

## **AP 5140 Disabled Students Programs and Services**

**References: Title 5 Regulations, Section 56000 et seq.  
California Educational Code, Section 67310  
American with Disabilities Act  
Section 504, Rehabilitation Act, 34, Part 104**

The District maintains a plan for the provisions of programs and services for students with disabilities, which is designed to provide equal access to District courses and programs. The Office of Disabled Students Programs and Services (DSPS) is the primary provider of academic adjustments for students with disabilities.

### **5140.1 Accessing DSPS Services**

Students who wish to receive DSPS services must contact the Office of Disabled Students Programs & Services (DSPS) and make an appointment to discuss issues that may impede their learning or success in a college environment. To be eligible for academic adjustments/accommodations a student must have a disability, which is verified, and results in an educational limitation. The existence of a disability will be verified by one of the following means:

- A) observation by certificated DSPS staff;
- B) assessment by certificated DSPS staff; or
- C) review of documentation by certificated staff provided by appropriate and qualified agency as customarily determined by the Office of DSPS.

The verification/documentation of a student's disability is placed in the student's file in the Office of DSPS. If the student chooses to share information with a parent or another person, a release of information form must be signed by the student and will be maintained in the student's file in the Office of DSPS. Once the Office of DSPS verifies and approves a student's disability the student may proceed with completing the appropriate paperwork to receive services through the Office of DSPS.

### **5140.2 Student Rights**

- A. Participation by students with disabilities in DSPS services shall be voluntary.
- B. Receiving academic adjustments/accommodations, auxiliary aids, or services shall not preclude a student from participating in any course, program, or activity offered by the college.

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

### **5140.3 Student Responsibilities**

Students receiving academic adjustments/accommodations, auxiliary aids, services and/or instruction must comply with all guidelines, provisions and rules established by the Office of DSPS as well as all college policies and procedures. A student must fulfill the requirements for participation in the DSPS program and understand that failing to meet one or more of the requirements may lead to termination or suspension of DSPS services. The Office of DSPS will provide a copy of the students' rights and responsibilities when a student enrolls as a participant in the DSPS program. Students receiving academic adjustments/accommodations, auxiliary aids, or services shall:

- A. Comply with the Student Code of Conduct.
- B. Sign the Annual Academic Progress Update (AAP) annually.
- C. Be responsible in the use of DSPS services and adhere to DSPS's written policies.
- D. Meet academic standards established by the college, as applied to all students.

### **5140.4 Academic Adjustments/Accommodations for Students with Disabilities**

Students with disabilities are provided equal access to programs and courses under federal and state laws. Equal access for an individual with a disability means allowing 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. Academic adjustments/accommodations are provided to create equal access to instructional material. In postsecondary settings, academic adjustments or accommodations may not fundamentally alter the essential requirements of the course, program, certificate, or degree. (Section 504 of the Rehabilitation Act of 1973, Part 104). A student with a disability must have an impairment which is verified and which results in an educational limitation, pursuant to Title V section 56006. The verifiable disability and current educational limitations will be reviewed by the DSPS director, or counselor/specialist in the Office of DSPS. DSPS personnel and the student will determine and document whether the request is reasonable in the particular setting. If the request is reasonable, DSPS personnel will develop accommodations through an interactive process with the student and assure delivery of reasonable academic adjustments in a timely manner.

### **5140.5 Program Provisions**

The DSPS director maintains appropriate information, including, but not limited to, the following program provisions, which are available in the Office of DSPS:

- Mission, philosophy, and purpose

- Long term goals and objectives
- Program Review
- Definition of disability, educational limitations and eligibility for DSPS services
- Availability of support services and instruction
- Suspension of services
- Academic Accommodation Plan (AAP)
- Requests for auxiliary aides, including accessible technology
- Staffing within DSPS
- Student rights and responsibilities
- Annual Advisory committee meetings
- Student Educational Plan (SEP)
- Appropriate DSPS forms

#### **5140.6 Due Process**

Students have the opportunity to file an informal or formal grievance through the Office of DSPS or to resolve allegations of discrimination based on disability. Any student who believes he or she has been discriminated against based on disability or failed to receive academic accommodations may file a grievance as set forth below.

#### **Informal Grievance Procedures**

- A. Each grievant should make a reasonable effort to resolve the matter on an informal basis with the person(s) with whom the person has the grievance, or that person's immediate supervisor.
  
- B. If the matter is not resolved in a reasonable time period, the grievant should contact the Office of DSPS and discuss their concern(s) with the DSPS Director, DSPS Counselor or LD Specialist at 661 362-3341.
  
- C. DSPS personnel will attempt to resolve the conflict, using the deliberative process between the grievant and the person(s) with whom the person has the grievance within a reasonable time period.
  
- D. If an informal resolution is not reached, the student will be informed that they may file a formal grievance by contacting the Associate Vice President of Students at 661 362-3261.

#### **Formal Grievance Procedures**

- A. If an informal resolution regarding accommodations is not agreed upon within a reasonable time period the student may file a formal grievance by following Board Policy 5532, General Student Grievances.

B. The grievant may also contact the California Office of Civil Rights at:

San Francisco Office  
Office of Civil Rights  
U.S. Department of Education  
50 United Nations Plaza  
Mail Box 1200, Room 1545  
San Francisco, CA 94102

Telephone: 415-486-5555  
FAX: 415-486-5570; TDD: 800-877-8339  
Email: ocr.sanfrancisco@ed.gov

### **5140.7 Course Substitutions**

If DSPS personnel, a student and an academic department mutually agree upon a course substitution, and the proposed course substitution meets the requirement of comparable concept mastery, the course substitution may be granted by the Chief Instructional Officer. Not all courses are eligible for substitution. To begin a course substitution process the following steps must be completed:

A. The student must file a written, formal request for course substitution with the Office of DSPS. The student must submit this request prior to enrolling in the student's final semester to avoid last semester negotiations. A student must be in good standing with the college and demonstrate significant progress toward satisfaction of all other graduation requirements for the AA degree or other academic goals.

B. A preliminary review of the student's disability-related need for a course substitution will consider the unique needs of each student. This review must be conducted by a team of appropriate DSPS professionals. Sufficient, acceptable written documentation that a student meets all disability criteria established by Title 5 and the Chancellor's Office relevant to the student's disability must be provided to the Office of DSPS to proceed with a formal request.

Board Review: 2/12/2020

Next Review Date: Spring, 2026