

# LOS ANGELES COMMUNITY COLLEGE DISTRICT

## ADMINISTRATIVE REGULATION E-100

### TOPIC: **Procedures for Students Seeking Reasonable Accommodation Based on Verified Disability through Academic Adjustments**

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#### **Contents**

I. Introduction.....	1
II. Requesting Verification of Disability .....	3
III. Requesting Academic Accommodations - Student Responsibilities .....	5
IV. Implementing Academic Accommodations - DSPS and Instructional Faculty Responsibilities .....	5
V. Approving and Communicating Academic Accommodations to Students and Instructors .....	6
VI. Student Challenges to a DSPS Approved Academic Accommodation – Informal Process .....	7
VII. Student Accommodation Appeals - Formal Process .....	7
VIII. Instructor Concerns Related to Established DSPS-Approved Academic Accommodations .....	9
IX. Program Accommodations Due to Disability – Special Waiver of Program Prerequisites, Course Substitutions & College Course Waivers .....	11
X. Reporting of Disability Discrimination .....	12
XI. DSPS Advisory Committee .....	13
XII. Educational Assistance Classes.....	13

#### **I. Introduction**

This administrative procedure is established in order to ensure that all LACCD students with disabilities receive appropriate accommodations in their instructional activities, as mandated by federal and state law and by the District’s non-discrimination policy. LACCD remains committed to providing an accessible learning community where individuals with disabilities have an equitable opportunity to pursue and achieve their educational goals.

All District employees are required to undertake all reasonable steps to ensure that any College academic requirements do not unlawfully discriminate, or have the effect of discriminating against persons with disabilities whenever:

1. A student requests accommodation due to a disability in their educational program(s); and

2. Instructional content or other College materials are provided to students, or members of the public, such as on websites, through electronic or online means.

LACCD instructors are responsible for conducting classes and administering all student assignments, including examinations, in their courses, and in so doing, shall provide reasonable accommodation for qualified students with disabilities through coordination with other appropriate offices and personnel as outlined below.

Academic requirements that are reasonable and justifiably necessary to a student's program of instruction are not considered discriminatory. As such, academic accommodations to which a student may be entitled can include changes in the length of time allowed to complete degree requirements, substitution of specific courses required for the completion of degree requirements, as well as the adaptation of the manner in which specific courses are conducted, including required coursework and conducting examinations. Accommodations may include circumstances when a particular accommodation may require the modification of some aspects of a course program. Only requests for accommodations from individuals with disabilities that are not deemed otherwise qualified to participate in the course or program, or requests which would fundamentally alter course or program requirements will be deemed unreasonable and not granted. This administrative procedure applies to all credit and non-credit programs at off-campus and on-campus sites.

Students requesting accommodations are expected to communicate in a timely manner with the relevant certificated staff responsible for the determination and provision of accommodations, including faculty, and to be an active participant in the interactive process, beginning with the College's verification of the student's disability.

The following procedures outline the Los Angeles Community College District's procedures for implementing reasonable accommodations for students with disabilities seeking academic adjustments in their course programs. Under no circumstances will any accommodations that are approved through these procedures be eligible to be applied to student's academic program retroactively. Pursuant to this administrative procedure, a College shall establish internal processes to ensure that all requirements outlined herein are fully met and implemented at their institution.

## **II. Requesting Verification of Disability**

As established in Title 5 Section 56000 et seq., the College Disabled Students Programs and Services (DSPS) office is the designated primary facilitator for academic adjustments, auxiliary aids, services, or instruction that furthers equal educational opportunities for students with disabilities.

DSPS services shall be available to students with verified disabilities and current functional limitations in the educational setting. No LACCD student shall be required to register or utilize the services of with the DSPS office. A student may initially request reasonable accommodation in College programs or services from the College ADA/Section 504 Coordinator. However, in any circumstance where an LACCD student with a disability seeks an academic adjustment for accommodation, the District or its Colleges will appropriate consult and collaborate with the DSPS office to implement established reasonable accommodations as necessary. Additionally, a student who requests accommodations initially through an office or individual at the College other than the College's ADA/Section 504 Coordinator shall be referred to the DSPS office to complete the interactive process to determine available reasonable accommodations as required by this process. Instructors are not permitted to offer accommodations without authorization from DSPS or the ADA/504 Compliance Officer, who will certify verification of a disability. Furthermore, the verification of a disability by DSPS shall not constitute an established educational accommodation plan for a given term.

Students seeking academic adjustments for covered disabilities, as defined in Title 5 sections 56032 through 56044, must provide appropriate documentation of the disability, or, if the disability is otherwise observable and verifiable, provide DSPS with the opportunity to complete the verification process. For example, the student may present to the DSPS office a previous assessment of their disability from an appropriate professional. DSPS will determine all necessary steps to complete the verification process upon receipt of the student's initial information provided to the DSPS office.

Qualified DSPS certificated staff<sup>1</sup> (and/or the ADA/504 Coordinator, as requested by the student) shall meet with the student to discuss the information presented in the verification step. This meeting or series of meetings shall constitute part of the interactive process between the student and the District to determine eligibility to receive DSPS services and determine available reasonable accommodation(s) to the student. During the interactive meeting(s) with DSPS, the student shall provide all relevant information to DSPS staff with regard to their educational limitations as is necessary to complete the verification process.

Once the verification process is complete, the DSPS office shall promptly notify the student whether they have been approved to receive reasonable accommodations in the College's academic programs, typically by the next business day unless the student is informed in writing that additional time for review is necessary. Notification shall only be delayed for as long as is reasonably necessary to complete the review of relevant information for determining eligibility for services.

If, upon reviewing the disability documentation submitted by the student, the DSPS office determines that the student is ineligible for DSPS services, the student may request a meeting with the College ADA Coordinator to appeal the ineligibility decision. The following steps shall be followed:

- 1.** The student must submit an appeal to the College ADA Coordinator within ten (10) business days of receiving the notice of ineligibility.
- 2.** The College ADA Coordinator will consult with the student and DSPS Coordinator or Director at the College to assess accommodation eligibility.
- 3.** The College ADA Coordinator will send a written response, which includes specific rationale for the decision to the student within ten (10) business days of receipt of the initial appeal.
- 4.** If the College ADA Coordinator upholds the ineligibility decision, the student may appeal to the District's ADA Compliance Officer within ten (10) business days of receipt of the College ADA's Coordinator's response and rationale.

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<sup>1</sup> DSPS faculty must meet the minimum qualifications stated in Title 5 section 53414. DSPS administrators must meet the minimum qualifications for academic administrators set forth in Title 5 section 53420 and meet the requirements of Title 5 section 56048.

5. The District's ADA Compliance Officer shall review the appeal and issue a response within ten (10) business days. The District's ADA Compliance Officer's decision on whether the student is eligible for services based on the totality of the information received during the verification process shall be considered final.

### **III. Requesting Academic Accommodations - Student Responsibilities**

Prior to the start of each academic term, students are responsible for properly communicating requests and preferences for academic adjustments in a timely fashion to the College DSPS office. This is required in order for the College to have a reasonable opportunity to review and address the request prior to the commencement of course instruction. Students shall refer to local DSPS protocols at their respective College(s) as posted on the College's website to be informed of the expected processing times for verification requests and scheduling appointments to complete the review for academic adjustments. All Colleges must initiate the processing of a student's request no later than five business days (i.e. confirm receipt and initial review of the submission of information) and provide regular updates to the student on the status of their request, unless extenuating circumstances require otherwise. Such extenuating circumstances will be communicated to the student promptly in writing if and/or when they exist.

While nothing in this procedure prevents students from requesting academic accommodations after the start of an academic term, timely requests for academic accommodations by students help to ensure the College is given adequate, reasonable time to implement appropriate reasonable accommodations for the requesting student. Receiving the requests in a timely manner is especially important when a student anticipates they may need new or additional accommodations that have not been previously provided or explored by the College as an option to support the requesting student in their educational environment.

### **IV. Implementing Academic Accommodations - DSPS and Instructional Faculty Responsibilities**

If, after meeting with the requesting student, the DSPS faculty conclude the accommodations proposed by the student and endorsed by DSPS are either

(a) novel (i.e. not previously implemented within the course of record in which the accommodation is being sought); or (b) complex in its execution within a particular course, DSPS shall promptly notify the instructor of record in the course at hand, in order to confer with the instructor regarding possible implementation. At its discretion, or at the request of the course instructor, DSPS shall also, simultaneously consult with the departmental chair, curriculum chair and/or supervising dean regarding the novel or complex accommodation as necessary. Instructors are required to cooperate with the DSPS office on the implementation of the accommodations established by the DSPS office.

Consultation on the request shall conclude within five business days of the request, absent extenuating circumstances, which must be documented. The student making the request for accommodations shall be contacted and provided with a timeline by the DSPS office as to when the College anticipates finalizing the interactive process regarding the requested accommodation.

DSPS shall, upon the conclusion of the consultation with the instructor and appropriate academic personnel, establish the requesting student's accommodation(s) for the course and notify the student, instructor and any other consulted personnel. The DSPS personnel must duly consider all input from the student, instructor, chair(s) and/or dean before determining the appropriate course accommodation.

In the event the student is seeking course substitution or waiver for an academic accommodation in a given term, requests should be reviewed and processed as outlined in the appropriate section below.

Should an instructor have concerns that an accommodation comprises a fundamental alteration of curriculum, then the instructor must follow the process described in section VIII of this procedure.

## **V. Approving and Communicating Academic Accommodations to Students and Instructors**

Depending on the nature of the request for academic adjustments, either during or subsequent to the interactive meeting(s) DSPS holds with an eligible student, DSPS faculty shall create an academic accommodation plan for the student responsive to the student's educational limitations due to the disability as well as determine appropriate accommodations for the current

term. DSPS shall then communicate DSPS-approved accommodations for the terms to both the student and the faculty. DSPS students are encouraged to communicate their approved accommodations to their faculty and to discuss implementation at the earliest reasonable opportunity, as necessary.

## **VI. Student Challenges to a DSPS Approved Academic Accommodation – Informal Process**

Students disagreeing with the approved accommodations shall contact the DSPS Coordinator/Director promptly to discuss the concerns regarding the accommodations. The DSPS Coordinator/Director shall work to informally resolve the student's concerns and render a decision and any resulting modifications regarding the accommodations within five (5) business days. During this period, the approved accommodations shall remain in effect. The student and instructor shall be duly notified at the conclusion of the informal resolution process of the decision on the accommodations, the rationale, and of any modifications.

In the event the student is still dissatisfied with the approved accommodations following good faith attempts to resolve the dispute informally, the student shall be advised to file an appeal with the Academic Accommodations Appeals Committee (AAAC) as outlined below. The DSPS Coordinator or Director shall advise the student in writing of their right to have their challenge forwarded by DSPS as an appeal to the AAAC at their request and shall provide a copy of this procedure.

## **VII. Student Accommodation Appeals - Formal Process**

If no informal resolution with regard to the proposed accommodation can be found within five (5) business days using the processes outlined above and the student advises the DSPS office in writing that it wishes to appeal the decision of the College's DSPS office further, then the Academic Accommodations Appeals Committee (AAAC) will review the matter, and advise the College President, whose decision will be final. **The previously authorized accommodation shall remain in effect during the period the appeal is under review.**

The student shall submit any written materials they wish to include as the basis for the challenge to the District's ADA Compliance Officer no later than

five (5) business days from the date they notify the DSPS office of their intent to appeal the DSPS office's accommodations decision.

The AAAC shall, upon receipt of a challenge to the approved student accommodation from the student, convene a hearing on the appeal within five (5) business days. Participants may participate virtually as needed, provided that such participation is done securely in order to maintain confidentiality. The approved accommodations will remain in place. The committee will be comprised of the following voting members:

- The District ADA Compliance Officer or designee;
  - The College ADA/504 Coordinator or designee;
  - The College Vice President of Academic Affairs or designee;
  - The College Vice President of Student Services or designee;
  - The College Academic Senate President or designee;
  - The College Curriculum Chair or designee; and
  - A DSPS faculty member from another college in the LACCD
- 1.** The District ADA Compliance Officer or designee shall serve as Chairperson and will be responsible for providing a recording and written minutes of the hearing. Recordings may be made by tape recorder or digital recording device. All six (6) voting members, including the chair, shall constitute a quorum by which the hearing may proceed.
  - 2.** All parties (student and the DSPS Director/Coordinator) have the right to present witnesses, testimony, and evidence, but only as related to the dispute.
  - 3.** All 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.
  - 4.** The hearing shall be closed to the public.
  - 5.** The Committee shall consider the materials presented and shall render a written decision within five (5) business days following the beginning of the hearing; copies of the findings shall be forwarded to the College President, who will review the decision of the Committee and will either accept or modify it.
  - 6.** The College President shall inform the complainant and the Committee of his/her final action by confidential correspondence within five (5)



business days of the receipt of the Committee's recommendations. The complainant shall also be informed by certified mail.

7. Written minutes and the tape or electronic recording of the proceedings shall be kept in a confidential file by the College President and shall be available to both parties. All documents will be filed separately from personnel files of the participants.
8. The College President's decision shall be the final decision rendered and shall be implemented within five (5) business days.

### **VIII. Instructor Concerns Related to Established DSPS- Approved Academic Accommodations**

If an instructor has concerns or questions about an accommodation that DSPS has determined to be appropriate for a particular student because the instructor believes the approved accommodation constitutes a fundamental alteration to the course at issue, the instructor is required to raise these concerns at the earliest available opportunity in order to limit any undue delay of the implementation of the student's accommodations. Therefore, concerns should generally be addressed prior to the finalization of the accommodation by DSPS in the process outlined above. Instructors making such challenges shall make themselves reasonably available to DSPS to discuss the requested accommodation and provide an explanation in writing as to why they are challenging the accommodation. However, in the rare event that a course instructor receives new information that was not previously reasonably available to the instructor prior to the establishment of the accommodation for the student in their course and the instructor develops additional concerns that were not previously addressed by the DSPS office or other appropriate personnel, they must contact the DSPS office immediately to discuss and resolve the concerns as expeditiously as possible. Raising a concern regarding the accommodation based on new information shall not permit the instructor to set aside the established accommodation if the course is already in progress.

Pursuant to Title 5 sections 56000 and 56001, the instructor must provide their rationale to challenge the accommodation(s) clearly grounded in the elements of fundamental alteration. A fundamental alteration is a change that is so significant that it alters the essential nature of the approved course outline of record, including the content and objectives of an individual course or course of study, and all stated limitations on enrollment. While any student may challenge a prerequisite or co-requisite, legally required

limitations on enrollment for health and safety, licensure, and other legally mandated purposes may not be waived.<sup>2</sup>

An evaluation of the content and objectives articulated in the approved course outline of record for a course offered within the District shall serve as the primary tool in evaluating whether the accommodation being challenged constitutes fundamental alteration. Correspondingly, class syllabi prepared by individual instructors and departmental preferences or practices **may not** serve as conclusory evidence as to whether a finding will be made by the College or District that the accommodation constitutes fundamental alteration.

If, **after** an adequately thorough and good faith discussion with the DSPS office, the instructor still disagrees with the accommodation on the grounds that the accommodation constitutes a fundamental alteration to the course at issue, or creates an undue administrative burden, the instructor should seek further review by contacting the District's Vice Chancellor for Educational Programs and Institutional Effectiveness (VC EPIE) **within five (5) business days** of initially contacting the DSPS office. **An assertion of academic freedom is not a sufficient basis for challenging an academic adjustment or accommodation.**

In making this challenge, the instructor shall provide, in writing, the rationale for asserting fundamental alteration and any evidence the instructor possesses supporting their position to the Vice Chancellor of Educational Programs and Institutional Effectiveness (VC EPIE) or designee at the time, or the challenge will not be further considered.

While the review of the challenge is pending, the instructor must continue to provide the accommodation until it is either set aside or modified by the VC EPIE or designee. Failure to do so without authorization constitutes a failure of the instructor to provide reasonable accommodation.

The VC EPIE or designee shall resolve the instructor's challenge informally within five (5) business days by through consultation with the District Curriculum Committee Chair, the college Academic Senate President, the college DSPS Director/Coordinator, and the college Vice President for

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<sup>2</sup> From **Implementing Guidelines for Title 5 Regulations** (California Community Colleges Chancellor's Office, April 11, 2019 update  
E-100

Student Services. Once the VC EPIE or designee has made a determination, that decision shall be final.

## **IX. Program Accommodations Due to Disability – Special Waiver of Program Prerequisites, Course Substitutions & College Course Waivers**

While the District 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 in some unique circumstances, a student's disability may preclude that student from meeting all educational competencies or from completing program requirements in the same manner as non-disabled students. LACCD also recognizes the need to reasonably accommodate students with verified disabilities who are otherwise considered qualified for their program or course of study to the maximum extent possible with the intention of their maximum participation in the program, without compromising the academic integrity of any student's award (i.e. degree or certificate). Requests for such substitutions shall be considered in accordance with the procedures for verification (which may include independent testing) and the student's request for accommodations in a given academic term.

Only course waivers or substitutions for competency and general education requirements shall be considered as a possible reasonable accommodation. Any course substitutions 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 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.

If the substituted course is required for the student to transfer, obtain licensure, or gain employment, the student is responsible for contacting the transferring institution, relevant licensing agency, or potential employers regarding the acceptability of the substitution. Students will be informed in writing that a substitution granted by the college may not be recognized by a subsequent educational institution, licensing agency, or potential employer.

A course or program prerequisite accommodation may 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 approved by the DSPS office 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 shall not be altered if (1) it is essential to the course or program of instruction, (2) a legally mandated requirement, (3) required for licensure, (4) required for health and safety.

If the DSPS office determines that the above requirements are met, it will consult with the department chair over the course for which the student is requesting exemption or substitution, and shall 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 or program prerequisite accommodation will affect any graduation, transfer, or licensure requirements detailed by this educational plan. The DSPS Coordinator/Director will present this plan in writing to the Department Chair, Curriculum Chair and Articulation Officer of the College and shall consult in good faith in order to render an informed decision within the accommodations request process described herein.

In the event the program adjustment is not granted, the student shall be eligible to file a written appeal with the Academic Accommodations Appeals Committee (AAAC) as outlined in Section VII.

## **X. Reporting of Disability Discrimination**

All LACCD students have the opportunity to file grievances or complaints to resolve allegations of discrimination based on disability, separate and distinct from their right to seek reasonable accommodation in their academic program.

Complaints of disability discrimination can be filed with the LACCD Office for Diversity, Equity and Inclusion. For more information, go to [http://www.laccd.edu/Departments/DistrictResources/OfficeOfDiversity/Pages/Contact-Us-\(Office-of-Diversity-Program\).aspx](http://www.laccd.edu/Departments/DistrictResources/OfficeOfDiversity/Pages/Contact-Us-(Office-of-Diversity-Program).aspx)

## **XI. DSPS Advisory Committee**

DSPS will maintain an Advisory Board to provide advocacy, advisement, and recommendations regarding programs and services to students with disabilities at the College. Meetings will be held at least annually.

Membership shall include representatives of community agencies and programs that provide services to people with disabilities, business and employer representatives, student representatives of the College who receive services through DSPS, local K-12 educators, and members of the college instructional faculty appointed by the academic senate.

## **XII. Educational Assistance Classes**

Educational assistance classes are instructional activities offered under the provisions of Title 5, sections 56028 and 56029, and are designed to address the educational limitations of students with disabilities. If offered, educational assistance 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. Educational assistance classes are not considered academic accommodations and are open to all students. In order to be considered an educational assistance class, the majority of students enrolled must be students with disabilities. The determination of need to offer educational assistance classes is made through the college planning and enrollment management processes.<sup>3</sup>

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<sup>3</sup> Instructors assigned to teach educational assistance classes must meet the minimum qualifications set forth in Title 5 section 53414.

*Original Issue Date: October 1, 2006*

*Initiated by: Instructional & Student Services*

*Dates of Changes: October 5, 2020*

*References:* Education Code Sections 67302, 67310, and 84850; Title 5 Sections 56000 et seq.; 42 U.S.C. Section 12101; 34CFR Sections 104.3 and 104.44; 36 CFR Section 11135

The Los Angeles Community College District does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities.