

## Administrative Procedure AP 5140 Office for Students With Disabilities

### Student Accommodations

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It is the philosophy and intent of Antelope Valley College and the Office for Students With Disabilities program to work collegially with all students with disabilities, the faculty, and staff to arrive at an appropriate accommodation that will meet the student's individual and specific needs. When a mutually accepted decision cannot be reached on a request for an accommodation between a faculty member and a student the college has developed a procedure to resolve such issues.

Furthermore, for all other reasonable accommodation requests AVC has also created an internet based OSD reasonable accommodations form and process. This request form is to be utilized when a person with a disability feels that an accommodation will be necessary for them to participate in any of AVC's activities, services, and programs. This process may be utilized by the general public, AVC faculty, staff and students.

#### .1 Purpose and Definition

The purpose of this document is to explain and put forth the administrative procedures of Antelope Valley Community College District which ensures that students with disabilities receive appropriate accommodation in their instructional activities, as mandated by federal and state law. The fundamental principles of nondiscrimination and accommodation in academic programs were set forth in the implementing regulations for Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act; these regulations provide that:

No qualified individual with a disability may be discriminated against by a department, agency, special purpose district, or other instrumentality of a state or local government (Title 2 of the Americans with Disabilities Act).

No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any postsecondary education program or activities (Section 504, 84.43[a]).

An institution shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or students. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution or specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted (Section 504, 84.44[a]).

The modifications postsecondary institutions are required to make may be referred to as "academic adjustment" or "reasonable accommodation." Examples of academic accommodation include modification to degree requirements (e.g., time to complete the degree, course substitution/waiver, adaptation in the manner in which a course is conducted), modifications to course examinations (e.g., additional time, alternative testing measures), and the use of auxiliary aides (e.g., readers, calculators).

.2 **Academic Accommodations Panel**

.21 The ADA/504 Officer (Vice President of Human Resources) will serve as the panel chair and will be responsible for ensuring that:

- The informal process has been attempted;
- The instructor and student are informed of their rights and responsibilities
- The panel members are notified;
- All arrangements for the formal process are in place.

.22 The Academic Accommodations Panel will consist of the ADA/504 Officer, the Affirmative Action Officer, the Director of Office for Students With Disabilities, the Vice President Academic Affairs, an Academic Senator, a subject matter expert, and a student appointed by the Associated Student Organization (ASO).

.23 The role of the Academic Accommodations Panel is to:

Review the disputed academic accommodation with respect to the ADA and Section 504. Specifically, does the accommodation ensure access for the student with a disability to meet the academic standards of the course, while maintaining the integrity of the course content? Advise the Superintendent/President of the most appropriate accommodations.

.3 **Informal Resolution**

The student will make a reasonable effort to resolve the matter on an informal basis prior to requesting a hearing by the Academic Accommodations Panel.

If an instructor has questions about an accommodation requested by a student with a verified disability, the instructor should contact the Director of Office for Students With Disabilities promptly. Informal meetings and discussion among the instructor, student, and appropriate members of Office for Students With Disabilities and/or other appropriate members of the college community are essential at the outset, and will be completed within five (5) instructional days following the request for the accommodation.

.4 **Formal Resolution**

If no informal resolution can be found within five (5) instructional days and the accommodation is not allowed, the student may then seek a review by following the Academic Accommodations Procedures. Prior to the formal resolution process the Section 504 Coordinator, or other designated district official with knowledge of accommodation requirements, has the authority to make an interim decision pending a final resolution of the accommodation request.

If a satisfactory informal resolution to an Academic Accommodations Request was not found, a student may request an Academic Accommodations Hearing.

Academic Accommodation Hearing

The student must complete the Statement of Grievance form and the Grievance Hearing Request form. These forms, requesting a review by the Academic Accommodations Panel, will be filed by the student with the ADA/504 Officer.

The ADA/504 Officer will convene the panel within five (5) instructional days following receipt of a Grievance Hearing form or as soon as possible thereafter based on the timing involved in arranging a meeting time for all involved in the hearing process.

If this is a request for an in-class modification, the accommodation will be allowed for a maximum of three (3) weeks during which time a resolution will be achieved. If the decision of the panel is that the accommodation is not reasonable, the instructor will have the right to have the student redo any work done during those three (3) weeks with the new accommodation.

#### Hearing Procedure

The full Academic Accommodations Panel must be present for the hearing to proceed. The ADA/504 Officer will be the chairperson and will inform the participants of the procedures to be followed in the hearing.

.41 If this is a request for a modification to a degree/certificate modification, both the Dean for that major and the student may call witnesses and introduce oral and/or written testimony relevant to the issue of the accommodation.

.42 If this is a request for in-class accommodations, both the instructor and student may call witnesses and introduce oral and/or written testimony relevant to the issue of the accommodation.

.43 The ADA/504 Officer will assist both parties in the securing of witnesses.

.44 Formal rules of evidence will not apply, any relevant evidence which reasonable people are accustomed to consider in dealing with a serious matter will be admitted.

.45 Parties may represent themselves and will also have the right to be accompanied by a person of their choice, other than legal counsel, who may act as their advisor. Parties will notify the ADA/504 Officer of their choice of representation, no later than three (3) instructional days prior to the hearing.

.46 The ADA/504 Officer will ensure the hearings will be closed and confidential.

.47 In a closed hearing, witnesses will be present only when testifying unless both parties and the Academic Accommodations Panel agree to the contrary. A transcribed stenographic record will be maintained by the ADA/504 Officer.

#### Academic Accommodations Panel Decision

The Academic Accommodations Panel decision will be based only upon the evidence presented at the hearing in conjunction with the relevant sections of state and federal law.

Within five (5) instructional days of the hearing, the Academic Accommodations Panel will render a decision. The ADA/504 Officer will prepare a written decision for the Superintendent/President or his/her designee. This document will include the accommodation(s) under dispute, a summary of the evidence and the panel's recommendation(s).

#### Superintendent/President's Decision

Within five (5) instructional days following receipt of the decision of the Academic Accommodations Panel, the Superintendent/President, or his/her designee, will submit to all parties his/her written decision. The Superintendent/President may accept or reject the findings and recommendations of the Academic Accommodations Panel. The findings and recommendations of the Academic Accommodations Panel will be accorded great weight. If the Superintendent/President does not accept a finding or recommendation of the panel,

his/her reasons will be communicated in writing to the panel and also stated in the decision not accepted. The decision of the Superintendent/President will be final.

### **Responsibility of Antelope Valley College**

The District is required to assure that all programs and services are accessible to individuals with disabilities. It acknowledges that the Office for Students With Disabilities been delegated authority by the Office of the California Community College Chancellor to prescribe academic accommodations for all students who have been certified as having a disability. The district must institute procedures to make modifications in academic requirements to ensure that such requirements not discriminate on the basis for a disabling condition.

The Faculty are responsible for conducting classes and administering examinations. They should be mindful, in developing tests or other procedures for evaluating students' academic achievement, that federal regulations require that methods should be provided for evaluating the achievement of students who have a handicap that impairs sensory, manual or speaking skills as will best ensure that the results of the evaluation represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual or speaking skills (except where such skills are the factors that the test purports to measure). [Section 504]

The Office for Students With Disabilities has been delegated the authority to certify disabilities. The certification of a disability by OSD is binding upon the district. It should also be mentioned that the use of services offered by the OSD office is voluntary.

The OSD Specialist is responsible for verifying a student's disability, estimating the effect of the disability on the student's participation in academic activities, and advising the student concerning appropriate learning strategies. The specialist may also determine the nature of accommodations in instruction and testing that might be required for a student in order to demonstrate mastery of the subject matter. He/she shall be available to faculty for consultation.

The ADA/504 Officer is responsible for informing the students of their rights, under the ADA and Section 504, to file through the Office of Civil Rights if the desired accommodation is not allowed. An updated file of all district decisions will be kept.