

LOS ANGELES COMMUNITY COLLEGES <b>OFFICE OF THE CHANCELLOR ADMINISTRATIVE REGULATIONS</b>	<b>INDEX NUMBER E-100</b>
<b>REFERENCE:</b> Title 5, Sections 56000, 56002, 56004, 56005, 56006, 56010, 56026, 56027, 56028, 56029	<b>TOPIC:</b> Criteria for Serving Students with Disabilities
<b>ISSUE DATE:</b> October 1, 2006	<b>INITIATED BY:</b> Instructional & Student Services
<b>CHANGES:</b> Replaces Administrative Regulation E-80, 81,82, 83, and 84	<b>DATE OF CHANGES:</b>

## 1. ACCESS

The Los Angeles Community College District (LACCD) adheres to the Disabled Student Programs and Services (DSPS) Implementing Guidelines as specified in Title 5 of the California Code of Regulations, the mandates of Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA), all of which prohibit discrimination on the basis of disability. The Los Angeles Community College District is committed to providing equal access to college educational programs and related activities for students with disabilities.

## 2. SUPPORT SERVICES, ACADEMIC ACCOMMODATIONS, AND SPECIAL CLASS INSTRUCTION

### a. Support Services and Academic Accommodations

Support services are those specialized services made available to students with disabilities, as defined in Title 5, Section 56000, which are in addition to the regular services provided to all students. Such services and academic accommodations enable students with disabilities to participate in regular activities, programs, and classes offered by the college. These services and accommodations are based on student disability-related, educational limitations. The services and accommodations may include, but need not be limited to:

1. access to and arrangements for adaptive educational equipment, materials, and supplies;
2. job placement and development services related to transition to employment;
3. liaison with campus and/or community agencies including referral to campus or community agencies and follow-up services;
4. registration assistance relating to on-campus and off-campus college registration, including priority enrollment assistance, financial aid application assistance, and related college services;
5. special parking, including temporary parking, while an application for the state handicapped placard or license plate is pending. In any case, students with disabilities are still required to pay the college student parking-fee for use of student parking lots.
6. supplemental specialized orientation to acquaint students with the DSPS Program
7. supplemental specialized orientation to acquaint students with the DSPS Program and the college as a whole;
8. test-taking facilitation, including arrangement and proctoring;

9. assessment to determine functional, educational and/or vocational levels or to verify specific disabilities;
10. specialized academic, vocational, personal and peer counseling services specifically for students with disabilities, which are not duplicated by ongoing general counseling services available to all students;
11. interpreter services, for hearing-impaired students;
12. on-campus mobility assistance, including manual or motorized transportation to and from classrooms and other related educational activities;
13. note-taker services in the classroom;
14. reader services, including the coordination and provision of services in the instructional setting;
15. alternate text formatting/transcription services, including, but not limited to, the provision of Braille and/or enlarged-print materials and/or E-text;
16. specialized tutoring services not otherwise provided by the college;
17. accommodations to enable participation in co-curricular activities directly related to the student's enrollment in state funded educational courses or programs.

b. Special Class Instruction

1. "*Special classes*" are instructional activities offered under the provisions of Title 5, Section 56000 and are designed to address the educational limitations of students with disabilities. If offered, special classes shall be designed for students who would be unable to substantially benefit from regular college classes even with the provision of appropriate support services or accommodations. When offered, special classes shall:
  - a. assist students with disabilities to compensate for educational limitations and/or to acquire the skills necessary to complete their educational objectives;
  - b. employ instructors who meet or exceed the minimum qualifications set forth by the state;
  - c. provide curriculum, instructional methods, or materials specifically designed to address the educational limitations of students with disabilities. Curriculum committees responsible for reviewing and/or recommending special class offerings shall have or obtain the expertise appropriate for determining whether the requirements of this section are satisfied;
  - d. utilize student/instructor ratios, which are determined to be appropriate, given the educational limitations of the students with disabilities enrolled in each class. Class size should not be so large as to impede measurable progress or endanger the well-being and safety of students or staff.
2. Repetitions
  - a. Repetitions of special classes that exceed the regular repeatability limits may be allowed in order to accommodate a student's disability-related needs pursuant to state and federal non-discrimination laws. Special class repetitions involve the following conditions:
    1. when continuing student success in other general and/or special classes is dependent on additional repetitions of a special class;

2. when additional repetitions of a special class are essential to completing a student's preparation for enrollment into other regular or special classes;
3. when the student has a Student Educational Contract that involves a goal other than completion of the special class in question and repetition of the special class will further the achievement of that goal. Repeatability of special classes will be provided under the guidance of DSPTS to allow for reasonable accommodation under Section 504 of the Rehabilitation Act of 1973.

3. REQUESTS FOR SUPPORT SERVICES, ACADEMIC ACCOMMODATIONS AND/OR SPECIAL CLASS INSTRUCTION

- a. In order to receive support services academic accommodations, and/or special class instruction, a student with a disability must meet the requirements described in Section 4(a) of this regulation.
- b. Students should contact DSPTS in a timely manner to make requests for support services, academic accommodations, and/or special class instruction.
- c. The student's educational limitations must be identified by appropriate DSPTS professional staff and described in the student file.
- d. When filing a request, students are requested to:
  1. provide verification of the specific need for the requested services, accommodations, and/or special class instruction to DSPTS professional staff;
  2. complete paperwork and forms necessary to establish a student file;
  3. meet with the DSPTS counselor to develop a student educational plan (SEP) based upon student educational goals and obtain DSPTS recommendation/approval for support services, academic accommodations and/or special class instruction; and
  4. meet with appropriate DSPTS staff to arrange for the actual support services, accommodations and/or special class instruction.
- e. Students with disabilities seeking academic accommodations from instructors must present instructors, at or before the beginning of the semester or as soon as possible after classes begin, the DSPTS- recommendation for academic accommodations, so that the accommodations can be provided in a timely manner.
- f. Students who do not wish to apply for services through DSPTS may contact the Dean of Admissions and Records, the Vice President of Academic Affairs, or the Vice President of Student Services to request and arrange for necessary support services, academic accommodations, and/or special class instruction. The student must meet the eligibility requirements described in Section 4(a) of this regulation before services, accommodations, and/or special class instruction can be provided.

4. ELIGIBILITY FOR SUPPORT SERVICES, ACADEMIC ACCOMMODATIONS, AND/OR SPECIAL CLASS INSTRUCTION

a. Eligibility

1. Eligibility for support services, academic accommodations, and/or special class instruction will be determined by DSPS staff, in consultation with the student, and will be based on the nature of the student's disability. In order to be eligible for support services, academic accommodations, and/ or special class instruction authorized under Title 5, Section 56026, a student with a disability must have a verified disability, which must result in one or more educational limitations. The disability may be verified using one of the following procedures prescribed by the State Chancellor:
  - observation by DSPS professional staff with review by the DSPS Coordinator;
  - assessment by appropriate DSPS professional staff; or
  - review by DSPS professional staff of documentation provided by appropriate agencies or certified or licensed professionals outside of DSPS.
2. Documentation of disability by a qualified professional should include a detailed description of the disability and disability-related educational limitations. Students with learning disabilities should submit learning disability assessment information including specific test scores and learning disability documentation. Assessment from outside the college will be evaluated utilizing California Community College State Chancellor's Office guidelines.
3. The student's educational limitations must be identified by appropriate DSPS professional staff and described in the Student Education Contract required pursuant to Title 5, Section 56022. Eligibility for each service provided must be directly related to an educational limitation based on a verified disability consistent with Title 5, Section 56000(b) and Section 56004.

b. Appeal of Eligibility Determination

1. If upon reviewing the disability documentation submitted by the student, the DSPS professional staff determines that the student is ineligible under the provisions of Section 4(a) of this regulation, the student may appeal the ineligibility decision to the District DSPS Review Committee. The student must submit an appeal to the DSPS Coordinator within ten (10) working days of receiving the notice of the student's ineligibility.
2. The District DSPS Review Committee will consist of District DSPS Coordinators present at the scheduled monthly District DSPS Coordinator's meeting, the Chief Student Services Officer assigned as DSPS liaison or designee, and the Chief Student Services Officer of the college from where the appeal originated or their designee.
3. Within 30 working days of the appeal, the District DSPS Review Committee will consider the appeal at the next scheduled District DSPS Coordinator's meeting, or special meeting convened for the purpose of hearing the appeal, and make a recommendation to the president of the college where the student is in attendance. The recommendation will be

determined by majority vote of the District DSPS Review Committee. During its deliberations, the Coordinators may consult with the District Office of Diversity Program, the District Office of the General Counsel and/or other appropriate community college professionals.

4. The District DSPS Review Committee will provide the college president with written notification, including the rationale for its decision, within five (5) working days of its decision. The college president will provide the student of his or her final decision with ten (10) working days of receipt of the DSPS Review Committee's recommendation.
5. If the student is not satisfied with the college president's decision, the student has the right to file an AB803 Complaint with the College Compliance Officer or the Los Angeles Community College District Compliance Officer. The student may utilize this option at any time during the process.

## 5. STUDENT RESPONSIBILITIES

Students receiving support services, academic accommodations, and/or adjustments or special class instruction under Section 2 of this regulation shall:

- a. comply with the District Student Code of Conduct and all other applicable statutes and regulations related to student conduct;
- b. be responsible in their use of DSPS services and adhere to written service provision policies adopted by DSPS;
- c. make measurable progress toward the goals established in the Student Educational Contract and meet academic standards established by the college.

## 6. TERMINATIONS OR SUSPENSION OF DSPS SERVICES

- a. A student's use of DSPS services and programs may be suspended or terminated in part or in full when a student:
  1. fails to act responsibly in their use of DSPS services and/or fails to follow written service provision policies adopted by DSPS and/or;
  2. fails to make measurable progress toward the goals established in the Student Educational Contract and/or ceases to meet the college's academic standards.
- b. Students subject to partial or full termination:
  1. will be requested to meet with DSPS staff to discuss the specific problem areas. The final decision to terminate services (in part or in full) will be made by the DSPS Coordinator based on the recommendations of the DSPS staff.
  2. will be notified by the DSPS Coordinator in writing of any suspension or termination of services, copies of which will be placed in the student's file.
- c. Any student receiving full or partial service termination may re-apply for services after one semester. Services may be reinstated on a probationary basis, concurrent with a written commitment from the student to follow DSPS policies for service provision including, but not limited to, the following:

1. accept program staff recommendations for appropriate course selection;
  2. attend all classes regularly and promptly;
  3. indicate academic difficulties to program staff in a timely manner;
  4. keep all scheduled appointments or, when necessary, cancel appointments at least 24 hours in advance; and/or
  5. keep program staff apprised of academic progress through progress reports.
- d. The student has the right to appeal the termination of service following the procedures delineated in Section 8 of this regulation to the Vice President of Student Services, who shall make a recommendation to the college president. The college president's decision shall be final. A termination of service should not be construed as indicating expulsion or termination from the college itself.

## 7. FACULTY RESPONSIBILITIES

It is the responsibility of faculty members, with the assistance of DSPS staff, to allow the student to utilize academic accommodations and support services recommended by DSPS. Each college shall develop policies and procedures for notifying faculty of the necessity for academic accommodations.

## 8. DISPUTES

If a student who has been determined to be eligible for services (under 4a) believes that the college is not providing support services and/or academic accommodations, and the matter cannot be resolved informally, the student may file a complaint, which will be adjudicated by the Academic Accommodations Review Committee.

### a. Informal Resolution

When a dispute arises over DSPS recommended support services and/or academic accommodations, all parties are required to seek informal resolution, before proceeding formally. In an effort to resolve the matter informally, the student should schedule a meeting with the person(s) involved in the dispute, as well as the person's immediate supervisor, the corresponding Dean of Academic Affairs, and a DSPS professional.

### b. Formal Resolution

1. If the matter cannot be resolved informally, the student may file a written request for a formal hearing of the college Academic Accommodations Review Committee, consisting of two faculty representatives, appointed by the Academic Senate, two members from administration, and the DSPS Coordinator or designee, who will function in the hearing as a consultant and will have no vote.
2. The college Section 504 Coordinator, or other designated college official with knowledge of support services and accommodations, may make an interim decision, if necessary, regarding provision of support services or accommodations pending the final resolution of the dispute.

3. The Academic Accommodations Review Committee will meet within ten (10) working days of the request and review the request in accordance with the following procedures:
  - a. The student and/or a representative shall present the written request to the DSPS Coordinator and attend the meeting of the Academic Accommodations Review Committee. The representative may not be an attorney
  - b. The person denying the DSPS recommended support services or accommodations and/or their departmental representative shall present written reasons why the DSPS-recommended support services or accommodations were not provided and shall attend the meeting of the Academic Accommodations Review Committee.
  - c. The committee will make a determination regarding the “reasonableness” of the support service(s) or accommodation(s), and recommend an equitable solution, if necessary.
  - d. The committee will deliberate outside of the presence of the student and the person denying the support services or accommodations and their representatives.
  - e. During the formal hearing process, the committee chair shall coordinate the conduct of the hearing.
  - f. The hearing shall be closed and confidential.
  - g. The committee will, within five working days after the hearing, inform the student in writing of the committee’s decision.
  - h. Copies of the committee’s decision will be placed in the student’s file and sent to the Academic Affairs Vice President and Student Services Vice President, as well as to the individual, if appropriate, who denied the support service (s) or accommodation(s), by the Academic Accommodations Review Committee Chair.
  - i. Academic Accommodations Review Committee Formal Hearing Request forms are available in the DSPS Office, Student Services Office, and from the College Compliance Officer and/or College Ombudsperson.

c. Appeal

1. If the student is dissatisfied with the Academic Accommodations Review Committee decision, the student may appeal to the College President.
2. The student may also file a formal discrimination complaint with the College Compliance Officer, who will then follow the established steps outlined in Chapter XV of the Board Rules.

9. COURSE AND PROGRAM REQUIREMENT ACCOMMODATIONS

a. Purpose

A course or program requirement accommodation is an academic adjustment, in which an alternate means of fulfilling a course or program requirement is permitted. Such accommodations may include, but are not limited to, substitutions or waivers of specific course or program requirements and/or substitutions or waivers of course or program prerequisites.

While the LACCD expects all of its students to master the necessary educational competencies and to complete all program requirements prior to the awarding of degrees and certificates, the District also recognizes that a disability may preclude a student from meeting

all educational competencies or from completing program requirements in the same manner as non-disabled students. The District also recognizes the need to accommodate students with documented disabilities to the greatest extent possible without compromising a disabled student's course of study and without compromising the integrity of any student's award (i.e., degree or certificate).

The District recognizes that most students with disability-related educational limitations can meet course or program prerequisites and successfully complete academic requirements. This may not be the case for some students with disability-related educational limitations. If appropriate support services and accommodations are determined to be insufficient to enable a student to meet a course or program prerequisite and successfully complete academic requirements and/or if the student can show that his/her disability-related educational limitations are of such magnitude that meeting the prerequisite or successful completion of the program requirement is precluded, the student may petition for a course or program requirement/ prerequisite accommodation. For these students a course or program requirement/prerequisite accommodation will be considered by the college on an individual basis under the conditions described below.

A course or program requirement/prerequisite accommodation will be considered only if the college determines that the student would not be able to successfully complete the requirement even with the provision of all support services and other accommodations for which the student is eligible. A course or program requirement/prerequisite accommodation may be granted only when there is evidence that the student has exhausted all viable alternatives for meeting established course or program requirements/prerequisites.

Course or program requirements that the college can demonstrate are essential to the course or program of instruction, or are directly related to applicable licensing and/or health and safety requirements, will not be altered.

NOTE: LACCD students must note that licensing agencies, other educational institutions, or employers may not recognize course or program requirement/prerequisite accommodations granted by the LACCD.

NOTE: Requests for substitution or waiver of program requirements not established by the LACCD should be addressed directly to the transfer institution or licensing agency where they were established.

b. Eligibility

In order to file a Course or Program Requirement/Prerequisite Accommodation Request, a student must be deemed eligible under the provisions of Section 4(a) of this regulation.

c. Criteria for Granting a Course or Program Requirement/Prerequisite Accommodation Request

In order for the Course or Program Requirement Accommodation Committee to consider the student's request for a course or program requirement accommodation, the committee must determine that the following conditions have been met:



1. The student has made a good faith effort to complete the course or program requirements/prerequisites in question, including but not limited to:
  - a. consistent and persistent effort in attempting course work and/or documentation which definitively predicts the student would not be successful in the course in question. (OCR, 1997)
  - b. regular class attendance, completion of all assignments;
  - c. use of all appropriate and available recommended services, such as tutorial assistance or instructional support classes and labs;
  - d. use of all appropriate and available DSPS-recommended support services and academic accommodations, such as test-taking assistance, alternate media formats, and assistive technology.
  
2. The student is otherwise qualified to meet the LACCD course or college program requirements/prerequisites, which may include but not be limited to:
  - a. demonstrated success in completing required coursework;
  - b. success in courses that demonstrate equivalent skills to the course or program requirement/prerequisite under consideration.
  - c. granting the request would not require a fundamental alteration to an essential component of an academic or vocational course or program of study.
  - d. evidence that provision of the requested course or program requirement/prerequisite accommodation would not interfere with health and safety of the student or others.

d. Procedures

1. Course or Program Requirement Accommodation Committee.

A Course and Program Requirement Accommodation Committee will be established for each student request for a course or program requirement/prerequisite accommodation. The committee will consist of the following individuals:

- DSPS Coordinator, or designee (votes only to break ties)
- Department Chair, or designee, of department with jurisdiction over the course or program requirements in question
- Department Chair, or designee, of the course(s) requested to be altered, substituted or waived
- Chief Instructional Officer or designee
- Chief Student Services Officer or designee

2. Course or Program Requirement Accommodation Request and Documentation

In submitting a request for a course or program requirement accommodation, the student should provide the following to the Course or Program Requirement Accommodation Committee (through the DSPS Coordinator:

- a. *A Course or Program Requirement Accommodation Petition*, containing the specific course or program requirement or prerequisite for which the accommodation is

- being requested, and the rationale for the request;
- b. verification from the DSPS Coordinator that the student meets the eligibility requirements contained in Section 4(a) of this regulation;
- c. evidence of persistent good faith effort in attempting to meet the requirement;
- d. evidence of use of all appropriate and available support services and academic accommodations recommended by DSPS staff to meet the requirement or prerequisite;
- e. a signed statement that the student is aware that program requirement alterations granted by LACCD may not be recognized by licensing agencies, other educational institutions, or employers;
- f. additional supporting documentation requested by the committee.

### 3. Course or Program Requirement Accommodation Committee's Review and Decision

- a. If the student is eligible under the requirements of Section 4(a) of this regulation, the DSPS Coordinator, or designee, will call a meeting of the Course or Program Requirement Accommodation Committee within 40 working days of the receipt of the student's petition for a course or program requirement/prerequisite accommodation by the DSPS Coordinator.
- b. The committee will review all relevant evidence and determine whether the student has met the conditions for an accommodation delineated in Section 9 of this regulation.
- c. The committee's decision will be determined by a majority vote.
- d. The committee will determine the exact nature of the course or program requirement or prerequisite accommodation.
- e. Within 10 working days after meeting to review the request, the Course or Program Requirement Accommodation Committee will notify the student, the Chief Student Services Officer, and the Vice President of Academic Affairs of the decision, in writing.

### 4. Appeal of the Course or Program Requirement Accommodation Committee's Decision

- a. If the student is not satisfied with the decision of the Course or Program Requirement Accommodation Committee, the student has the right to appeal to College President. The appeal must be sent to the college President within 10 working days of receiving the letter from the Course or Program Requirement Accommodation Committee informing him/her of the decision.

## 10. Definitions

- a. ***Student with a Disability:*** A "student with a disability" or "disabled student" is a person who has a verified disability that limits one or more major life activities, as defined in 28 C.F.R. 35.104, and which imposes one or more educational limitations as defined in Title 5, Section 56004.
- b. ***Educational Limitations:*** "Educational limitations" are disability-related limitations, which prevent the student from fully benefiting from classes, activities, or services offered by the college to all students without specific additional support services or instruction as defined in Title 5, Section 56005.

- c. **Support Services and Special Class Instruction:** Support services and special class instruction” are defined as any one or more of the services listed in Section 56026, special class instruction authorized under Section 56028, or both. Support services and special class instruction are made available to students with verified disabilities as defined in Title 5, Section 56002 and 56006.

Any support services or instruction funded, in whole or in part, under the authority of Title 5, 56000, must:

- not duplicate services or instruction which are otherwise available to all students;
  - be directly related to the educational limitations of the verified disabilities of the students to be served;
  - be directly related to the student’s participation in the educational process;
  - promote the maximum independence and integration of students with disabilities; and support participation of students with disabilities in educational activities consistent with the mission of the community colleges as set forth in Education Code, Section 66701.
- d. **Working day:** “working day” means a day when the majority of the colleges in the District are in session, excluding Saturdays, Sundays, holidays and summer and winter session days.
- e. **DSPS Professional Staff:** Academic employees in the DSPS Office, who meet the qualifications of Title 5, CCR, to provide services.