

# MIRACOSTA COLLEGE ACADEMIC ACCOMMODATION POLICY

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## **Introduction**

While maintaining academic integrity, MiraCosta College is committed to ensuring that students with disabilities receive appropriate accommodation in their instructional activities as mandated by federal and state law and by college policy. The fundamental principles of nondiscrimination and accommodation in academic programs were set forth in the implementing regulations for the 1973 Rehabilitation Act, Section 504. Other applicable laws include the Americans with Disabilities Act, Public Law 101-336, the Family Educational Rights and Privacy Act of 1974, and Title V of the California Code of Regulations.

### **I. Academic Accommodation Regulations**

Section 504 of the 1973 Rehabilitation Act provides that:

"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 activity . . ." (84.43.a).

"[An institution] shall make such modification 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 student. Academic requirements that the recipient [the institution] can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modification may include changes in the length of time permitted for completion of degree requirements, substitution of specific courses required for completion of degree requirements, and adaptation of the manner in which specific courses are conducted" (84.44.a).

### **II. Overview of Academic Accommodation**

A student may request accommodation at any of the following three levels:

- Level I, Course Accommodation: an adjustment that allows a student with a disability an equal opportunity to complete course requirements;
- Level II, Course Substitution: the replacement of a required course with an approved alternative course;
- Level III, Course Waiver: the waiver of a required course.

### **III. Level I Accommodation: Course Accommodation**

A. Definition: A course accommodation is an adjustment that allows a student with a disability an equal opportunity to complete course requirements. The college recognizes that many disabilities that may preclude a student from successfully completing a course can be overcome with a course accommodation such as test facilitation, use of a note taker, and permission to tape record class sessions. Any student seeking a course accommodation due to a documented disability may request assistance from Disabled Student Programs and Services (DSP&S).

- B. Eligibility: Any student with a documented disability is eligible to request a course accommodation.
- C. Procedure for requesting a Level I Accommodation: A student requests a course accommodation through DSP&S. The student must present to DSP&S verifying documentation of his or her disability from a qualified professional, as determined by DSP&S. DSP&S considers the educational functional limitations and severity of the disability; determines what, if any, accommodation is appropriate; and facilitates the implementation of that accommodation.

D. Procedure for resolving a concern regarding a Level I Accommodation:

1. If a student has a concern, he or she should take the appropriate action as indicated below:

Student Concern	Student Action
DSP&S decision	Discuss the concern with the DSP&S specialist who made the decision
Implementation of a Level I Accommodation	Discuss the concern with the instructor (The student may invite a member of DSP&S to be present.)

2. If the student *still* has a concern, he or she should take further action as indicated below:

Student Concern	Student Action
DSP&S decision	Discuss the concern with the DSP&S Coordinator
Implementation of a Level I Accommodation	Discuss the concern with the appropriate department chair (The student may invite a member of DSP&S to be present.)

3. If the student *still* has a concern, then he or she may file a Course Accommodation Grievance to which the college will respond. This process is intended to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the college complies with the American with Disabilities Act and its implementing regulations. The steps of this grievance process are as follows:

- a. The student submits a packet containing the following to the Americans with Disabilities Act (ADA) Coordinator:

(1) A completed Course Accommodation Grievance Form

(2) Documentation of the disability, including one or both of the following:

- (a) Educational verification by a licensed/credentialed professional including specific test scores and a description of the degree of educational functional limitations in the academic area under discussion

- (b) Medical verification by a licensed professional including a description of the degree of educational functional limitations in the academic area under discussion

The student may ask the DSP&S specialist for assistance in determining whether to submit educational verification, medical verification, or both.

- (3) A letter written by the student which explains his or her concern, including any relevant information regarding that concern. The letter should include the course(s) for which the accommodation was requested; the accommodation that was requested; and the accommodation, if any, that was approved by DSP&S.
- b. At the time the student files the grievance, he or she may request that the ADA Coordinator arrange an appropriate interim course accommodation until the grievance is resolved. If, as the result of this grievance process, it is decided that the accommodation is not appropriate, the instructor has the option of requiring the student to redo any coursework that was completed with the interim accommodation.
  - c. Within five instructional days of the filing of the grievance, the ADA Coordinator convenes a Course Accommodation Grievance Committee (CAGC). This committee is composed of the following members:
    - (1) The chair of the department in which the grievance originated or a subject matter specialist appointed by the chair (If the chair is listed in the grievance, then the dean appoints the subject matter specialist.)
    - (2) A non-DSP&S faculty member from a department other than the one in which the grievance originated (This faculty member is appointed by the President of the Academic Senate and should have current or recent service on the Academic Accommodations Committee.)
    - (3) The 504 Coordinator (If the 504 Coordinator is listed in the grievance, then the ADA Coordinator appoints a faculty member with knowledge of disability-related issues.) This committee member chairs the committee.
    - (4) A student with a disability (Associated Students appoints a student representative in consultation with DSP&S.)
  - d. The CAGC meets, reviews the Course Accommodation Grievance Form and accompanying documentation of disability, considers input from the instructor and DSP&S, makes a decision, and then forwards this decision to the ADA Coordinator.
  - e. Within thirty instructional days of the filing of the grievance, the ADA Coordinator informs the student in writing of the committee's decision. The ADA Coordinator maintains the files and records of the district relating to course accommodation grievances.

- f. If the student is dissatisfied with the decision, he or she may appeal it within ten instructional days. The student sends the appeal to the ADA Coordinator, who forwards it to the college president for a final determination. Within ten instructional days of receiving the appeal, the college president provides a written determination to the student.

E. Other remedies for resolving a concern regarding a Level I Accommodation:

A student's use of the Course Accommodation Grievance process is not a prerequisite to that student's pursuit of other remedies, although the college strongly suggests that its process be used first. Also, a student's right to a prompt and equitable resolution of a Course Accommodation Grievance will not be impaired by that student's pursuit of other remedies. The other remedies are as follows:

1. The student may appear before the MiraCosta Board of Trustees.
2. The student may file a complaint with the Chancellor of the California Community Colleges within thirty calendar days of the event or following the completion of the Course Accommodation Grievance process. (The student should obtain from the college's Director of Human Resources the procedure for filing a complaint with the Chancellor.) The address for the Chancellor's Office is as follows:

Chancellor's Office  
California Community Colleges  
Forum Building  
1107 Ninth Street  
Sacramento, CA 95814

3. The student may file a complaint with the Federal Office of Civil Rights in San Francisco, California, if he or she believes that the college or one of its representatives is violating his or her rights. The address for the Federal Office of Civil Rights is as follows:

U.S. Department of Education  
Office for Civil Rights--Region 9  
Postsecondary Education Division  
Old Federal Building  
South United Nations Plaza, Room 239  
San Francisco, CA 94102

#### **IV. Level II Accommodation: Course Substitution**

- A. Definition: A course substitution is the replacement of a required course with an approved alternative course. The substituted course must provide concept mastery comparable to that of the required course.

MiraCosta College intends that all of its graduates successfully complete all of the specific courses required for graduation. However, the college recognizes that a disability may prevent

a student from accomplishing this in the same manner as would a student without a disability. In some cases, a course substitution may be warranted. The substitution is recorded on the transcript; however, students must realize that subsequent educational institutions may not recognize a substitution granted by MiraCosta College.

- B. Eligibility: A course substitution may be appropriate provided that 1) a student has made a good-faith effort to succeed in the required course or 2) a student can demonstrate that his or her disability is of such a magnitude that any attempt to pass the course would be futile.
- C. Procedure for requesting a Level II Accommodation:
1. The student submits a packet containing the following to the Academic Senate President:
    - a. A completed Course Substitution Request Form
    - b. All post-secondary transcripts
    - c. Documentation of the disability, including one or both of the following:
      - (1) Educational verification by a licensed/credentialed professional including specific test scores and a description of the degree of educational functional limitations in the academic area under discussion
      - (2) Medical verification by a licensed professional including a description of the degree of educational functional limitations in the academic area under discussion

The student may ask the DSP&S specialist for assistance in determining whether to submit educational verification, medical verification, or both.
    - d. A letter written by the student and appropriate supporting documentation, which together provide:
      - (1) The reason(s) for the course substitution request, the name of the required course for which the student is requesting a course substitution, and the name of the course that the student wishes to substitute for the required course
      - (2) Evidence of one of following:
        - (a) A good-faith effort to succeed in the required course, including the following:
          - 1) Consistent and persistent effort in attempting course work
          - 2) Regular attendance and completion of all assignments
          - 3) Use of all appropriate and available support services such as tutorial assistance or instructional support classes
          - 4) Use of all appropriate and available course accommodation such as test facilitation, use of a note taker, and permission to tape record class sessions

- (b) A disability of such a magnitude that the student could not successfully complete the course even with Level I accommodation
  - (3) Evidence that the student is otherwise qualified, such as:
    - (a) Success in completing course work in all other required areas
    - (b) Success in courses that demonstrate equivalent skill to the course under consideration
    - (c) Success in employment
  - (4) A statement of education and career goals, including:
    - (a) Major or certificate program
    - (b) Transfer and/or career goals
- 2. Within five instructional days of the filing of the request, the Academic Senate President appoints a Course Substitution Request Committee (CSRC). This committee is composed of:
  - a. The dean of the division
  - b. A department representative
  - c. A DSP&S representative (This committee member chairs the committee.)
  - d. A non-DSP&S faculty member from a department other than the one in which the grievance originated (This faculty member is appointed by the President of the Academic Senate and should have current or recent service on the Academic Accommodations Committee.)
- 3. The CSRC meets, makes a decision regarding the student's request, and then forwards the decision to the Americans with Disabilities Act (ADA) Coordinator. In order to make a decision, the CSRC reviews the student packet and then considers that information along with the following:
  - a. Evidence that the request does not require a fundamental alteration to an essential component of an institutional or discipline-specific standard
  - b. Evidence that the required course and the substituted course are substantially equivalent in content and/or purpose
- 4. Within thirty instructional days of the filing of the request, the ADA Coordinator informs the student in writing of the committee's decision. The ADA Coordinator maintains the files and records of the district relating to course substitution requests.

D. Procedure for appealing a decision made regarding a Level II Accommodation: If a student is dissatisfied with the decision, he or she may appeal it within ten instructional days. The student sends the appeal to the ADA Coordinator, who forwards it to the college president for a final determination. Within ten instructional days of receiving the appeal, the college president provides a written determination to the student.

E. Other remedies for appealing a decision regarding a Level II Accommodation:

An appeal to the president is not a prerequisite to the pursuit of other remedies, although the college strongly suggests that this appeal process be used first. Also, the student's right to a prompt and equitable resolution of a course substitution appeal will not be impaired by the student's pursuit of other remedies. The other remedies are as follows:

1. The student may appear before the MiraCosta Board of Trustees.
2. The student may file a complaint with the Chancellor of the California Community Colleges within thirty calendar days of the event or following the completion of the Course Accommodation Grievance process. (The student should obtain from the college's Director of Human Resources the procedure for filing a complaint with the Chancellor.) The address for the Chancellor's Office is as follows:

Chancellor's Office  
California Community Colleges  
Forum Building  
1107 Ninth Street  
Sacramento, CA 95814

3. The student may file a complaint with the Federal Office of Civil Rights in San Francisco, California, if he or she believes that the college or one of its representatives is violating his or her rights. The address for the Federal Office of Civil Rights is as follows:

U.S. Department of Education  
Office for Civil Rights--Region 9  
Postsecondary Education Division  
Old Federal Building  
South United Nations Plaza, Room 239  
San Francisco, CA 94102

## **V. Level III Accommodation: Course Waiver**

A. Definition: A course waiver is the elimination of a required course from a student's program of study. The required course must be peripheral to the student's course of study, transfer goals, major, or employment goals, and the student must not require any further classes or training in the specified area.

MiraCosta College intends that all its graduates successfully complete all of the specific courses required for graduation. However, the college recognizes that a disability may prevent a student from accomplishing this in the same manner as would a student without a disability. In rare cases, a waiver may be appropriate. The waiver is recorded on the transcript; however, students must realize that subsequent educational institutions may not recognize a waiver granted by MiraCosta College.

B. Eligibility: A course waiver may be appropriate provided that 1) *either* the student has made a good-faith effort to pass the course *or* his or her disability is of such a magnitude that any attempt to pass the course would be futile and 2) no appropriate course substitution is available. The waived course must be peripheral to the student's course of study, transfer goals, major, or employment goals, and the student must not require any further classes or training in the specified area.

C. Procedure for requesting a Level III Accommodation:

1. The student submits a packet containing the following to the Academic Senate President:

a. A completed Course Waiver Request Form

b. All post-secondary transcripts

c. Documentation of the disability, including one or both of the following:

(1) Educational verification by a licensed/credentialed professional including specific test scores and a description of the degree of educational functional limitations in the academic area under discussion

(2) Medical verification by a licensed professional including a description of the degree of educational functional limitations in the academic area under discussion

The student may ask the DSP&S specialist for assistance in determining whether to submit educational verification, medical verification, or both.

d. A letter written by the student and appropriate supporting documentation, which together provide:

(1) The reason(s) for the course waiver request and the name of the required course for which the student is seeking a waiver

(2) Evidence of one of following:

(a) A good-faith effort to succeed in the required course, including the following:

1) Consistent and persistent effort in attempting course work

2) Regular attendance and completion of all assignments

- 3) Use of all appropriate and available support services such as tutorial assistance or instructional support classes
  - 4) Use of all appropriate and available course accommodation such as test facilitation, use of a note taker, and permission to tape record class sessions
- (b) A disability of such a magnitude that the student could not successfully complete the course even with Level I accommodation
- (3) Evidence that the student is otherwise qualified, such as:
    - (a) Success in completing course work in all other areas required
    - (b) Success in courses that demonstrate equivalent skill to the course under consideration
    - (c) Success in employment
  - (4) Statement of education and career goals
    - (a) Major or certificate program
    - (b) Transfer and/or career goals
2. Within five instructional days of the filing of the request, The Academic Senate President appoints a Course Waiver Request Committee (CWRC). This committee is composed of:
    - a. The dean of the division
    - b. A department representative
    - c. A DSP&S representative (This committee member chairs the committee.)
    - d. A non-DSP&S faculty member from a department other than the one in which the grievance originated (This faculty member is appointed by the President of the Academic Senate and should have current or recent service on the Academic Accommodations Committee.)
  3. The CWRC meets, makes a decision regarding the student's request, and forwards the decision to the Americans with Disabilities Act (ADA) Coordinator. In order to make a decision, the CWRC reviews the student packet and then considers the following:
    - a. Evidence that the request would not require a fundamental alteration to an essential component of an institutional or discipline-specific standard
    - b. Evidence that the required course is peripheral to the student's course of study, transfer goals, major, or employment goals and the student will not require any further classes or training in the specified area

- c. Evidence that the disability could not be addressed with a Level II Accommodation
  - 4. The ADA Coordinator informs the student in writing of the committee's decision, no later than thirty instructional days after the date of the request. The ADA Coordinator maintains the files and records of the district relating to waiver requests.
- D. Procedure for appealing a decision made regarding a Level III Accommodation: If a student is dissatisfied with the decision, he or she may appeal it within ten instructional days. The student sends the appeal to the ADA Coordinator, who forwards it to the college president for a final determination. Within ten instructional days of receiving the appeal, the college president provides a written determination to the student.
- E. Other remedies for appealing a decision regarding a Level III Accommodation:

An appeal to the college president is not a prerequisite to the pursuit of other remedies, although the college strongly suggests that its appeal process be used first. Also, the student's right to a prompt and equitable resolution to a course waiver appeal will not be impaired by the student's pursuit of other remedies. The other remedies are as follows:

1. The student may appear before the MiraCosta Board of Trustees.
2. The student may file a complaint with the Chancellor of the California Community Colleges within thirty calendar days of the event or following the completion of the Course Accommodation Grievance process. (The student should obtain from the college's Director of Human Resources the procedure for filing a complaint with the Chancellor.) The address for the Chancellor's Office is as follows:

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