

STUDENT SERVICES

**AP 5140 DISABLED STUDENT PROGRAMS AND SERVICES
(DSPS)/DISABILITY RESOURCE CENTER (DRC)**

References:

Title 5 Sections 56000 et seq.

The District maintains a plan and a process to ensure equitable access for qualified students with disabilities to District classes, co-curricular activities and programs.

This plan includes:

- procedure for timely response to accommodation requests involving academic adjustments which, at a minimum, provides for an individualized review of each request through an interactive process, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee
- long-range goals and short-term measurable objectives for the program
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- definitions of disabilities and students eligible for the program
- support services and instruction that is provided
- technology accessibility
- verification of disability
- student rights and responsibilities
- academic accommodation plan that is developed by a designated person in consultation with the student
- academic adjustments, auxiliary aids and services
- provisions for course substitution and waivers
- staffing
- advisory committee

Under the provisions of federal and state legislation, Disabled Students Programs and Services (DSPS)/Disability Resource Center (DRC) provides special counseling, services and instruction for those with physical, learning, developmental, vision, hearing, acquired brain injuries, and communication disabilities. Post-secondary institutions shall take whatever steps necessary not to discriminate or have the effect of discrimination on the basis of handicap against a student with a disability. This prohibits the institution from denying any necessary items such as service animals in buildings, audio recorders, or anything else that limits the student with a disability from full participation.

Date Approved: 11/20/07; Revised: 9/19/17; Revised 10/22/21

(Replaces Palomar College Policy 409, Procedures 409 and 418.2 and all previous versions of AP 5140)

Examinations and other auxiliary aids will be made available and flexible to fit the requirements of the student with a disability upon the student's formal request to the Office of DRC (DSPS).

The following is available to students with verifiable disabilities through the DRC office:

- Adapted kinesiology courses
- Personal Counseling
- Educational counseling
- Disability management counseling
- DRC educational assistance classes
- On-campus transportation
- Orientation
- Priority registration
- Self-advocacy instruction
- Exam accommodations
- Learning disability assessment
- Assistive technology assessment, evaluation, and training
- Sign Language Interpreting
- Real-time captioning
- Readers and scribes
- Note takers
- Alternate media of instructional materials
- Note-taking assistance
- Mobility assistance
- Access Technology Center (ATC) for access to assistive technology

In general, the DRC (DSPS) program acts as an advocate for students with disabilities by representing their interests on campus as well as with various state and local agencies including the State Department of Rehabilitation.

Degree/Certificate Requirement Change to Comply with the Americans with Disabilities Act of 1990

The District acknowledges that a disability may preclude a student from demonstrating required competencies or from completing the requisite courses for an Associate degree or certificate in the same manner that non-disabled students are expected to. The District also recognizes its responsibility to accommodate students with documented disabilities to the greatest extent possible without compromising a disabled student's course of study as well as maintaining the standards of academic rigor relative to degree and certificate programs.

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In order to accommodate students with documented disabilities, the District will use the following criteria in evaluating a student's request: Documentation of a disability, evidence of the student's good-faith effort to meet the requirement, evidence that the student is otherwise qualified for success in the degree or certificate, evidence that the objectives of the course in question may be fulfilled in some other way that is consistent with the academic requirements of the program, and evidence that the request would not require a fundamental alteration to an essential component of an academic requirement.

The following criteria will be used in evaluating a student's request:

- A. Documentation of Disability with specific test scores and/or medical documentation and a description of the degree of educationally related functional limitations in the academic area under discussion and

- B. Evidence of the student's good-faith effort to meet the Degree/Certificate requirement such as:
 - o Consistent and persistent effort in attempting course work as shown by academic transcripts
 - o Regular attendance, completion of all assignments
 - o Use of all appropriate and available services such as tutorial assistance or instructional support classes
 - o Use of all appropriate and available academic adjustments such as test accommodations.

(Such accommodations include extended test time, provision of a distraction-reduced room for test taking, or provision of a reader or scribe.)

The student's good faith effort may also be validated in a written statement from the instructor and a DRC (DSPS) Counseling/Director

If a student with a documented disability can demonstrate to the DRC(DSPS) Counselor/Director that his/her disability is of such magnitude that any attempt at

completing the course would be futile, the student need not provide evidence of good faith effort as described above.

and

- C. Evidence that the student is otherwise qualified such as:
 - Student's success in completing course work in all other areas required for the degree or certificate
 - Success in courses that demonstrate equivalent skills to the courses under consideration
 - Success in employment.

and

- D. Evidence that the objectives of the course in question can be met in some other way (course substitution or other.)
- and
- E. Evidence that the request would not require a fundamental alteration to an essential component of an academic requirement. (“Academic requirements that the District can demonstrate are essential to the program of instruction being pursued by the students, or directly related to licensing requirements, will not be regarded as discriminatory.” Volume 34 of the Code of Federal Regulations 104.44(a).)

Documentation to be submitted:

The student shall submit all of the following to the DRC (DSPS) Director a minimum of two semesters before the proposed degree or certificate completion date:

- A letter written by student addressing the criteria A-E as listed on the form.
- Evidence from a DRC Counselor/Director or other recognized professional source] verifying the disability as it relates to student’s request.
- An informal academic evaluation by a District counselor of degree or certificate requirements which student still needs to complete.
- A current academic transcript. An informal transcript is available in Counseling.
- Documentation from instructor(s) outlining evidence of persistent and consistent effort in attempting the course.

or

- Documentation from a specialist on disabilities that the student’s disability is of such nature or magnitude that any attempt at completing the course would be futile.
- Documentation from instructional support faculty or staff outlining evidence of use of all appropriate and available services and academic adjustments.

Upon receipt of items A-E, the DRC Director will call a meeting of a committee comprised of:

- The Dean from the academic area(s) involved
- The DRC (DSPS) Director, or designee
- An advocate of the student’s choice (non-voting)
- The department chair from the academic area(s) involved
- A representative from the Faculty Senate (preferably from the concerned academic area.)

Minutes of the meeting will be taken. The Committee will review all evidence presented by the student.

The Committee's decision will be determined by a majority vote. In the event of a tie, the request will be referred to the Vice President for Instruction. If the Committee recommends a course substitution, the Committee will request the department for the course in question to identify appropriate course substitutions. The DRC Director will then send the student a letter, and copy the Committee, detailing the Committee's decision.

If the Committee approves a course waiver or substitution, the DRC Director will complete the Admissions and Records' Course Substitution/Waiver Form and route for signature.

If the request for change is approved by the Committee and later granted by the department for the course in question, the student must fulfill all other requirements for the associate degree or certificate.

Decisions that affect a transfer-level course may not be recognized by the educational institution where the student intends to transfer.

The Committee will forward its decisions in writing to the student and Vice President for Student Services within three weeks of receiving the original completed petition.

If the student is dissatisfied with the committee's decision, he/she may appeal to the Vice President for Instruction. Further appeals may be made to:

Office of Civil Rights
Coordination and Review Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, D.C. 20035-6118

Also refer to the Palomar College Catalog and class schedule.

Offices of Primary Responsibility: Student Services