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**Administrative Procedure**  
Chapter 5 – Student Services

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## **AP 5140    DISABLED STUDENT PROGRAMS AND SERVICES**

### **References:**

Title 5 Sections 56000 et seq.

The Superintendent-President in consultation with the Vice President, Student Support Services shall ensure that the DSPS program conforms to all requirements established by relevant laws and regulations.

### **District Services to Students with Disabilities**

The Vice President of Student Support Services shall be responsible for the administration of these regulations.

### **District Plan for Services to Students with Disabilities**

- A. The District maintains a plan for the provision of programs and services to students with disabilities designed to assure that they have the equality of access to District classes and programs.
- B. The Disabled Student Programs and Services (DSPS) Office is the primary provider for support programs and services. Students with disabilities are not required to register with DSPS. Non-DSPS student accommodations are overseen by the ADA/504 Compliance Officer.
- C. As an important entity in the accreditation process and District Strategic Planning, DSPS develops a departmental plan that informs the DSPS Plan for Title 5 compliance. The Plan includes:
  - 1) the long-term goals of the DSPS program;
  - 2) the short-term measurable objectives of the program;
  - 3) the activities to be undertaken to accomplish the goals and objectives;
  - 4) a description of the methods used for program evaluation
- D. Per Title 5, the DSPS Office holds an annual meeting with its advisory group, which includes representation from internal and external community groups as well as a current college student.

## **Definitions of Disabilities, Academic Adjustments and Related Academic and Curricular Services**

Definitions in this procedure are outlined within California Title 5 Sections 56000 et seq., Rehabilitation Act, Section 504 (1973), Americans with Disabilities Act (1990) and Americans with Disabilities Act Amendments Act (2008)

- A. A student with disabilities is any student who experiences education limitations and has verified one of the below-mentioned disabilities either through the DSPS registration process or through verification with DSPS or the ADA/504 Compliance Office. Students with disabilities are not required to register with DSPS. All students with disabilities are eligible to participate in the DSPS program if they have an impairment which is verified and which results in an educational limitation. Non-DSPS student accommodations are overseen by the ADA/504 Compliance Officer. Verification of disabilities is the responsibility of the DSPS program and the ADA/504 Compliance Officer.
- B. Students are eligible to participate in the DSPS program if they have an impairment which is verified and which results in an educational limitation. The existence of an impairment may be verified by one of the following means or through the interactive process:
  - 1. Observation by DSPS certificated staff;
  - 2. Assessment by appropriate DSPS certificated staff; or
  - 3. Review of documentation provided by agencies or by certified or licensed professionals outside of DSPS.
- C. Disabilities for which academic accommodations may be provided include, but are not limited to:
  - 1. Acquired Brain Injuries (ABI)
  - 2. Attention Deficit and Hyperactivity Disorder (ADHD)
  - 3. Autism Spectrum
  - 4. Blind and Low Vision
  - 5. Deaf and Hard of Hearing
  - 6. Intellectual Disability/Developmental Disability
  - 7. Learning Disability
  - 8. Mental Health Disabilities
  - 9. Other Health Conditions and Disabilities
  - 10. Physical Disabilities
- D. Academic adjustments or accommodations are defined as modifications to

the way instructional material is presented, learned, expressed and/or assessed. Academic adjustments or accommodations may not fundamentally alter the essential requirements of a course, program, certificate or degree. Requests for accommodation or adjustment will not be granted unless an educational limitation has been verified by DSPS or the ADA/504 Compliance Officer.

E. DSPS, in consultation with faculty where DSPS deems it is needed and appropriate, may provide to students the following academic services as academic adjustments or accommodations: The following are some examples of services that may be provided to students based upon educational need in relation to the disabilities listed above:

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1. Reader services
2. Scribe services
3. Testing accommodations
4. Note taker services
5. Recording of lectures
6. Class aids for lab courses or hands-on tasks
7. Sign language interpreters
8. Closed or open captioning
9. Printed college materials in alternate formats
10. Adaptive equipment or furniture
11. Specialized classes and support programs
12. Technology accessibility
13. Liaison with faculty and staff
14. Calculator on exams
15. Use of instructional materials, such as PowerPoints or instructor-approved formula cards on math exams
16. Academic counseling, or
17. Other academic adjustments and/or accommodations.

G. Determining eligibility for academic adjustments, auxiliary aids, services or other accommodations is an interactive process by which DSPS and the ADA/504 Compliance Officer verify a disability that results in an educational limitation. A student's educational limitations and approved accommodations must be identified and described in the Academic Accommodation Plan (AAP).

## **Students with Disabilities Rights and Responsibilities**

### **A. Student Rights:**

1. Participation by students with disabilities in DSPS is voluntary.
2. Receiving academic adjustments, auxiliary aids, services and/or

instruction through DSPS does not preclude a student from also participating in any other course, program or activity offered by the college.

3. All records maintained by DSPS personnel pertaining to students with disabilities are protected from disclosure and shall be subject to all other requirements for handling of student records.

**B. Student responsibilities.** Students receiving academic adjustments, auxiliary aids, services and/or instruction shall:

1. Comply with the student code of conduct adopted by the college and all other applicable statutes and regulations related to student conduct.
2. Be responsible in their use of DSPS services and adhere to written service provision procedures adopted by DSPS.
3. Meet academic standards established by the college, as applied to all students, when enrolled in general college classes.
4. Make progress toward their educational goals developed for the course as established in the student's Academic Accommodation Plan (AAP), when enrolled in educational assistance classes.

**C.** The District may adopt a written procedure providing for the suspension or termination of DSPS services when a student fails to comply with the student responsibilities defined above. This procedure shall provide for written notice to the student prior to the suspension or termination and shall afford the student an opportunity to appeal the decision. Each student shall be given a copy of this procedure upon first applying for services from DSPS.

**Academic Adjustments and Accommodations Verification Procedures for Students with a Disability**

Students seeking academic accommodations and/or educational adjustments are required to request assessment or submit verification of disability to DSPS, at which point a DSPS Counselor, the Learning Disability Specialist or the DSPS Director will assess and/or review documentation to determine eligibility for academic adjustments, and/or accommodations.

**A.** Academic adjustments or accommodations may not fundamentally alter the essential requirements of a course, program, certificate, or degree. 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.

B. **Verification Process:** The student with a disability can provide documentation of disability for verification of the need for academic adjustments or accommodations and is responsible for requesting adjustments or accommodations in a timely manner.

1. Students should submit their documentation to DSPS or to the ADA/504 Compliance Officer. Students who directly submit documentation to their professors should be encouraged to register with DSPS.
2. If the student prefers not to use DSPS services, the ADA/504 Compliance Officer will address the issue of accommodations in consultation with appropriate DSPS personnel.
3. Professors are not permitted to offer accommodations without authorization from DSPS or the ADA/504 Compliance Officer.
4. If the student does not have appropriate verification of disability, a DSPS professional will engage in the interactive process and determine if an assessment is appropriate. If student is found eligible, the Learning Disability Specialist will document a disability if within the scope of assessment services provided by DSPS.
5. A DSPS Counselor, the Learning Disability Specialist, or the DSPS Director 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 DSPS professional shall recommend accommodations upon request of the student; the DSPS professional will then develop an academic accommodation plan in consultation with the student. The student will submit to his/her instructors the accommodations authorization forms completed by the DSPS professional.
6. The DSPS Director or appropriate designee may permit interim accommodations involving academic adjustments on such requests pending final resolution of the interactive process.

C. **Requests:** Once the disability is verified and accommodations are

established through DSPS, the student must authorize the release of their letter of accommodation to their instructors every enrolled term. The student must also confirm which accommodations will be used in each course as well as the preferred form of accommodation (i.e., in the case of alternate formats, there is Braille, e-text, audio tape, etc.).

- D. **Student Enrollment and Requirements:** Students must be currently enrolled in a credit or noncredit course to request and receive academic adjustments.
- E. **Instructional Faculty Verification Process Responsibilities**
  - 1. Instructional faculty are responsible for providing students information and guidance on DSPS, if students disclose a need for accommodations due to disability.
  - 2. Faculty will be notified of approved accommodations or educational adjustments through an accommodation letter. Faculty must acknowledge receipt of accommodation letters, within a reasonable timeline, three (3) business days of the date of the accommodation letter was received or three (3) business days from the first day of student enrollment in a semester.

### **Implementation of Academic Adjustments and Accommodations**

Academic adjustments, auxiliary aids, services and/or instruction should be available and implemented in a timely manner, at all locations of the college and the students enrolled in Distance Education courses.

- A. Once academic adjustments, accommodations, auxiliary aids, services and/or instruction have been offered to an eligible student, the student must contact faculty via an accommodation letter in a timely manner to plan and organize implementation of accommodation and academic adjustments support.
- B. Academic adjustments, auxiliary aids, services and/or instruction must be implemented or facilitated within a reasonable timeline once accommodation letter has been received either via email or hardcopy, three (3) business days of the date of the accommodation letter was received or three (3) business days from the first day of student enrollment in a semester.
- C. Instructional materials developed, purchased or used must meet accessibility standards. Faculty will be provided with training and/or resources to effectively implement accommodations and/or academic adjustments after educational limitation has been verified with the student

and DSPS.

- D. When a student refuses to utilize accommodations or adjustments, faculty may send notification that refusal of accommodation and adjustment services may have an impact on learning.
- E. Faculty are encouraged to include a syllabus statement that helps, encourages students with disabilities to contact DSPS, and states the current location of DSPS office at both the LAC and PCC campuses.

### **Disability Related Course Substitutions**

Students with verified disabilities may request course substitutions for courses within a program of study that cannot be completed due to the nature of a student's specific disability. The following outlines the general procedure and standards for evaluation of course substitution requests:

- A. Course substitutions may be granted by the Disability Related Course Substitution Committee (DRCS) consisting of, but not limited to, the following members or designees:
  - 1. Instructional Faculty representative.
  - 2. Learning Disability Specialist or DSPS professional recommending the adjustment.
  - 3. Director of DSPS.
  - 4. Area Dean.
  - 5. Department Head or department representative from the department of the course in question, as appointed by the Academic Senate.
- B. The Disability Related Course Substitution Committee will review the student's application and determine by a simple majority vote that all of the following conditions have been fulfilled and/or verified:
  - 1. The student with a verified disability that has a direct effect upon the student's ability to complete the course or proficiency;
  - 2. The student has made a consistent and persistent good faith effort to complete all required course outcomes or proficiency, which includes utilizing resources available for successful completion of the course;
  - 3. The student has demonstrated academic ability;
  - 4. The student's requested adjustment is not is not integral to the student's selected program of study.
- C. If a 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.

D. Grades for courses used as substitutions shall be based on a student's 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.

E. **Request:** The student must file a written, formal request for course substitution with DSPS. This form is provided and completed through an interactive process with a DSPS counselor and the student. This request must be received by DSPS at least two semesters prior to the student enrolling in their final semester. A failure to adhere to this standard may result in delays in graduation. 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 DSPS office in order to proceed with a formal request. The student may also initiate a request verbally at which point the form will be provided for the student to complete.

F. **Process:** All decisions will be provided through written notification to the student.

G. **Timeline:** If DSPS determines that the above requirements are met, it will forward the request in writing to an ad hoc committee within sixty (60) days. Every effort will be made to resolve these requests in forty-five (45) days. In addition, requests will only be reviewed during fall and spring semesters. The Disability Related Course Substitution Committee (DRCS) committee will not convene over the winter intersession or summer session.

H. **Appeal:** If the student is dissatisfied with the committee's decision, the student may appeal to the Vice President of Academic Affairs. The appeal must be submitted in writing to the ad hoc committee chair within ten business (10) days of notification of the committee's decision.



## Complaint/Grievance Process for Providing Equal Access

- A. Students registered with the Disabled Student Programs and Services (DSPS) for a qualifying disability who are dissatisfied with an assigned reasonable accommodation or who are dissatisfied with the implementation of an approved accommodation can make a complaint. The following section includes information related to the timeline and options for an informal or formal resolution to the complaint.
  
- B. Students registered with the Disabled Student Programs and Services (DSPS) for a qualifying disability who are dissatisfied with an assigned reasonable accommodation or who are dissatisfied with the implementation of an approved accommodation can make a complaint. The following section includes information related to the timeline and options for an informal or formal resolution to the complaint.
  
- C. **Informal Resolution Process:**
  - 1. **Request:** Students may initiate an informal resolution process to a complaint by a) filing a Resolution Complaint Process Form with the DSPS Office at either campus or b) meeting in person with a DSPS staff member to provide all relevant information regarding the complaint. DSPS will make every effort to first resolve the complaint through an informal resolution process.
  - 2. **Timeline:** Within three (3) business days of receipt of complaint a DSPS staff member will contact the student and/or faculty member to gather any relevant information. Within fifteen (15) business days of date of receipt, the Counselor and/or the Disability Support Services Specialist or Adaptive Technology Specialist will contact the student or faculty member to discuss concerns and offer a resolution to the complaint.
  - 3. **Notification:** Parties involved in the complaint process will be notified in writing of the agreed upon decision reached through the informal resolution process within fifteen (15) days of the date of receipt of the complaint.
  
- D. **Formal Resolution Process:**
  - 1. **Request:** If no informal resolution is agreed upon, the student or faculty member may pursue a formal complaint by submitting a written request for a review of the requested academic adjustment and/or auxiliary aid to the DSPS Director or the ADA/Section 504 Compliance Officer.
  - 2. **Timeline:** Formal requests must be submitted in writing to the

ADA/Section 504 Compliance Office within five (5) business days following notification of the decision reached through the informal resolution process.

3. **Notification:** Parties involved will be notified in writing of the agreed upon decision reached through the formal resolution process within ten (10) business days.

E. **Appeal Process-Equal Access Hearing Committee**

1. If the student or faculty is dissatisfied with the decision rendered through the formal resolution process they can request an Equal Access Hearing. The Equal Access Hearing will be convened by the ADA/504 Compliance Officer.
  - (a) **Request:** A student or faculty must request in writing for an Equal Access Hearing within five (5) days of the decision of the formal resolution process.
  - (b) **Timeline:** Every effort will be made to complete the Equal Access Hearing within thirty (30) days of receipt of written request to convene the hearing.
  - (c) **Notification:** All parties involved will be notified in writing within five (5) days of the decision by the Equal Access Hearing Committee.

F. **Continuity of Accommodations**

1. **Stay Put Statement:** Only during the duration of the informal and/or formal resolution processes, the College agrees to continue to provide the student with the approved academic accommodation in question until a resolution or decision is achieved.
2. **Interim Decision:** In the event that student is contesting an accommodation that was not approved, the section 504/ADA Compliance Officer, or designated officials that have knowledge of academic accommodation requirements can make an interim decision pending final resolution.

G. **Office of Civil Rights Grievance**

1. A student has the right to initiative a grievance with the Office of Civil Rights at any point during the informal and/or formal resolution processes.

H. **General Provisions for Complaints/Grievances Regarding Approved Accommodations**

1. An Equal Access Hearing will be comprised of the following voting members:

- a. Dean of Counseling and Student Support Services or designee;
  - b. An academic Dean or designee;
  - c. Discipline appropriate Department Head;
  - d. Academic Senate President or designee;
  - e. Student representative appointed by the Associated Student Body.
2. Any complaint by a student or instructor may be withdrawn at any step of the process; however, the same complaint shall not be re-filed.
  3. The ADA/504 Compliance Officer may be consulted by any party regarding these procedures at any time. In the case that the grievance is in relation to an accommodation or academic adjustment offered by the ADA/504 Compliance Officer, the Vice President, Student Support Services, may be consulted.
  4. Accommodations shall not pose a direct threat to health or safety of others.
  5. Accommodations shall not include any changes to course outline of record that alters the required objectives or course content thereby causing a fundamental alteration.
  6. Accommodations shall not pose an undue burden on the College.

Also see BP 5140 Disabled Student Programs and Services.

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*(Replaces LBCC Administrative Regulations 4002 and 5021)*