will present the educational plan in writing to an ad hoc committee consisting of the following:
 - a. The DSPS Coordinator (or designee),
 - b. The DSPS professional recommending the adjustment,
 - c. The appropriate Department Chair, and
 - d. The Chair of the Curriculum Committee (or designee)

Additional representatives may be added, if members of this committee deem it necessary. Within ten (10) instruction days of the referral from DSPS, this committee will determine if the requested substitution constitutes a fundamental alteration of the educational program. The committee will develop and submit to the student a written decision addressing the course substitution as it is to be implemented or the reasons for denial of the request. The educational plan developed and approved by the ad hoc committee becomes effective immediately and will be coordinated and implemented by DSPS. The Coordinator of DSPS or their designee will ensure that the provisions of the educational plan are followed. If in the opinion of the DSPS professional, the content course cannot be completed successfully with an academic adjustment or accommodation, the committee will consider course substitution or waiver as the only remedy. If the ad hoc committee cannot reach consensus, then the matter will be referred to the ADA/504 Coordinator to review and begin the Academic Adjustment Hearing Process within ten (10) instruction 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 designed 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.

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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. South Orange County Community College District students will be informed in writing that a substitution granted by either Saddleback College or Irvine Valley College may not be recognized by a subsequent educational institution.

IV. ACADEMIC ADJUSTMENT HEARING PROCESS

Students or instructors wishing to appeal a decision made by the ADA/504 Coordinator at the conclusion of the informal resolution process, or a decision made by the ad hoc committee or course substitutions mentioned in Section III above will file a formal written request for a hearing with Saddleback or Irvine Valley College's Vice President for Student Services.

The ADA/504 Coordinator is responsible for informing the complainant of their rights, responsibilities and procedures.

- A. An Academic Adjustment Hearing Committee will be convened by the ADA/504 Coordinator to review the complaint. The committee will be comprised of the following voting members:
 1. The ADA/504 Coordinator,
 2. The DSPS Coordinator,
 3. The Vice President for Instruction (or designee), and
 4. The appropriate Department Chair.
- B. The ADA/504 Coordinator shall serve as Chair 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.
- C. All four (4) voting members, including the chair, shall constitute a quorum by which the hearing may proceed.
- D. Both parties have the right to present witnesses, testimony, and evidence, but only as related to the case.
- E. Both parties have the right to be accompanied by an advocate in the formal appeal hearing. Attorneys are not permitted unless the Committee finds that complex legal issues are raised by the case.
- F. The hearing shall be closed to the public.
- G. The Committee shall judge the evidence presented and shall render a written decision within ten (10) instruction days following the commencement of the hearing; copies of the findings shall be sent to the college president or designee. The college president will review the decision of the Committee and will either accept or modify the decision.
- H. The college president or designee shall inform the committee of their final action and will inform the complainant by certified mail, both within ten (10) instruction days of the receipt of the Committee's findings.

- I. Written minutes and a recording of the proceedings shall be kept in a confidential file by the college president or designee and shall be available to the parties. All documents shall be filed separately from the personnel file of the participants.
- J. The college president's decision shall be the final decision rendered and shall be implemented within five (5) instruction days.

V. GENERAL PROVISIONS

- A. 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 of the student and the responsible college party, and must be in writing, dated and signed by those parties directly involved.
- B. 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.
- C. The complainant may withdraw the appeal at any time. However, the same appeal shall not then be filed again by the same complainant.
- D. The ADA/504 Coordinator may be consulted by either party regarding any of these procedures at any time.

VI. OTHER COMPLAINTS

Students wishing to file complaints or grievances based upon discrimination on the basis of disability should contact the college's ADA/504 Coordinator located on campus. The college's general grievance process is outlined in both the Saddleback College and Irvine Valley College catalogs under "Grievances."

References:

*California Code of Regulations, Title 5, Sections 56032 – 56044,
California Education Code Sections 67310 - 67312 and 84850
Section 504 of Rehabilitation Act 1973*

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