

# ADMINISTRATIVE REGULATION 5140

SOUTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES

## DISABLED STUDENT PROGRAMS AND SERVICES (AKA: DISABILITY SUPPORT PROGRAMS FOR STUDENTS) (DSPS)

The DSPS Office is the primary provider for support programs and services. DSPS services will be available but not limited to students with the following disabilities: physical disability, Deaf and Hard of Hearing, blind and low vision, learning disability, acquired brain injury, Attention Deficit Hyperactivity Disorder, Intellectual Disability, Autism Spectrum, mental health disability, and other health conditions and disabilities. Students with disabilities are not required to register with DSPS. The college's assigned ADA/504 Coordinator is the contact point for students with verified disabilities not participating in DSPS who require reasonable accommodations.

Each college maintains a plan for provision of programs and services to students with disabilities designed to ensure that they have equal access to classes and programs. The DSPS Program Plan describes processes, procedures, and requirements as well as a full description of the program. The Program Plan will define the long-range goals and short-term measurable objectives for the program and activities to accomplish the goals.

Support services, auxiliary aids, academic adjustments, and assistive technology that are designed to mitigate the educational limitations resultant from a disability will be made available to enable students to participate in activities, programs and classes at the District. In compliance with state and federal laws and in order to create an educational environment where students with disabilities have equitable access to instruction without fundamentally altering any course, educational program, or degree, the procedures outlined below have been developed.

The Director or designee of DSPS shall be responsible for the day-to-day operation of DSPS. All persons employed in DSPS as directors, and as counselors or instructors of students with disabilities shall meet the requisite Title 5 minimum qualifications.

The DSPS shall establish an advisory committee which shall meet not less than once per year. The advisory committee shall, at a minimum, include students with disabilities and representatives of the disability community and agencies or organizations serving persons with disabilities.

### I. ACADEMIC ADJUSTMENT, AUXILIARY AIDS, AND SERVICES PROCEDURES

A. 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. Observations by DSPS certificated staff;
2. Assessment by appropriate DSPS certificated staff; or

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3. Review of documentation provided by agencies or by certified or licensed professionals outside of DSPS.
- B. The student with a disability shall provide documentation of the disability for verification of the need for academic adjustments or accommodations and is responsible for requesting them in a timely manner.
- C. Through an interactive process, the DSPS professional will assess and document educationally related functional limitations of the student. The DSPS professional shall recommend academic adjustments and accommodation(s). The student will submit to their instructors, the accommodation authorization forms completed by the DSPS professional, ADA/504 Coordinator, or designee.
- D. Faculty are not permitted to offer accommodations without authorization from DSPS, the ADA/504 Coordinator, or designee.
- E. If the student does not have appropriate verification of a disability, a request to the appropriate licensed/certificated professional will be required. DSPS will initiate an assessment to determine and document a disability if within the scope of assessment services provided by DSPS and deemed necessary by a DSPS professional.
- F. The DSPS Director or designee if needed may approve interim accommodations involving academic adjustments based on requests pending final resolution of the interactive process.

II. STUDENT RIGHTS AND RESPONSIBILITIES

- A. Participation by students with disabilities in DSPS is voluntary. Students with disabilities receiving support services or instruction shall not preclude the student from participating in any other course, program, or activity offered by the college. 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.
- B. Students receiving academic adjustments, auxiliary aids, services, and/or instruction shall:
  1. Comply with the student code of conduct AR 5500 – *Standards of Student Conduct and Discipline Procedures* 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. 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.
  4. Request accommodations and/or academic adjustment from their instructor.
- C. DSPS policies may include provisions for suspension or termination of DSPS services when a student fails to comply with their responsibilities. 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.

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III. FACULTY IMPLEMENTATION OF ACADEMIC ADJUSTMENTS AND/OR ACCOMMODATIONS GUIDANCE

- A. Faculty are responsible for providing students with information and guidance on DSPS if students disclose a need for accommodations due to disability.
- B. Academic adjustments, auxiliary aids, services, and/or instruction must be implemented or facilitated within a reasonable timeline once the accommodation letter has been received. An example of a reasonable timeline is a faculty member has five (5) business days from date of receipt or five (5) 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 an educational limitation has been verified with the student and DSPS.
- D. Faculty are encouraged to include a syllabus statement that helps and encourages students with disabilities to contact DSPS.

IV. RESOLUTION PROCESS FOR FACULTY

- A. If a faculty member has concerns regarding an approved accommodation, they may discuss their concerns with the DSPS professional who authorized the accommodation or the DSPS Director or designee. Faculty may also request an informal meeting involving their Dean, Department Chair, and DSPS professionals.
- B. If the instructor believes that an approved accommodation and/or academic adjustment is not reasonable due to the following:
  - 1) a substantial change in an essential element of this student’s curriculum, or
  - 2) a substantial change in the modality in which the program or service is offered,The instructor can request a meeting to explore if the approved accommodation fundamentally alters their course outline of record.
- C. If no resolution is reached, then the matter will be referred to the ADA/504 Coordinator and Vice President of Instruction to make a final determination.
- D. During the resolution process that includes an exploration of a fundamental alteration of an accommodation, Saddleback College and Irvine Valley College agree to continue to provide the student with the approved academic accommodation in question until a resolution or decision is achieved

V. COURSE SUBSTITUTIONS

If the student and the academic department mutually agree upon a course substitution, as an accommodation, and the proposed course substitution meets the requirement of comparable concept mastery, Admissions and Records will be notified.

A. Course Substitution Appeal Process

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If the academic department has denied a student’s request for course substitution, the following steps must be completed:

1. The student must file a written, formal request for course substitution with DSPS or the ADA/504 Coordinator. This request must be received prior to enrolling in the student’s final semester. Any course substitution will occur in a subsequent semester; therefore, the course substitution request must be submitted by census date of the prior semester.
2. A preliminary review of the student’s disability-related need for a course substitution will be made taking into account the individual needs of the student. This review must be conducted by a team of appropriate professionals within DSPS, including the DSPS Coordinator. Sufficient written documentation that the student meets all standardized criteria established by Title 5 and the State Chancellor’s Office relevant to the student’s disability must be demonstrated to the DSPS office in order to proceed with a formal request.
3. If the DSPS professional(s) determine(s) that the above requirements are met, within ten (10) instructional days, they will develop recommendations for the student by addressing the student’s particular disability, immediate and future educational and career goals, and how this course substitution will affect any prerequisite, graduation, or transfer requirements detailed by this educational plan. DSPS will present the educational plan in writing to an ad hoc committee consisting of the following:
  - a. The DSPS Director or designee,
  - b. The DSPS professional recommending the adjustment,
  - c. The appropriate Department Chair, and
  - d. The Chair of the Curriculum Committee or designee

Additional representatives may be added if members of this committee deem it necessary. Within ten (10) instructional days of the referral from DSPS, this committee will determine if the requested substitution constitutes a fundamental alteration of the course outline of record. The committee will develop and submit to the student a written decision addressing the course substitution as it is to be implemented or the reasons for denial of the request. The educational plan developed and approved by the ad hoc committee becomes effective immediately and will be coordinated and implemented by DSPS. The Director of DSPS or their designee will ensure that the provisions of the educational plan are followed. If in the opinion of the DSPS professional, the content course cannot be completed successfully with an academic adjustment or accommodation, the committee will consider course substitution or waiver as the only remedy. If the ad hoc committee cannot reach consensus, then the matter will be referred to the ADA/504 Coordinator to review and begin the Accommodation and/or Academic Adjustment Hearing Process within ten (10) instructional days.

4. Any course substitution provided for students determined to require such an academic adjustment should guarantee that any grade assigned to these students 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 designed

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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.

5. 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. Students will be informed in writing that a substitution granted by either Saddleback College or Irvine Valley College may not be recognized by a subsequent educational institution.

## VI. COMPLAINT/GRIEVANCE PROCESS FOR PROVIDING EQUAL ACCESS

Students registered with DSPS for a qualifying disability(ies) who are dissatisfied with an assigned reasonable academic adjustment and/or accommodation or who are dissatisfied with the implementation of an approved academic adjustment and/or 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.

### A. INFORMAL RESOLUTION PROCESS

1. **Request:** Students may initiate an informal resolution process to a complaint via email, phone call, virtually, or meeting in person with a DSPS professional. DSPS will make every effort to first resolve the complaint through an informal resolution process.
2. **Timeline:** Within three (3) instructional days of receipt of complaint, a DSPS professional member will contact the student and/or faculty member to gather any relevant information. Within ten (10) instructional days of the date of receipt, the DSPS professional will contact the student or faculty member to discuss concerns and offer a resolution of the complaint.
3. **Notification:** Parties involved in the complaint process will be notified in writing of the resolution reached through the informal resolution process within ten (10) instructional days of the date of receipt of the complaint. If a student does not agree with the resolution offered, the student can request to participate in the formal resolution process.

### B. FORMAL RESOLUTION PROCESS

1. **Request:** If no informal resolution is agreed upon, the student may pursue a formal complaint by submitting a written request for a review of the approved academic adjustment and/or auxiliary aid to the ADA/504 Coordinator.
2. **Timeline:** Formal requests must be submitted in writing to the ADA/504 Coordinator within five (5) instructional days following notification of the decision reached through the informal resolution process.
3. **Notification:** Parties involved will be notified in writing of the decision reached through the formal resolution process within ten (10) instructional days of the date of receipt of the request to participate in the formal resolution process.

### C. APPEAL PROCESS – EQUAL ACCESS HEARING COMMITTEE

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If the student 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 Coordinator.

1. **Request:** A student must request in writing an Equal Access Hearing within five (5) instructional days of the decision of the formal resolution process.
2. **Timeline:** Every effort will be made to complete the Equal Access Hearing within twenty (20) instructional days of receipt of the written request to convene the hearing.
3. **Notification:** All parties involved will be notified in writing within five (5) instructional days of the decision by the Equal Access Hearing Committee.

D. CONTINUITY OF ACCOMMODATIONS

1. **Stay Put Statement:** Only during the duration of the Informal and/or Formal resolution process that includes the Appeal Process, Saddleback and Irvine Valley colleges agree to continue to provide the student with the approved academic accommodation in question until a resolution or decision is achieved.
2. **Interim Decision:** If the student is contesting an accommodation that was not approved, the ADA/504 Coordinator, or designated officials that have knowledge of academic accommodation requirements can make an interim decision pending final resolution.

VII. GENERAL PROVISIONS FOR COMPLAINTS/GRIEVANCES REGARDING ACADEMIC ADJUSTMENT AND/OR ACCOMMODATIONS

- A. An Equal Access Hearing Committee will be convened by the ADA/504 Coordinator to review the complaint. The committee will be comprised of the ADA/504 Coordinator and the following voting members:
  1. Dean of Counseling Service or designee
  2. The DSPS Director or designee
  3. The Vice President for Instruction or designee, and
  4. The Discipline appropriate Department Chair.
- B. The ADA/504 Coordinator is responsible for informing the complainant of their rights, responsibilities, and procedures.
- C. The ADA/504 Coordinator shall serve as Chair and will vote only in case of a tie.
- D. All four (4) voting members shall constitute a quorum by which the hearing may proceed.
- E. Both parties have the right to present witnesses, testimony, and evidence, but only as related to the case.

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- F. 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 case.
- G. Written minutes and a recording of the proceedings shall be kept in a confidential file by the college president or designee and shall be available to the parties. All documents shall be filed separately from the personnel file of the participants.
- H. The complainant may withdraw the appeal at any time. However, the same appeal shall not then be filed again by the same complainant.
- I. The ADA/504 Coordinator may be consulted by either party regarding any of these procedures at any time.
- J. Accommodations shall not pose a threat to health or safety of others.
- K. Accommodations shall not pose an undue burden on the college.

VIII. OTHER COMPLAINT PROCESSES

- A. Students have the right to initiate a grievance with the Office of Civil Rights (OCR) at any point during the process.
- B. Students wishing to file complaints or grievances based upon a disability discrimination should contact the college's ADA/504 Coordinator located on campus. The college's general grievance process is outlined in both the Saddleback College and Irvine Valley College catalogs under "Grievances."

*References:*

*California Code of Regulations, Title 5, Sections 56032 – 56044*  
*California Education Code Sections 67310 - 67312 and 84850*  
*Section 504 of Rehabilitation Act 1973*

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