

AR 5140 DISABLED STUDENT PROGRAMS AND SERVICES (DSPS)

The District maintains a plan for the provision of programs and services for students with disabilities which is designed to assure equal access to District courses, programs and activities.

Access

The Chief Director of Business Services or designee maintains a plan and procedures to assure equal access to facilities and equipment at all campus locations.

The Chief Director of Information Technology or designee maintains a plan and procedures to assure equal access to electronic and information technology, instructional programs, and information at all campus locations.

The Vice-Presidents of Academic Affairs and Student Affairs or designee(s) maintains a plan and procedures to assure equal access to instructional programs, student activities, and educational support services at all campus locations.

Students who request accommodations or services on the basis of a disability will be required to submit documentation of the disability to a certificated staff in the Disabled Student Programs and Services (DSPS) Department. The certificated staff will review the documentation and current functional limitations through an interactive process with the student. The certificated staff will determine and document whether or not the request is reasonable and assure timely delivery of reasonable accommodations, if applicable. If the disability and current functional limitations are verified, the student will be eligible to participate in the DSPS Program.

Due Process

The District policy statement covering nondiscrimination on the basis of a disability will be disseminated to students through the schedule of classes, catalog, publications, and the District website.

The Title IX/ADA/504 Compliance Coordinator or designee will maintain a Student Rights and Grievance procedure for students enrolled in a District program who wish to file a grievance to resolve allegations of discrimination based on a disability. This procedure will be disseminated to students through the schedule of classes, catalog, publications, and the District website.

The ADA/504 Compliance Officer maintains a plan for impartially responding to the student grievance procedure that outlines the District's obligation to provide reasonable accommodations for students with disabilities.

Standards

The DSPS Director or designee maintains a plan and procedures that address standards for delivery of programs and services for students with disabilities.

Service Provision

The DSPS Director or designee maintains a DSPS plan and procedures which include, but are not limited to:

- Mission, philosophy, and purpose;
- Long-range goals, and short-term measurable objectives for the program;
- Action plan, program, and evaluation;
- Definition of disability(ies), limitation, and eligibility for the program;
- Verification of disability;
- Availability of support services and instruction that is provided;
- Technology accessibility

- Suspension of services;
- Requests for academic adjustments, auxiliary aids and services;
- Requests for course substitutions and waivers;
- Staffing;
- Procedure for timely response to accommodation requests involving academic adjustments 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;
- Student rights and responsibilities;
- Academic Accommodation Plan (AAP) that is developed by a DSPS certificated staff in consultation with the student;
- Advisory committee

Student Rights

The DSPS Director or designee maintains a plan and procedures for informing students of their rights as a student with a disability.

The DSPS Director or designee maintains a plan and procedures for maintaining disability-related student records.

The DSPS Plan is available to students online at the program's Web site, and in print in the DSPS Office.

The DSPS Plan will be reviewed and updated at least *annually* by the Director of Disabled Students Programs and Services or designee.

Policies and Procedures can be referenced at: [DSPS link](#)

Funding

The Chief Director of Business Services maintains a plan and procedures for appropriately funding accommodations, programs and services for students with disabilities.

References:

Title 5, Sections 56000 et seq.
Americans with Disabilities Act
Sections 504 and 508 Rehabilitation Act
DSPS Policies and Regulations

Revised: April, 2018

NOTE: The language in red ink is legally required. Local practice may be inserted, but must include the following legal minimums. Insert local procedures here and/or reference the DSPS Plan.

~~The District maintains a plan for the provision of programs and services to disabled students designed to assure that they have equality of access to District classes and programs.~~

NOTE: At a minimum, the procedures, plan, or description of the program and services must address:

- ~~procedure for timely response to accommodation requests involving academic adjustments 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;~~
- ~~long-range goals and short term measurable objectives for the program;~~

- ~~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; and~~
- ~~advisory committee.~~

~~❖ From current SMC AR 4111.2 Classroom Assistance for Students with Disabilities~~

~~Classroom Assistance for Students with Disabilities~~

~~Any person attending a class must be officially enrolled, with the following exceptions.~~

~~A note-taker, classroom aide, sign language interpreter, real time captionist, or other assistant may be present in the classroom to assist a student who has been approved by DSPS for an academic adjustment.~~

~~Some students with disabilities employ personal assistants to manage a variety of tasks such as mobility and other personal needs. A personal assistant may accompany a qualified student with a disability to classes and other student activities, if a formal request has been approved by the SMC Disabled Student Programs and Services (DSPS). All such assistants must be registered with the DSPS. The DSPS will notify the instructor of the approval.~~

~~The assistant may provide all accommodations approved by DSPS on a case-by-case basis. The student is independently responsible for content on all evaluated course work. The personal assistant is bound by the Rules for Student Conduct. (AR 4410 5500 Standards of Student Conduct)~~

~~❖ From current SMC AR 4115 Academic Adjustments for Students with Disabilities~~

~~Academic Adjustments for Students with Disabilities~~

~~In accordance with State and Federal law, academic rules, policies and practices at Santa Monica College may be modified, as necessary, to ensure that they do not discriminate, or have the effect of discriminating on the basis of handicap, against qualified handicapped applicants or students. The procedure for seeking an adjustment is as follows:~~

~~**Process for Adjustment**~~

- ~~1. A student with a documented disability contacts the instructor or instructors prior to or at the beginning of the semester with a request for an academic adjustment.~~
- ~~2. The instructor or instructors discuss the request with the student and confer (if necessary) with the staff at the Center for Students with Disabilities to determine an appropriate adjustment.~~

- ~~3. A student with a documented disability may also seek an adjustment by requesting staff at the Center for Students with Disabilities to initiate contact with the instructor(s).~~
- ~~4. If the student, instructor(s) and staff at the Center for Students with Disabilities have made a reasonable effort to resolve the matter and are unable to agree on an appropriate adjustment within five working days, the matter may be referred to the 504 Compliance Office or her/his designee.~~
- ~~5. The 504 Compliance Officer or her/his designee will gather appropriate information and determine a reasonable accommodation within two working days after having received written notification of a problem from a concerned party and will make an interim adjustment pending a final resolution.~~

Appeal Process

- ~~1. If the student or the agents of the college do not concur regarding the requested academic adjustment, the matter will be forwarded to the Academic Accommodations Panel. The role of the Academic Accommodations Panel is to review the request for academic adjustment. Specifically, does the adjustment ensure access for the disabled for participation in the academic program and maintain the integrity of the course content?~~
- ~~2. The Academic Accommodations Panel will include the following members:
 - ~~• A faculty member from the Disabled Student Programs and Services (DSPS)~~
 - ~~• The 504 Compliance Officer~~
 - ~~• Two instructors from the academic area (one selected by the department chair and one selected by the instructor)~~
 - ~~• An advocate or information specialist of the student's choice (non-voting)~~
 - ~~• An academic administrator who serves as the chair of the committee~~~~
- ~~3. The student and the instructor will meet with the Academic Accommodations Panel and will have an opportunity to express their concerns.~~
- ~~4. The Academic Accommodations Panel will meet no later than 10 working days after the interim adjustment has been made and will then render a written decision within five working days.~~

❖ From current SMC AR 4353 Adjustment of Graduation Requirement for Students with Disabilities

~~In cases in which an otherwise qualified student's disability-related functional limitations may preclude him/her from successful completion of a course required for a degree or certificate, a course substitution may be considered.~~

~~If the student and the academic department mutually agree upon a course substitution, and the proposed course substitution meets the requirement of comparable concept mastery, the course substitution will be granted by the Vice President of Academic Affairs. If the academic department has denied a student's request for course substitution and the student remains unable to complete a course, the student may appeal this decision by taking the following steps:-~~

Process for Course Substitution:

- ~~1. The student will complete a written, formal request and submit this petition to a DSPS faculty member. This request may only be accepted by DSPS after the student has completed 45 applicable units. This request should be submitted prior to the student's final semester to avoid last semester negotiations.~~
- ~~2. A preliminary review of the student's disability-related need for a course substitution will be made, taking into account the unique needs of each student. This review must be conducted by a team of appropriate professionals within DSPS, including the Coordinator of DSPS. 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. (Sections 56032-56044 of Subchapter 1 of Chapter 7 of Division 6 of Title 5)~~
- ~~3. If the DSPS team determines that the above requirements are met, it will develop an educational plan with 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. Within thirty (30) instructional days of receiving the formal request, DSPS and the student will present this plan in writing to an ad hoc committee consisting of the following individuals:
 - ~~▪ Academic Dean (Chair of the ad hoc committee)—appointed by the President or designee.~~
 - ~~▪ DSPS Coordinator or designee~~
 - ~~▪ Department Chair from the area in which the course to be substituted is offered~~
 - ~~▪ Two at-large faculty members:
 - ~~○ Curriculum Committee Chair (or designee)~~
 - ~~○ Faculty member not from the department from which the student seeks the substitution (appointed by the Academic Senate President)~~~~
 - ~~▪ ADA/Section 504 Compliance Officer (non-voting)~~~~

~~A quorum shall be established when at minimum the Department Chair (or designee), the DSPS Coordinator (or designees), and one faculty member are present. Other, non-voting individuals may be present if requested by committee members. The petition will be evaluated on a case-by-case basis. Through the evaluation of the student's transcript and the proposed plan, it must be evident that the student is otherwise qualified and will meet all other graduation requirements (see AR 4350). Within twenty (20) days of the referral from DSPS, this committee will determine if the requested substitution constitutes a fundamental alteration of the educational program in which case necessary adjustments of the educational plan may be presented. The plan developed by the ad hoc committee becomes effective immediately and will be coordinated and implemented by DSPS. The Coordinator of DSPS or his/her designee will ensure that the provisions of the plan are followed.~~

- ~~4. If a course substitution (which may include a special project or independent study coursework) is recommended, a written contract between the ad hoc committee and student will be established. The relevant academic departmental representatives will recommend a substitution which will achieve student learning outcomes and objectives comparable to those of the course for which the work will be substituted. The committee, may at its discretion request/require any of the following:
 - ~~▪ Completion of the substitute work within a specified period of time.~~~~

- ~~If a project or independent work is assigned, the department chair and/or a departmental faculty member will be solely responsible for evaluating the student's work and communicate its evaluation results to committee members.~~
- 5. ~~Once the agreed upon project or independent work has been successfully completed, the ad hoc committee may at its discretion reconvene to certify its completion and forward its approval to the Vice President of Academic Affairs for final approval.~~
- 6. ~~It is the student's responsibility to consider the consequences of course substitution in transferring to another postsecondary institution. If the original course is required for transfer, it is the student's responsibility to contact the transfer institution for consideration of a disability-related adjustment.~~
- 7. ~~The district is not obligated to develop a substitute course. Academic requirements that are essential to a program or directly linked to licensing requirements will not be considered for substitution.~~

Reference: ~~Title 5, Sections 56032-56044~~

~~❖ From current SMC AR 4353.1 Full-Time Status for Students with Disabilities with Reduced Course Load~~

~~Full-Time Status for Students with Disabilities with Reduced Course Load~~

~~The purpose of this Administrative Regulation is to provide full-time status to qualified students with significant disabilities who, as a direct result of disability, are unable to carry a full course load and, consequently, would be unable to participate fully in the benefits and privileges afforded full-time students.~~

~~Under College policy, full-time status requires enrollment in no less than 12 units. While it is typically preferable for a student with a disability to be accommodated through methods such as academic advising, priority enrollment, and academic accommodations, it may be necessary for a student to request a reduced course load because of a more severe academic impact of a significant disability. Factors unrelated to the disability such as employment, curricular activities, family/personal obligations, inadequate academic preparation, failure to use appropriate academic accommodations, or poor class attendance cannot be the primary reason(s) for a student with a reduced course load to be considered a full-time student. Students who are approved for full-time status with reduced course loads should work closely with their academic advisers on a coursework plan, particularly with respect to university and college degree completion time limitations.~~

~~This policy will regulation allows an eligible student to carry a reduced course load without forfeiting the benefits and privileges of full-time status. However, eligible students should follow up with auxiliary services such as federal financial aid, personal health insurance, and non-College sponsored scholarships as these and other services may be adversely affected by the reduction in semester hours. The College cannot require outside entities to abide by the College's determination of a reduced course load/ full-time status designation. If a student who has been approved for a reduced course load further reduces his or her course load below the approved number of hours for full-time status, the student's full-time status shall be revoked automatically and will no longer be in effect.~~

Procedure

~~Requests for reduced course loads/full-time status should be submitted to the Coordinator, Disabled Students Programs & Services (DSPS), or designee. The Coordinator, DSPS, or designee will grant or deny the request based on consideration of the factors set forth above. The reduced course load, if approved, is not permanent but must be re-evaluated each semester.~~

~~❖ **From current SMC AR 4345 Suspension of Services Provided by Disabled Student Programs and Services (DSPS)**~~

~~**Suspension of Services Provided by DSPS**~~

~~Pursuant to Title 5 Section 56010(b), aA qualified student with a disability may be denied services through DSPS in two ways:~~

- ~~(A) Lack of measurable progress, or~~
- ~~(B) Inappropriate use of services.~~

~~Reference: California Code of Regulations, Title 5, Section 56010(b)~~

~~**Measurable Progress**~~

~~Pursuant to Title 5 Section 56010(a), aA lack of measurable progress is defined as either:~~

- ~~1. Failure to meet the academic standards outlined in AR 4342-4250 Probation and AR 4255 Dismissal and Readmission Disqualification, standards established by the College, or~~
- ~~2. No progress for two consecutive semesters with the goals outlined in the DSPS Student Educational Contract (SEC) when enrolled in special, non-credit courses.~~

~~Reference: California Code of Regulations, Title 5, Section 56010(a)~~

~~**Inappropriate Use of Services**~~

~~Inappropriate use of services is a failure to comply with the policies and procedures of service provision that a qualified student has been authorized to use. Failure to comply with the terms stated within each specific service provision area may result in suspension or termination of that specific service in the following ways:~~

- ~~1. Only services that have been used inappropriately may be suspended or terminated during an enrolled term, and only for the duration of the term.~~
- ~~2. The student shall be notified in writing prior to the suspension or the termination of said service. The student may file a written appeal addressed to the ADA Compliance Officer within 10 working days following the date of the notice. The ADA Compliance Officer or his/her designee will render the final decision within 10 working days and notify the student in writing of said decision.~~
- ~~3. As with all requests for service, authorization of services in subsequent terms will follow the Academic Adjustments for Students with Disabilities (AR 4115 see above).~~

~~Reference: Title 5, Section 56010~~

§ 56000. Scope of Chapter.

This subchapter applies to community college districts offering academic adjustments, auxiliary aids, services and/or instruction through Disabled Student Programs and Services (DSPS), on and/or off campus, to students with disabilities pursuant to Education Code sections 67310-67313 and 84850. Programs receiving funds allocated pursuant to Education Code section 84850 shall meet the requirements of this subchapter. Any academic adjustments, auxiliary aids, services and/or instruction funded, in whole or in part, under the authority of this subchapter must:

- (a) not duplicate services or instruction which are otherwise available to all students;
- (b) be directly related to the educational limitations of the verified disabilities of the students to be served;
- (c) be directly related to the students' participation in the educational process;
- (d) promote the maximum independence and integration of students with disabilities;
- (e) not include any change to curriculum or course of study that is so significant that it alters the required objectives or content of the curriculum in the approved course outline, thereby causing a fundamental alteration; and
- (f) support participation of students with disabilities in educational activities consistent with the mission of the community colleges as set forth in Education Code section 66010.4.

§ 56001. Definitions.

For purposes of this subchapter the following definitions shall apply:

- (a) Academic adjustments, auxiliary aids, and services: Academic adjustments, auxiliary aids and services, as used in this subchapter are any one or more of the services provided to DSPS students described in Section 56026 and/or educational assistance class instruction authorized under Section 56028.
- (b) Fundamental Alteration: A fundamental alteration means any change to a course curriculum or course of study that is so significant that it alters the required objectives or content of the curriculum in the approved course outline of the course.
- (c) Educational Limitation: An educational limitation means a disability related functional limitation in the educational setting. This occurs when the limitation prevents the student from having full access to and equal participation in the educational process including classes, activities, or services offered by the college to students without disabilities, without specific additional academic adjustments, auxiliary aids, services and/or instruction.
- (d) Educational Assistance Classes: educational assistance classes are instructional activities offered consistent with the provisions of Section 56000 designed to address the educational limitations of students with disabilities who are admitted to the institution pursuant to Educational Code Sections 76000 et seq. and who would be unable to substantially benefit from general college classes even with appropriate academic adjustments, auxiliary aids and services. This term replaces Special Classes, as used throughout Division 6 of Title 5.
- (e) Certificated staff: Certificated staff members are those who meet the minimum qualifications set forth in Section 53414 and 53420, Minimum Qualifications for Disabled Student Programs and Services Employees.
- (f) Academic Accommodation Plan: The Academic Accommodation Plan (AAP) is a record of the interactive process between each DSPS student and a DSPS professional staff member regarding the academic adjustments, auxiliary aids, services and/or instruction necessary to provide the student equal access to the educational process.

§ 56002. Student with a Disability.

A "student with a disability" is a person enrolled at a community college who has a verified disability which limits one or more major life activities, as defined in 28 C.F.R. 35.104, resulting in an educational limitation as defined in section 56001. For purposes of reporting to the Chancellor under Section 56030, students with disabilities shall be reported in the categories described in Sections 56032-44.

§ 56006. Determination of Eligibility.

(a) In order to be eligible for academic adjustments, auxiliary aids, services and/or instruction authorized under this chapter, a student must have a disability which is verified pursuant to subdivision (b) which results in an educational limitation identified pursuant to subdivision (c) of this section.

(b) The existence of a disability may be verified, using procedures prescribed by the Chancellor, by one of the following means:

(1) observation by certificated DSPS staff;

(2) assessment by certificated DSPS staff; or

(3) review of documentation by certificated staff provided by appropriate agencies or certified or licensed professionals outside of DSPS.

(c) The student's educational limitations must be identified by certificated staff and described in the Academic Accommodation Plan (AAP) required pursuant to Section 56022. Eligibility for each service provided must be directly related to an educational limitation consistent with Section 56000(b) and Section 56001.

§ 56008. Student Rights.

(a) Participation by students with disabilities in Disabled Student Programs and Services shall be entirely voluntary.

(b) Receiving academic adjustments, auxiliary aids, services and/or instruction authorized under this subchapter shall not preclude a student from also participating in any other course, program or activity offered by the college.

(c) All records maintained by DSPS personnel pertaining to students with disabilities shall be protected from disclosure and shall be subject to all other requirements for handling of student records as provided in Subchapter 6 (commencing with Section 54600) of Chapter 5 of this Division.

§ 56010. Student Responsibilities.

(a) Students receiving academic adjustments, auxiliary aids, services and/or instruction under this subchapter 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 policies adopted by DSPS; and

(3) when enrolled in educational assistance classes, make measurable progress toward the goals developed for the course as established in the student's Academic Accommodation Plan (AAP) or,

(4) when the student is enrolled in general college classes, meet academic standards established by the college, as applied to all students, pursuant to Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

(b) A district may adopt a written policy providing for the suspension or termination of DSPS services where a student fails to comply with subdivisions (a)(2), (a)(3) or (a)(4) of this section. Such policies 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 policy upon first applying for services from DSPS.

§ 56020. Availability of Services.

Each community college district receiving funds pursuant to this subchapter shall employ reasonable means to inform all students and staff about the availability of academic adjustments, auxiliary aids, services and/or instruction.

§ 56022. Academic Accommodation Plan (AAP).

Each college shall generate an Academic Accommodation Plan (AAP) and maintain a record of the interactive process between each DSPS student and a DSPS certificated staff member regarding the academic adjustments, auxiliary aids, services and/or instruction necessary to provide the student equal access to the educational process, given the educational limitations resulting from the student's disabilities. In addition, when a student is enrolled in educational assistance classes the AAP shall define measurable progress toward the goals of each class.

§ 56026. Academic Adjustments, Auxiliary Aids and Services.

Academic Adjustments, Auxiliary Aids and services are those specialized aids, devices and/or services available to students with disabilities as defined in Section 56002, which are in addition to the general services provided to all students. Such services enable students to participate in general activities, programs and classes offered by the college.

§ 56027. Academic Adjustments.

Each community college district receiving funding pursuant to this subchapter shall establish a policy and procedure for responding to, in a timely manner consistent with Section 53203 of this division, requests involving academic adjustments. This procedure shall provide for an individualized review of each request. The procedure shall also permit the Section 504/ADA Coordinator/Compliance Officer, or other designated district official with knowledge of accommodation requirements, to make an interim decision pending a final resolution.

§56028. Educational Assistance Class Instruction.

Educational assistance classes are instructional activities offered consistent with the provisions of Subchapter 1 of Chapter 7 of this Division, and designed to address the educational limitations of students with disabilities who are admitted to the institution pursuant to Educational Code Sections 76000 et seq. and who would be unable to substantially benefit from general college classes even with appropriate academic adjustments, auxiliary aids and services. Such classes generate revenue based on the number of full-time equivalent students (FTES) enrolled in the classes.

Such classes shall be open to enrollment of students who do not have disabilities, however, to qualify as an educational assistance class, a majority of those enrolled in the class must be students with disabilities.

Educational assistance classes offered for credit or noncredit shall meet the applicable requirements for degree credit, non-degree credit, or noncredit set forth in Sections 55002 and 55705.5 of this part. In addition, educational assistance classes shall:(a)Be designed to enable students with disabilities to compensate for educational limitations and/or acquire the skills necessary to complete their educational objectives; (b)

Employ instructors who meet minimum qualifications set forth in Section 53414 of this Division. (c) Utilize curriculum, instructional methods, or materials specifically designed to address the educational limitations of students with disabilities. Curriculum committees responsible for reviewing and/or recommending educational assistance class offerings shall have or obtain the expertise appropriate for determining whether the requirements of this section are satisfied; and Effective October 16, 2015 7(d)Utilize student/instructor ratios determined to be appropriate by the District 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 to endanger the well-being and safety of students or staff.

§ 56029. Educational Assistance Class Course Repetition.

Repetition of educational assistance classes is subject to the provisions of article 4 (commencing with section 55040) of Subchapter 1 of Chapter 6 and Section 58161 of this Division. However, districts are authorized to permit additional repetitions of credit or noncredit educational assistance classes to provide an accommodation to a student's educational limitations pursuant to state and federal nondiscrimination laws. Districts shall develop policies and procedures providing for repetition under the following circumstances:

- (a)When continuing success of the student in other general and/or educational assistance classes is dependent on additional repetitions of a specific educational assistance class;
- (b)When additional repetitions of a specific educational assistance class are essential to completing a student's preparation for enrollment into other general or educational assistance classes; or
- (c)When the student has an Academic Accommodation Plan which involves a goal other than completion of the educational assistance class in question and repetition of the course will further achievement of that goal.