

ACADEMIC ACCOMMODATIONS

Academic Accommodations for Student with Disabilities

POLICY BP 5140

The Southwestern Community College District is committed to providing an Inclusive educational environment which is responsive and accessible to the needs of all students. Students with disabilities shall be reasonably accommodated pursuant to Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and Section 508 of the Rehabilitation Act of 1973 in all applicable District programs. The fundamental principles of nondiscrimination and accommodation in academic programs provide that:

- No student with a qualified disability shall, on the basis of the disability, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination under any post-secondary education activity or program; ([84.43(a)] Section 504, Fed. Rehab. Act, 1973); and
- Reasonable accommodations or adjustments to academic activities shall be made as are necessary to ensure that such requirements do not discriminate or have the effect of discrimination on a student with a qualified disability; and
- The College District shall create an educational environment where students with disabilities have equal access to instruction, including instruction taking place in a clinical setting, without compromising the essential components of the course, educational program or degree, including instruction taking place in a clinical setting within the scope of the program technical standards, while ensuring patient safety.

The Disability Support Services (DSS) program shall be the primary provider for support programs and services that facilitate equal educational opportunities for students with disabilities who can benefit from instruction as required by federal and state laws.

DSS services shall be available to students with verified disabilities. The services to be provided include, but are not limited to, reasonable accommodations, academic adjustments, accessible facilities, equipment, instructional programs, rehabilitation counseling and academic counseling.

No student with disabilities is required to participate in DSS programs and services. The point of contact regarding accommodations for student who choose not to register with DSS is the 504 Compliance Officer/Dean of Student Services.

The College District shall respond in a timely manner to accommodation requests involving academic adjustments. The Superintendent/President, in consultation with the Vice President for Student Affairs, shall establish a procedure to implement this policy which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee.

The Superintendent/President shall assure that the DSS program conforms to all requirements established by the relevant law and regulations.

All complaints of unlawful discrimination on the basis of physical or mental disability shall be filed with the Human Resources Compliance Coordinator in the Office of the Vice President for Employee Services under College District Procedure No. 3430 AP-Prohibition of Harassment.

Academic Accommodations for Student with Disabilities Procedures

PROCEDURE: AP 5140

The Southwestern Community College District is committed to providing an inclusive educational environment which is responsive and accessible to the needs of all students. The Disability Support Services (DSS) program is the primary provider for support programs and services for students with disabilities. Students with disabilities are not required to register with DSS. The point of contact regarding accommodations for these students is the 504 Compliance Officer/Dean of Student Services.

The College District maintains a plan for the provision of programs and services to students with disabilities designed to assure that they have equal access to College District classes and programs. Other information regarding the goals and objectives of DSS can be found in the DSS Program Review document.

Providing Academic Adjustments for Student with Disabilities

Students with disabilities are assured equal access to educational institutions and all systems of communication under federal and State laws. Equal access for an individual with a disability is defined as the opportunity to obtain the same result, gain the same benefit or to reach the same level of achievement, in the most integrated setting appropriate to the person's needs. Equal access is achieved either by providing universal access, or by academic adjustments (accommodations). Academic adjustments or accommodations are modifications to the way instructional material is presented, learned, expressed and/or assessed. In postsecondary settings, academic adjustments or accommodations may not fundamentally alter the essential requirements of a course, program, certificate or degree (Section 504 of the Rehabilitation Act of 1973).

- a. Verification. The student with a disability must provide written documentation of the disability for verification of the need for academic adjustments or accommodations. The student is responsible for requesting adjustments or accommodations in a timely fashion. Students submit their documentation to DSS or to the 504 Compliance Officer/Dean of Student Services. If the student prefers not to use DSS services, the 504 Compliance Officer/Dean of Student Services will address the issue of accommodations. Professors are not permitted to offer accommodations without authorization from DSS or the 504 Compliance Officer/Dean of Student Services. Accommodations will be recommended after disability verification has been received.
- b. If the student does not have appropriate verification of disability, DSS will initiate an assessment to determine and document a disability if within the scope of assessment services provided by DSS and deemed necessary by a DSS professional.
- c. The DSS professional, who meets the standards established by state regulations, will assess and document the extent and the effects of the current disability. Depending on the severity and educationally related functional limitations of the assessed disability, the DSS

professional shall recommend accommodations immediately upon request of the student.

- d. The student will submit to his/her instructors the authorized accommodations forms completed by the DSS professional.
- e. Requests. Once the disability is verified, the student will complete the form to request accommodations every enrolled term. This form is completed each time a student is requesting accommodations and can be obtained in the DSS office, by email request at dss@swccd.edu, or at the Student Services counter at the Higher Education Centers in San Ysidro, Otay Mesa, or National City.
- f. Student Enrollment and Requirements. Students must be currently enrolled in a credit or noncredit adult education course in order to request and receive academic adjustments. The following statement must be included on course syllabi and read during the first week of class: "Southwestern College recommends that student with disabilities or specific learning needs contact their professors during the first two weeks of class to discuss academic accommodations. If the student believes they may have a disability and would like more information, they are encouraged to contact Disability Support Services (DSS) at (619) 482-6512 (voice), (619) 207-4480 (video phone), or email at dss@swccd.edu. Alternate forms of this syllabus and other course materials are available upon request.

Course Substitutions

- a. The student must complete the petition for a course substitution with the Disability Support Services (DSS) office. The petition must be received by DSS prior to student's final semester before graduation or transfer to avoid last minute negotiations.
- b. A preliminary review of the student's disability-related need for a course substitution will be made on an individual basis taking into account the unique needs of each student. The review must be conducted by a team of appropriate professionals within DSS, including the DSS Director. Sufficient written documentation that the student meets all standardized criteria established by Title 5 and the Chancellor's Office relevant to the student's disability must be demonstrated to the DSS office in order to proceed with a formal request (Section 56032-56044 of Subchapter 1 of Chapter 7 of Division 6 of Title 5).
- c. If the DSS team determines that the above requirements are met, it will develop an education plan for the student that addresses the student's particular disability, immediate and future educational and career goals, and how this particular course substitution will affect any prerequisite, graduation or transfer requirements detailed by this educational plan.
- d. Within ten instruction days of receiving the petition, DSS will present this educational plan in writing to an ad hoc committee consisting of: the DSS Director, the student's DSS Specialist, the School Dean, Department Chair or faculty representative from the department from which the course substitution has been requested, and one (1) designee from the Academic Senate. Additional representatives may be added if members of this committee deem it necessary.
- e. Within ten instruction days of the referral from DSS, this committee will determine if the requested substitution constitutes a fundamental alteration of the educational program. The committee will also develop and submit to the student a written individualized plan for accommodations or adjustments that address the appropriate educational needs as they relate to the educational goals of the student. The plan developed by the committee becomes effective immediately and will be coordinated and implemented by DSS. The

DSS Director or his/her designee will ensure that the provisions of the plan are followed.

- f. If the ad hoc committee cannot reach a decision, the matter will be referred to the 504 Compliance Officer/Dean of Student Services to review and begin the Academic Adjustment Hearing process within ten (10) instruction days.
- g. Any course substitution provided for a student determined to require such an academic adjustment should guarantee that any grade assigned to the student 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.
- h. 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. SWC students will be informed in writing that a substitution granted by SWC may not be recognized by a subsequent educational institution.

Complaint/Grievance Process for Providing Equal Access

Students with disabilities or professors who are not satisfied with the reasonable accommodation, purchase, use or agreement for accessing College District-related information can appeal the decision following the procedure outlined below.

- a. A student who disagrees with the academic accommodation(s) recommended by DSS should promptly discuss his/her concern with the DSS professional recommending the accommodation. If the student's concern continues to be unresolved, the student should discuss his/her concern with the DSS Director. If the concern continues to be unresolved, the next step is to contact the 504 Compliance Officer/Dean of Student Services as outlined in number 3 below. The students must contact the 504 Compliance Officer/Dean of Student Services prior to the posting of the final grade.
- b. If an instructor has questions about an accommodation requested by a student with a verified disability, the instructor should promptly contact the DSS professional who authorized the accommodation(s). Informal meetings and discussion among the instructor, department chair or designee, the student, the appropriate members of DSS, 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 student's request of the accommodation.
- c. If no informal resolution can be found within five (5) instruction days and the accommodation is not allowed, the DSS professional, student, or the instructor will refer the matter to the 504 Compliance Officer/Dean of Student Services as soon as possible for review. The 504 Compliance Officer/Dean of Student Services will conduct interviews with all involved parties, and will make a decision regarding the accommodation within seven (7) instruction days of having received the matter.
- d. Following notification by the 504 Compliance Officer/Dean of Student Services, if either the instructor or the student disagrees with the decision, they will notify the 504 Compliance Officer/Dean of Student Services in writing within three (3) instruction days. Written notice must be hand-delivered or postmarked by the three (3) day deadline.

The 504 Compliance Officer/Dean of Student Services will then proceed with the Academic Adjustment Hearing process.

- e. The accommodation originally authorized by DSS will be allowed for a maximum of four (4) instructional weeks during which time a resolution will be achieved. If the decision of the Committee is that the accommodation is not reasonable, the accommodation will either be modified or rescinded depending upon the Academic Adjustment Hearing Committee's recommendations.

Academic Accommodation Hearing Process

Students with disabilities or instructors who are not satisfied with the reasonable accommodation, purchase, use or agreement for accessing College District-related information can appeal the decision made by the 504 Compliance Officer/Dean of Student Services by filing a formal written request for an Academic Adjustment Hearing with the College's 504 Compliance Officer/Dean of Student Services. The 504 Compliance Officer/Dean of Student Services is located on the Chula Vista campus, in the Cesar Chavez Building, Room S109, (619) 482-6369.

- a. The 504 Compliance Officer/Dean of Student Services is responsible for informing the complainant of his/her rights, responsibilities, and procedures.
- b. The accommodation originally authorized by DSS will be allowed for a maximum of four (4) instructional weeks during which time a resolution will be achieved.
- c. An Academic Accommodation Hearing Committee will be scheduled by the 504 Compliance Officer/Dean of Student Services within five (5) instructional days to review the complaint. The hearing will be convened within ten (10) instructional days. The committee will be composed of the following voting members:
 - i. DSS Director or DSS Department Chairperson or his/her designee
 - ii. Dean or Department Chairperson from the department where the student/instructor is registering the complaint
 - iii. Academic Senate President or his/her designee
 - iv. ASO President or his/her designee
- d. The 504 Compliance Officer/Dean of Student Services shall serve as Chairperson and will vote only in case of a tie and will be responsible for providing an audio recording of the hearing.
- e. All four (4) voting members shall constitute a quorum by which the hearing may proceed.
- f. Both parties have the right to present witnesses, testimony, and evidence, but only as related to the complaint.
- g. 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 complaint.
- h. The hearing shall be closed to the public.
 - i. The Committee shall review both the written and oral testament presented and shall render a written decision within five (5) instructional days following the conclusion of the hearing. Copies of the findings shall be forwarded to the student, instructor, committee membership, and other cognizant administrative officers. In addition, a copy of the Committee's findings shall be forwarded to the College District Superintendent/President.
 - j. The 504 Compliance Officer/Dean of Student Services shall inform the complainant of the Committee's action by certified mail within three (3) instructional days of the receipt of the Committee's findings.

- k. Upon notification of the Committee's findings, either party may appeal the Committee's decision to the College District Superintendent/President. Any appeal to the Superintendent/President must be made in writing, and shall be either hand delivered or postmarked within three (3) instructional days following notification of the Committee's findings.
 - l. The Superintendent/President will review the decision of the Committee and will either accept or modify the decision.
- m. The Superintendent/President shall inform the complainant and the Committee of his/her final action by certified mail within ten (10) instructional days of the receipt of the appeal request.
- n. The Superintendent/President's decision shall be the final decision and shall be implemented within five (5) instructional days.
- o. The confidential audio recording of the proceedings shall be kept in a confidential file by the 504 Compliance Officer/Dean of Student Services. All documents shall be filed separately from the personnel file of Southwestern College employees.

General Provisions

- a. The time limits specified herein shall be considered under normal circumstances and every effort shall be made to expedite the process. Time limits may be extended only by mutual consent, in writing.
- b. A complaint can be withdrawn at any step of the process; however, the same complaint shall not be re-filed.
- c. Either party may consult with the 504 Compliance Officer/Dean of Student Services regarding any of these procedures at any time.

Disability Discrimination Complaints

The Southwestern Community College Catalog contains the most recent information regarding services available for students with disabilities. This document is updated annually for currency and correctness.

Any student, College District employee, or community member wishing to file a complaint alleging discrimination on the basis of physical or mental disability should file with the Human Resources Compliance Coordinator in the Office of the Vice President for Employee Services under College District Procedure No. 3430 AP - Prohibition of Harassment & Discrimination.

If these processes yield an unsatisfactory result, the Office for Civil Rights may be contacted regarding its complaint resolution processes:

United States Department of Education
Office for Civil Rights
Region IX
Old Federal Building
50 United Nations Plaza, Room 239
San Francisco, CA 94102

Academic Accommodation Procedures

- a. The student bears the responsibility of presenting Disability Support Services (DSS) with professional disability verification that describes specific educational limitations before an academic accommodation will be authorized.
- b. If the student does not have appropriate disability verification, DSS will direct the student to the appropriate professional who can determine disability, or will initiate an assessment to determine and document a disability within the scope of assessment services provided by DSS and deemed necessary by a DSS professional.

- c. The DSS professional, who meets the standards established by state regulations, will assess and document the extent and the effects of the current disability. Depending on the severity and educationally related functional limitations of the assessed disability, the DSS professional shall authorize accommodations immediately upon request of the student.
- d. The student will submit to his/her instructors the authorized accommodations forms completed by the DSS professional.

Informal Resolution

- a.
 - i. The College is charged with determining and providing what it believes to be the appropriate academic accommodation for a student. A student who disagrees with the academic accommodation(s) prescribed by DSS should discuss his/her concern with the DSS professional recommending the accommodation. If the student's concern continues to be unresolved, the student should discuss his/her concern with the DSS Director. If the concern continues to be unresolved, the next step is to contact the 504 Compliance Officer/Dean of Student Services as outlined in number 5 below. Students must file an Academic Accommodation appeal with the 504 Compliance Officer prior to the posting of the final grade.
 - ii. If an instructor has questions about an accommodation requested by a student with a verified disability, the instructor should promptly contact the DSS professional who authorized the accommodation(s). Informal meetings and discussion among the instructor, department chair or designee, the student, the appropriate members of DSS, 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 student's request for the accommodation.
- b. If no informal resolution can be found within five (5) instruction days and the accommodation is not allowed, the DSS professional, student, or the instructor will refer the matter to the 504 Compliance Officer/Dean of Student Services as soon as possible for review. The 504 Compliance Officer/Dean of Student Services will conduct interviews with all involved parties, and will make a decision regarding the accommodation within seven (7) instruction days of having received the matter.
- c. Following notification by the 504 Compliance Officer/Dean of Student Services, if either the instructor or the student disagrees with the decision, they will notify the 504 Compliance Officer/Dean of Student Services in writing within three (3) instruction days. Written notice must be hand-delivered to the Office of Student Services, Cesar E. Chavez Student Services building, Room S109 or postmarked by the three (3) day deadline. The 504 Compliance Officer/Dean of Student Services will then proceed with the Academic Accommodation Hearing process.
- d. The accommodation originally authorized by DSS will be allowed for a maximum of four (4) instruction weeks during which time a resolution will be achieved. If the decision of the Committee is that the accommodation is not reasonable, the accommodation will either be modified or rescinded depending upon the Academic Accommodation Hearing Committee's recommendations.