

# Cerro Coso Community College Disabled Student Program & Services

## Faculty Handbook



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## Introduction

The Disabled Student Program and Services (DSPS) office is here to support you as you work with students with disabilities. In view of the fact that 5% of students enrolled at the Cerro Coso Community College has a verified disability it is very likely that an instructor will have at least one student with a disability in class. Please feel free to contact us at Access Programs office ext. 6250.

Other students, particularly those with learning disabilities (LD), may not know they have a disability and DSPS offers LD diagnostic testing. It is also likely there is at least one student in your class who is eligible for services but who does not know that they are available. There may also be students in your class who have disabilities but who choose not to disclose that information to anyone at the college.

Faculty must include on the syllabus a short statement advising students of the process to request accommodations from the instructor. Such a statement is generally helpful to students and faculty so everyone knows the process. Including the statement on the syllabus can also avoid problems later on; for example if the student delays requesting an accommodation until late in the semester and, as a result, grades are negatively affected. It is standard to include on all college documents a statement that the document is available in alternate format (i.e. large print, braille, e-text.).

Following is a statement that DSPS recommends to include on your syllabi:

*If you have a disability which may require classroom or test accommodations, please contact Access Programs - Disabled Student Program and Services (DSPS) in the main building room 312 or call 760-384-6250. You will need to provide written documentation of your disability. If you think you have a disability but currently have no documentation, DSPS may be able to help you. All information will be kept confidential. This document is available in alternate format upon request.*

The goal of this faculty handbook is to offer you suggestions and resources to work with students with disabilities who enroll in your class. It is the intent to provide a "level playing field" but not an undue advantage. This does not mean all students will succeed in your class, but rather they have equal access to the instruction you provide.

We hope you will take the time to become familiar with all of the topics presented in the handbook. Whether you are a seasoned instructor or this is your first semester teaching, we trust that the information in the handbook will increase your confidence in working with students with disabilities and in knowing what to do, whom to ask if questions arise, and where to go to get additional information.

We recommend that you start with the following sections:

- Section 8: How Testing Accommodations are Provided at CCCC
- Section 12: Faculty Rights and Responsibilities
- Section 15: How to Refer Students to DSPS
- Section 16: A Guide to Disability Etiquette (The Ten Commandments of Etiquette)

We look forward to working with you. Please call Access Programs (DSPS) at (760) 384-6250 or drop by the office in the Main building.



High Tech Center in the Access Programs Office

*A special thank you to Helene Maxwell, DSPS Coordinator at College of Alameda for permission to use and revise their DSPS Faculty Handbook. April 2007.*

**Mission Statement of DSPS**

Our mission is to provide access and support to students with disabilities. We function as a resource to Cerro Coso Community College faculty in offering students equity and excellence in education, maximizing each student's educational potential while helping him or her develop and maintain independence. Our philosophy is one that encourages self-awareness, self-determination, self-advocacy and independence in a comprehensively accessible environment.

**In order to serve students effectively, the DSPS program has adopted the following goals:**

**Opportunity:** To ensure equal educational opportunities to students with disabilities who have the potential to achieve academic and vocational goals consistent with a community college program.

**Empowerment:** To empower students with disabilities to achieve independence and integration leading to maximum participation in the college and the community.

**Awareness:** To provide information and support to Cerro Coso College employees and students in carrying out the institution's responsibility to students with disabilities.

The DSPS office works with faculty, staff and students on campus to ensure that appropriate academic adjustments are made that allow all students an equal footing inside the classroom and around campus

### **Section 1: Legal Foundations for Academic Accommodations**

The role of DSPS staff is not to enforce the law or to intervene in the student/teacher relationship, but **to assist the college and instructors in meeting their obligations to students.**

Federal and state laws govern the rights of students with disabilities to higher education. These laws and policies include Sections 504 and 508 of the Rehabilitation Act (1973 and 1998); the Americans with Disabilities Act (1990); and Title 5, sections 56000 through 56076.

Passage of **Section 504 of the Rehabilitation Act of 1973** insured that students with disabilities had access to higher education. This was civil rights legislation, its intent similar to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 which prohibited discrimination based on gender. "Under Section 504, individuals with disabilities are protected from exclusion, disparate treatment, and harassment on the basis of their disability."<sup>1</sup>

A person with a disability is defined as any person who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has record of such impairment, or (3) is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.

Section 504, which is still in effect, placed the responsibility of access to higher education primarily on public institutions which received federal funds.

In July of 1990, the disability movement in the United States picked up momentum with the passage of the **Americans with Disabilities Act (ADA)**. According to the ADA, "no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a public entity." In practical terms, the ADA merely extended the existing rights of students with disabilities to institutions that did not receive federal funds. However, because the ADA covers all aspects of disability in society including employment, education, telecommunications, private sector services, public sector services, transportation and more, it has raised awareness of disability issues.<sup>2</sup>

Following is a summary of what current law requires and what it does not require.

### **What the Law Requires: Equal, Not Preferential, Treatment**

- The law requires equal access to instruction, services, activities, and facilities of the college.
- The law requires that the student be evaluated on ability, not disability.
- The law requires accommodations when the student has an educational limitation that affects the ability to acquire information or to demonstrate knowledge of the course material in a standard way.

### **What the Law Does Not Require**

- The law does not require changing standards or grading policies because a student has a disability.
- The law does not require allowing a student to cheat.
- The law does not require providing accommodations to a student who verbally claims a disability but who has not provided documentation to the college, either through DSPPS or through the 504/ADA Compliance Officer, (Vice President of Student Services)
- The law does not require providing personal devices such as wheelchairs, hearing aids or glasses.
- The law does not require providing personal services such as assistance with eating, dressing, or mobility.
- The law does not require providing accommodations that would fundamentally alter the nature of a program, class, or course.
- The law does not require providing accommodations which lower or substantially modify academic or program standards.

### **Is DSPPS the Same as Special Education?**

No. There is no Special Education in postsecondary education.

Services provided to students with disabilities in K-12 are different from those at the postsecondary level. The Individuals with Disabilities Education Act (IDEA), the federal law that applies to education of students with disabilities in K-12, does not apply to postsecondary schools. Because K-12 education is mandated while postsecondary education is not, the rights and responsibilities of students with disabilities are different in K-12 than in college.

Students in K-12 may be evaluated using differential standards and curriculum may be fundamentally altered. The primary focus of postsecondary disability services is to ensure that students with disabilities receive classroom accommodations to which they are legally entitled. The law mandates equal access to instruction but does not require fundamental alteration of a program.

### **Section 2: Who is Eligible for Services?**

Students who are high school graduates or 18 years of age and who have a documented disability may be eligible for DSPS services. DSPS serves students whose disabilities include but not limited to:

- Mobility impairment
- Visual disability
- Learning disability
- Acquired brain injury
- Developmental disability
- Psychological disability
- Chronic health problems
- Persons in recovery from drug and alcohol use
- Persons who are deaf or hard of hearing.
- Asperger's (Autism Spectrum Disorder)

Although DSPS works primarily with students with permanent or ongoing disabilities, students with temporary disabilities due to accident, illness, surgery or other circumstances may also qualify for DSPS services on a temporary basis if the disability substantially interferes with the student's ability to participate successfully in the academic environment.

### **Section 3: Services Provided to Eligible Students**

DSPS provides educational and vocational support services for students with disabilities enrolled at the college. Services include:

- Academic, personal, and vocational counseling
- College program planning
- Eligibility testing for learning disabilities
- Priority registration and enrollment assistance
- Support services personnel such as notetakers, sign language interpreters, and scribes

- Testing accommodations
- Liaison with four-year colleges and community agencies
- Liaison with the Department of Rehabilitation and the Regional Center
- Instructional materials in alternate media, such as braille, large print, electronic text (e-text), tactile graphics, and audio tape
- Access to adapted computer equipment and other assistive technology
- On-campus mobility assistance.

**Learning Assistant Program** - Assists students with learning disabilities by providing assessment, advising, and liaison with campus instructors and programs. Learning Assistants teach learning strategies in reading, writing, spelling, math, and study skills.

**High Tech Center and Alternative Media** - Provides instruction in keyboard modification, speech synthesis, screen enlargement, braille output, voice input for “hands-free” computer operation, and other computer adaptations as appropriate for students with learning disabilities, acquired brain injury, visual impairment, or physical disability.

#### **Section 4: Process for Students to Receive Services through DSPTS**

At the Cerro Coso Community College, Access Programs - DSPTS is the designated program to verify documentation for disability. If the student gives you documentation directly, you can simply ask the student to come to the Access Programs Office to meet with a counselor. **Instructional faculties are not expected to evaluate disability documentation.** If a student says, "I have a disability and I need additional time for tests," you can ask the student if he or she has gone through DSPTS or has otherwise provided the college with disability documentation. **By law you are not required, nor advised, to provide accommodations unless the student has submitted the necessary documentation to the college.** Almost all students go through DSPTS to provide this documentation, although very occasionally a student may choose to provide documentation to the 504/ADA Compliance Officer. At Cerro Coso Community College the Vice President of Student Services is the 504/ADA Officer.

The DSPTS Coordinator documents the need for specific accommodations, based on the educational limitations caused by the disability. Medical or diagnostic testing and other sources of information are used. With the student's permission, **we will provide you with a “Letter To Instructor” regarding the student's approved accommodations.** (see Appendix A) We will not, however, identify the student's specific disability because that information is confidential unless the disability is apparent (e.g. a student uses a wheelchair or is deaf and needs a sign language interpreter) or the student chooses to share that information with you.

If the student has gone through DSPTS and has asked for accommodations, you should have received the Letter to Instructor from the student. If not, please recommend to the student that he or she make an appointment to talk to a DSPTS counselor to arrange for accommodations.

#### **Summary of Process for Student to Receive Accommodations**

- Student makes contact with DSPTS and asks for accommodations.

- Student provides DSPS with documentation of disability and is verified for accommodations by the DSPS Coordinator
- Student may also be referred for testing to the Learning Disability Specialist.
- DSPS counselor, in consultation with the student, identifies educational limitations and determines academic accommodations
- DSPS provides the student with a Letter to Instructor outlining accommodations. Student is responsible for providing this letter to instructors.
- DSPS assists instructor in providing accommodations
- Student and DSPS evaluate accommodations with input from instructor.

### **Section 5: Students' Rights to Confidentiality**

Under the laws affecting higher education, students have the right to confidentiality.

**When you receive a Letter to Instructor that states a student has a disability and needs accommodations, or if the student shares that information with you verbally or in writing, that information must be kept confidential. Instructors and staff must maintain a policy of strict confidentiality about the identity of the student with a disability, the nature of the disability, and the disability-related accommodations s/he requires.**<sup>3</sup>

It is not legal, for example, to announce by name that a student needs a note taker, or to discuss the student's disability in class or in the presence of other students.

Having a disability revealed is often mentioned by students with disabilities as the situation they fear the most at school. If that information is revealed to classmates or others without the student's permission, it is a violation of the trust that the student has in the instructor and the college.

Some disabilities are obvious but there are many more disabilities that are not so apparent. These disabilities are usually revealed to you only so that the proper accommodations can be provided to give the student an equal opportunity to learn in your classroom.<sup>4</sup>

### **Section 6: What Are Academic Accommodations?**

Accommodations make courses accessible to students with disabilities. By law, students with disabilities must be given the opportunity both to acquire information and to be evaluated in a way that allows the student to fully demonstrate his/her knowledge of the subject.

Following are some examples of academic accommodations that may be appropriate for students with various disabilities.<sup>5</sup> However, accommodations are determined for each student on an individualized basis. Not all blind students read Braille. Not all students who are deaf or hard-of-hearing know sign language. Accommodations are based on an appraisal of the effect of the student's disability in the specific academic environment.

#### **Low Vision**

- Seating near front of class
- Large print handouts, lab signs, and equipment labels

- TV monitor connected to microscope to enlarge images
- Class assignments made available in electronic format
- Computer equipped to enlarge screen characters and images

### **Blindness**

- Audio-taped, brailled or electronic-formatted lecture notes, handouts, and texts
- Verbal descriptions of visual aids
- Raised-line drawings and tactile models of graphic materials
- Computer with optical character reader, voice output, Braille screen display and output

### **Hearing Impairment**

- Interpreter, Phonic Ear, note taker
- Open or closed-captioned films, use of visual aids
- Written assignments, lab instructions, demonstration summaries
- Use of electronic mail for class and private discussions

### **Learning Disability**

- Notetakers and / or audio-taped class sessions
- Extra exam time, alternative testing arrangements
- Visual, aural, and tactile instructional demonstrations
- Computer with voice output, spellchecker, and grammar checker

### **Mobility Impairment**

- Notetaker / lab assistant; group lab assignments
- Classrooms, labs, and field trips in accessible locations
- Adjustable tables; lab equipment located within reach
- Class assignments made available in electronic format
- Computer equipped with special input device (e.g. voice input, alternative keyboard)
- Adaptive equipment for physical education

### **Health Impairment**

- Notetaker
- Flexible participation requirements
- Extra exam time
- Assignments made available in electronic format; use of email to facilitate communication

### **Acquired Brain Injury (ABI)**

- Extended time to complete tests or assignments.
- Note takers/scribes/readers.
- Reduced course load.
- Accessibility to classrooms, labs, facilities and field experiences.
- Tape-recorded lectures, books, and printed course material on audiotape.

## **Section 7: What is the Instructor's Role in Providing Accommodations?**

Instructors play a key role in the accommodation process. The level of involvement faculty will have in the accommodation process will vary depending upon the following factors: the

type of accommodation provided, the setting for the accommodation, the student's disability, and the instructor's comfort level in working with students with disabilities.

The following examples demonstrate varying levels of instructor involvement in the accommodation process. The examples are not designed to guide the selection of accommodations for a particular student.<sup>6</sup>

### **Accommodations which require little or no involvement by the instructor**

#### **Tape recorder**

Tape recording class lectures and discussions may be a necessary accommodation for some students. If DSPS approves use of a tape recorder for a student, faculty must allow it. Students will be required to sign Student Agreement for Taping Classes. The agreement that the student signs reads as follows: (see Appendix B)

*I will not copy or release any tape or transcription or otherwise hinder the ability of my professors to obtain a copyright on class material that I have taped. I will use the tape recorded information solely for my educational needs. Upon completion of the class (es) or my dropping the class(es) I will turn in all tape recorded lectures to the instructor(s). My instructor(s) has/have the right to withhold assigning a grade if I do not turn in the taped lectures.*

Tape recorders are specifically mentioned in Section 504 of the Rehabilitation Act as a means of providing full participation in educational programs and activities. As a general rule, any classroom material on which a student typically would take notes may be recorded. Occasionally, classroom discussion reveals items of a personal nature about students. If open discussions tend to reveal personal information, it would be appropriate to ask the student with a disability to turn off the tape recorder during these discussions.<sup>7</sup>

#### **Seating**

A student with a physical disability who cannot use the standard classroom desks may need to use a chair designated for that individual. The instructor's role may be simply to assist the student in reserving the chair for his/her use.

### **Accommodations which require the instructor to be minimally involved**

#### **Notetaking devices**

A blind student may use a braille notetaking device which stores information electronically. The instructor would need to remember to verbalize what s/he writes on the board or to describe verbally other items used in instruction.

#### **Note taker**

A note taker is a student enrolled in your course, and take notes for a student with a disability. You can assist by helping DSPS identify students who could act as notetakers.

#### **Assistive Listening Devices**

Some students with hearing impairments use assistive listening devices which amplify and transmit sound. Usually the person speaking wears some type of microphone, which transmits sound directly to a receiver being worn by the student. The instructor may be asked to wear a transmitter or microphone during class. Faculty may also need to restate questions or comments that are made by other students so that this information is transmitted to the student with the hearing impairment.

### **Interpreters**

Students who are deaf or hard-of-hearing may use an American Sign Language interpreter so that the student can access instruction and participate in classroom discussion. The instructor should speak directly to the person who is deaf or hard of hearing rather than to the interpreter. For more guidelines on working with students who are deaf or hard-of-hearing, please see the "Special Considerations" section in this handbook.

### **Extended Time on Tests**

When a recommended accommodation is additional time on tests, instructors may choose to proctor the exam themselves or arrangements can be made to have the Learning Assistance Center (LAC) proctor the exams.

### **Accommodations which require more significant involvement by the instructor**

#### **Testing in Different Format or Alternative Methods of Recording Answers**

In some circumstances an alternative testing method will be an approved accommodation for a student. Some disabilities make it very difficult to accurately fill out a Scantron or other computer-scored answer sheet. On a multiple-choice exam an instructor may need to permit a student to circle his or her answers on the test document. The instructor will need to hand score the exam. Other examples include permitting a student to speak answers into a tape recorder or to a scribe or to type answers on a computer.

#### **Alternative testing formats**

Permitting students to show their knowledge or mastery of the subject matter by using an alternative testing method may be a necessary accommodation, provided that the change in method doesn't fundamentally alter the education program. For example, permitting an oral exam in lieu of a written exam may be permissible unless the purpose of the exam is also to test the writing ability of the student. Likewise, permitting an essay exam in lieu of a multiple-choice exam or vice versa may be acceptable in some situations.

Adaptations such as these ensure evaluation of the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills.

#### **Providing Technical Vocabulary**

Technical vocabulary may be unfamiliar to students and the interpreter for the deaf. Preparing a list of such terms will help students and interpreters keep up with the lecture.

### **Section 8: How Testing Accommodations Are Provided at CCCC**

If a student is eligible for testing accommodations:

1. Student informs instructor they wish to have their exam proctored in the Learning Assistance Center (LAC)
2. Student makes an appointment at the LAC one week in advance
3. Student must submit a copy of the "Letter To Instructor" to the LAC which outlines their testing accommodations.
4. Student informs instructor of appointment time
5. Instructor sends the exam to the LAC
6. Student must have a picture ID when they take the exam

If the LAC is unable to provide the appropriate accommodations the student will be referred to the Special Services - DSPS office to proctor the exam.

1. Student makes an appointment time with the Special Services - DSPS office to take the exam one week in advance
2. Student submits a proctoring information form obtained from the DSPS office to the instructor and the date the test will be proctored
3. Instructor sends the proctoring information form and exam to the Special Services - DSPS office.
4. Special Services - DSPS will return exam and a copy of the proctoring information form in a sealed envelope to the instructor.

### **Is Extended Time on Tests Unfair?**

Research indicates that it is not unfair to allow students with some disabilities to have extended time for testing. In general, students with learning disabilities benefit from additional time on tests while extended time does not significantly change the performance of non-disabled students.<sup>8</sup> "Extra time to stare at a test will not help a student who doesn't know the material"<sup>9</sup> but students with learning disabilities who have slower writing or processing speeds may need additional time to demonstrate what they know.

The courts have held repeatedly that a lengthening of the standard examination period is an appropriate accommodation for some students with disabilities. The Massachusetts Supreme Judicial Court ordered the State Board of Bar Examiners to allow double the standard time on the bar exam for an applicant with dyslexia and Attention Deficit Disorder. Similarly, the State District Court for the Western District of New York ruled that a State Bar applicant with a visual impairment must be allowed a four-day examination period rather than the standard two-day period.<sup>10</sup> Other examples include the Scholastic Aptitude Test (SAT) or tests administered by California state agencies; extended time is provided for eligible individuals with disabilities taking those tests.

### **Accommodations and Academic Standards**

Academic accommodations should not be used to lower academic standards. They are, rather, changes to a classroom environment or task that are necessary to provide equal opportunity to eligible students with disabilities. Accommodations are designed to assist students in overcoming functional limitations resulting from their disability. Students with disabilities will still be responsible for meeting course and conduct requirements.<sup>11</sup>

## **May Faculty Give a Failing Grade to a Student with a Disability?**

It is possible to fail a student with a disability. The laws mandate access to education, not guaranteed academic success. When a faculty member has communicated clear expectations for performance to his/her students, has provided or allowed academic accommodations as authorized by DSPS, has worked with DSPS to ensure that course materials are accessible to the student if s/he needs alternate formats (e.g. braille, electronic text, large print, tactile graphics, video captioning) and the student does not meet the course requirements, then failing a student is proper and lawful.<sup>12</sup>

## **Section 9: What if Faculty Don't Allow Accommodations?**

Federal and state law and Board policy state that the institution has to provide equal access. In the area of academic accommodations, the role of DSPS is to assist the college and instructors in meeting their legal obligations to students with disabilities.

If an instructor receives an accommodation form and doesn't understand or disagrees with the accommodation, **it is the instructor's professional responsibility to contact Special Services - DSPS** not the student.

In the event the instructor discusses the issue with DSPS and the Department Chair and there is still disagreement, it is college policy that the 504/ADA Coordinator review the case and make an interim decision pending resolution through the student grievance procedure. Until a decision is made, the accommodation must be provided.

**Disallowing the accommodation or telling the student, "You don't need this," or "I don't believe in learning disabilities," is illegal** and puts the college and district at risk of legal action.

**Denial of accommodation** can also lead to the instructor being held personally liable. In the early 1990's a math instructor at UC Berkeley did not allow extended testing time for a student, although the disability was documented and the accommodation was approved by the designated person at the university. The instructor was directed by the university to allow the accommodation. The instructor said that it wasn't fair to the other students, that he didn't believe in learning disabilities, and that it violated his rights of academic freedom. The student filed a lawsuit against the faculty member.<sup>13</sup>

The case was Dinsmore vs. Pugh; it settled out of court. The student was satisfied with the judgment and dropped the suit. The specifics of the resolution were not disclosed, but it is assumed that the math professor had to pay an out-of-pocket settlement.

DSPS counselors and instructors are here to discuss situations with you as they arise. Although accommodations must be provided if needed to compensate for a disability, the delivery of accommodations often involves a creative process. We invite you to join us in collaboration and creative problem solving so that all students in your class have equal access to your instruction.

## **Are Faculty Expected to Accommodate Disruptive Behavior?**

In the postsecondary setting all students, disabled or not, are expected to follow the Student Rules of Conduct as found in the catalog. Even if a student has a disability that affects behavior, s/he is expected to meet the behavior standards of the classroom. If not, you should follow the same procedures as with any other student who acts inappropriately.

Sometimes it is assumed automatically that students with behavioral issues are students with disabilities and DSPS receives phone calls asking that we intervene. Although some students with behavior problems may benefit from referral to DSPS (especially if behavior is caused by undiagnosed learning disabilities, psychological disabilities, or frustration caused by lack of success in classes), to maintain confidentiality DSPS staff cannot divulge if the student is already receiving DSPS services. It is best to follow the standard college procedure if a student is disruptive.

It is important to note that the vast majority of students with psychological disability are not disruptive and will be indistinguishable from other students in your class. Usually college students with this disability who self-identify with DSPS have been in therapy or are under medical treatment.

### **Section 10: What Constitutes a Fundamental Alteration?**

The law states that "fundamental alteration" of a program is not required to accommodate students with disabilities. What are some examples and non-examples of fundamental alteration?

There are some situations where adjustments in teaching method or testing may not be required because they could be considered fundamental alterations.

**Situation:** A student taking a class in small engine repair who has limited use of his/her hands asks to take a written test instead of actually repairing an engine.

**Reasonable Accommodation or Not?** The student's request would not be accommodated if the essence of the course is to actually repair the engine, not talk or write about it.<sup>14</sup>

**Situation:** A student tells you that s/he cannot complete writing assignments, with or without accommodations. The student requests that writing assignments not be included in his/her grade.

**Reasonable Accommodation or Not?** If submitting writing assignments is an essential requirement of the class (for example, in English Composition!) there would be no legal mandate to comply with the student's request to exclude those assignments from the grade.

**Situation:** A student wants to take all tests at home, although tests are usually administered at the college, or insists on taking tests only as open-book, although other students are not given that choice.

**Reasonable Accommodation or Not?** Although a student's disability may require extended time or administration of tests at a distraction-reduced site, it would not be appropriate for a student to request that all tests be administered as take-home or open book tests.

There are many other situations where adjustments in teaching method or materials may be required because they would not fundamentally alter instruction.

**Situation:** A blind student enrolls in a math class and requests that the instructor verbalize what s/he is writing on the board or overhead.

**Reasonable Accommodation or Not?** The faculty member would be legally required (as well as ethically obliged) to make an adjustment in presentation of course material by verbalizing what is written on the board or overhead. Pointing and referring to "this" and "that" as written on the board would not give the student with a visual disability equal access to the instruction. An added benefit is that verbalizing material rather than just writing it can assist all students because the information presented is more explicit.

**Situation:** A blind student who reads Braille requests to have handouts a few days in advance of the class session so that they can be prepared in alternate format.

**Reasonable Accommodation or Not?** The law says that "communication must be as effective as that provided to others." DSPS will take class handouts and braille them. But to do that, we need at least 2 days lead time. Thus, the instructor would be expected to provide the handouts to the student in a timely way so that DSPS can braille the material and the student can have equal access to the class material at the same time as his/her peers. It would not be sufficient merely to distribute the handouts in class that day and tell the student, "This is the way I teach."

**Situation:** A student with a visual or reading disability requests that the instructor provide information about the textbook that will be used in an upcoming semester.

**Reasonable Accommodation or Not?** Faculty are expected to meet the bookstore deadlines for textbook adoption. This is not an accommodation as such, but timely textbook adoption is critically important for students with visual or reading disabilities.

California law AB 422 became effective in January 2001. It requires that textbooks be provided in electronic text on disk or CD (e-text) to students with visual or reading disabilities so that the student can access the material using assistive technology.

If a student registers with our office and if e-text is considered an appropriate accommodation, DSPS works with the student to procure the e-text. However, that process may take 1-2 months or more. **Timely textbook adoption (i.e. meeting the deadlines established by the bookstore) gives DSPS time to contact the publisher and arrange for e-text, or if that isn't available, to scan the book.** Delayed textbook adoption impedes that process, thus depriving the student of access to the textbook material.

Many situations involving accommodations are not so cut-and-dried. That is why DSPS counselors are available to discuss accommodation issues with you. If you are not comfortable with an accommodation request, please call us so that we can discuss it with you.

## **Section #11: Students' Disability Rights and Responsibilities**

Students with disabilities have the right:

- To participate voluntarily in DSPS
- To participate in other courses, programs, or activities offered by the college
- To be evaluated based on ability, not disability
- To appeal a decision regarding accommodations through the student grievance process

Students with disabilities have the responsibility:

- To provide professional documentation of disability to the college
- To request accommodations in a timely way
- To follow procedures for obtaining accommodations
- To work cooperatively with DSPS to determine and implement accommodations
- To maintain the academic and conduct standards of the college

## **Section 12: Faculty Rights and Responsibilities**

Faculty have the right:

- To set academic standards
- To evaluate the student based on the standards of the class and to grade accordingly
- To advise the student to contact DSPS if the student requests an accommodation and the instructor has not received written notification from the DSPS office

Faculty have the responsibility:

- To work with DSPS to provide for accommodations in a fair and timely way
- To adjust instruction without fundamentally altering the program
- To provide handouts in a timely way for alternate media provision
- To select textbooks in a timely way so that e-text can be ordered from the publisher
- To respect and maintain a student's right to confidentiality about his/her disability by not announcing or discussing the student's disability in the presence of other students or staff
- To contact the DSPS office if there is disagreement about the accommodation
- To work with IT to ensure that instructional web pages are accessible to students who use assistive technology
- To work with DSPS to ensure that instructional videos are captioned

**Faculty do not have the right to refuse to provide accommodations, to question whether the disability exists when accommodations have been authorized by DSPS, or to request to examine the student's documentation.**

## **Section 13: College Rights and Responsibilities**

The college has the right:

- To request and review documentation that supports requests for accommodation
- To hold all students to the Student Rules of Conduct

The college has the responsibility:

- To inform applicants and students with disabilities about the availability and range of accommodations
- To insure that all of its programs are accessible
- To make college materials accessible
- To establish college policies and procedures for access and a process to resolve disputes
- To communicate policies and procedures to college employees and students
- To support an atmosphere of respect and inclusion
- To adjust, substitute, or waive any requirement that has a disproportionately adverse impact on a disability and is not fundamental to the student's academic program

### **Section 14: DSPS Rights and Responsibilities**

DSPS has the right:

- To request and receive current documentation that supports the need for accommodations
- To deny a request for accommodations if the documentation demonstrates that the request is not warranted or if the individual fails to provide appropriate documentation
- To suspend services if a student persistently violates DSPS policies and procedures regarding academic accommodations

DSPS has the responsibility:

- To assist faculty in providing or arranging accommodations and/or auxiliary aids
- To hold student information confidential except where permitted or required by law
- To communicate to students, faculty, and staff the process to request accommodations
- To verify the student's disabilities and authorize accommodations based on educational limitations caused by the disability

### **Section #15: How to Refer Students to DSPS**

Faculty must include on the syllabus a short statement advising students of the process to request accommodations from the instructor. Such a statement is generally helpful to students and faculty so that everyone knows the process. Including the statement on the syllabus can also avoid problems later on, for example if the student delays requesting an accommodation until late in the semester and, as a result, grades are negatively affected. It is standard to include on all college documents a statement that the document is available in alternate format.

Following is a statement that DSPS recommends to include on your syllabi:

*If you have a disability which may require classroom or test accommodations, please contact Special Services - Disabled Student Program and Services (DSPS) in the main building room 312 or call 760-384-6250. You will need to provide written documentation of your disability. If you think you have a disability but currently have no documentation, DSPS may be able to help*

*you. All information will be kept confidential. This document is available in alternate format upon request.*

You may also encourage students to meet with you to discuss their learning needs. For example, you could say to a student: "I noticed that you seemed to have difficulty organizing your paper. You might consider using some of the special support services we have on campus such as the Tutorial Center, the Basic Skills Lab, or the program for students with disabilities."

It is not a good idea, however, to ask directly about a possible disability. The Americans with Disabilities Act states that a public entity may not make unnecessary inquiries into the existence of a disability. These inquiries usually relate to hiring or pre-admission screening, but when talking with students such inquiries should also be avoided. A direct inquiry such as this could be considered intrusive or insensitive. You may simply tell the student that you notice s/he is having academic difficulty and encourage him/her to come talk with you about gaining assistance, just as you would with any student.<sup>15</sup>

### **Section 16: A Guide to Disability Etiquette - What Do You Say After You Say Hello?**

As an instructor if you have had limited experience with persons with disabilities, you may feel awkward or hesitant, not knowing how to communicate comfortably. Or you may be fearful that you won't have the tools or techniques to teach that student. In the spirit of increasing awareness, we offer a Disability Etiquette Guide<sup>16</sup> to assist in the process.

<b>Words with Dignity</b>	<b>Words to Avoid</b>
Person with a disability	Handicapped/crippled/the disabled; physically/mentally challenged
Person who has multiple sclerosis or cerebral palsy	Afflicted by MS, victim of CP

Person with epilepsy or seizure disorder	Epileptic
Seizures	Epileptic fits
Person who has muscular dystrophy	Stricken by MD
Person who uses a wheelchair	Restricted/confined to a wheelchair; wheelchair bound (The chair enables mobility. Without the chair the person may be confined to bed.)
Person who is blind	The blind
Person who is deaf or hard of hearing	Suffers a hearing loss, the deaf
Person who is unable to speak or uses synthetic speech	Dumb, mute. Inability to speak does not indicate lowered intelligence.
Person with psychological disability	Crazy, insane, nuts
Successful, productive	Has overcome his/her disability
Says s/he has a disability	Admits s/he has a disability
Person without a disability or non-disabled	Normal (Referring to non-disabled persons as "normal" implies that people with disabilities are abnormal.)
Person with developmental delay	Slow, retarded

## Ten Commandments of Etiquette

Outlined below are the “Ten Commandments of Etiquette for Communicating with People with Disabilities”<sup>17</sup> to help you in communicating with persons with disabilities.

1. When talking with a person with a disability, speak directly to that person rather than through a companion or sign language interpreter.
2. People with limited hand use or who wear an artificial limb can usually shake hands. (Shaking hands with the left hand is an acceptable greeting.)

3. When meeting a person who is visually impaired, always identify yourself and others who may be with you. When conversing in a group, remember to identify the person to whom you are speaking.
4. If you offer assistance, wait until the offer is accepted. Then listen to or ask for instructions.
5. Treat adults as adults. Address people who have disabilities by their first names only when extending the same familiarity to all others.
6. Leaning on or hanging on to a person's wheelchair is similar to leaning or hanging on to a person and is generally considered annoying. The chair is part of the personal body space of the person who uses it. Never patronize people who use wheelchairs by patting them on the head or shoulder.
7. Listen attentively when you're talking with a person who has difficulty speaking. Be patient and wait for the person to finish, rather than correcting or speaking for the person. If necessary, ask short questions that require short answers, a nod or shake of the head. Never pretend to understand if you are having difficulty doing so. Instead, repeat what you have understood and allow the person to respond. The response will clue you and guide your understanding.
8. When speaking with a person who uses a wheelchair or a person who uses crutches, place yourself at eye level in front of the person to facilitate the conversation.
9. To get the attention of a person who is deaf, tap the person on the shoulder or wave your hand. Look directly at the person and speak clearly, slowly, and expressively to determine if the person can read your lips. Not all people who are deaf can read lips. For those who do lip read, place yourself so that you face the light source and keep hands, cigarettes and food away from your mouth when speaking.
10. Relax. It's okay to use accepted common expressions, for example to invite a person in a wheelchair to "go for a walk" or to ask a blind person if he "sees what you mean." Don't be afraid to ask questions when you're unsure of what to do.

## **Section 17: Resources**

Accommodations or Just Good Teaching? Strategies for Teaching College Students with Disabilities Edited by Bonnie Hodge and Jennie Preston-Sabin, Praeger Publishing, Westport,CT 1997.

"Facts on the ADA, Accommodations and Disability," "Accommodating Students with Disabilities in the Classroom," "Accommodating for Disabilities Outside the Classroom" Individual Accommodations Model (IAM) University of Kansas Center for Research on Learning. <http://das.kucrl.org/iam>

"Dyslexic Achievers: Who's Who with Dyslexia," Fortune Magazine, May 13, 2002

**University of Minnesota - Curriculum Transformation and Disability (CTAD)**  
<http://www.crk.umn.edu/people/services/DisabilServ/CTAD-update.htm>

**University of Washington DO-IT Program The Faculty Room**  
[www.washington.edu/doi/Faculty/](http://www.washington.edu/doi/Faculty/)

A web-based resource that offers instructors accommodation strategies, universal instructional design ideas to meet the needs of a wide range of students, discussion of legal issues and other resources.

**Enhancing Learning of Students without Compromising Standards:  
Tips for Teaching**  
[www.ldonline.org/ld\\_indepth/postsecondary/facultytips.html](http://www.ldonline.org/ld_indepth/postsecondary/facultytips.html)

**National Institute of Neurological Disorders and Stroke - National Institute of Health**  
[www.ninds.nih.gov/health](http://www.ninds.nih.gov/health)

**Brain Injury Association-USA**  
General information on head injuries and rehabilitation.  
<http://www.biausa.org/>

Cerro Coso Community College  
 DSPTS Student Educational Contract Update  
 Accommodations -- Letter to Instructor

Name:		ID#		Date:		Semester/YR	
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Dear Instructor(s),  
 The above student's disability has been verified by Disabled Student Program & Services (DSPTS) and his/her disability require(s) the following accommodations. These accommodations are determined to be reasonable for the above student's verified disability and are guaranteed by state and federal law. Cerro Coso maintains an academically rigorous curriculum and therefore, if there are any accommodations that are being requested that you feel would compromise the essential elements of your course please indicate which accommodation(s) and provide a written explanation of how the accommodation(s) would compromise any essential elements of your course to the Access Programs Office. If you have any questions please contact me at: **760-384-6250**.

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DSPTS Counselor

CRN/Course Name	Instructor	CRN/Course Name	Instructor

<u>In Class Accommodations -- Campus Accommodations</u>	<u>Testing /Quiz Accommodations</u>
* Student must contact the Special Services Office no later than one hour prior to any class they will be absent for, if they are receiving accommodations by an interpreter, mobility aid or scribe.	* Student must follow appropriate guidelines and make their own appointments prior to each test given to them with their instructor and the Learning Resource Center (LRC).
<i>Priority registration; assigned counselor</i>	

I understand these accommodations do not guarantee a passing grade and I will be graded as compared to other college students. It is my responsibility to maintain satisfactory progress according to the grading policy of Cerro Coso Community College in the above classes I have registered for, follow my Student Educational Plan, and DSPTS Contract. It is my responsibility to work with and keep my instructor informed regarding my accommodation needs.

Student Signature	Date
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**Appendix B: Tape Recording of Classes**



Cerro Coso Community College  
SPS

## TAPE RECORDING CLASSES

### Are students with verified disabilities allowed to tape classes as an accommodation?

YES. According to the US Department of Education, Office for Civil Rights, the tape-recording of classroom sessions as an accommodation for students with disabilities may not be restricted. It is specifically addressed under Section 504 of the 1973 Rehabilitation Act and the Americans with Disabilities Act (ADA). The legal reference, found in the Code of Federal Regulations 34CFR104.44 (b) for Section 504 reads as follows:

#### **Section 104.44 Academic Adjustments**

*(b) Other rules. A recipient (college) to which this subpart applies may not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of guide dogs in campus buildings, that have the effect of limiting the participation of handicapped students in the recipient's education program or activity.*

While students with disabilities who need it as an accommodation must be allowed to tape classes, they may be required to sign an agreement which indicates that the tapes will not be sold or used for any other purpose than their own educational needs.

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### Student Agreement for Taping Classes

**I will not copy or release any tape or transcription or otherwise hinder the ability of my professors to obtain a copyright on class material I have taped. I will use the tape recorded information solely for my educational needs. Upon completion of the class(es) or my dropping the class(es) I will turn in all tape recorded lectures to the instructor(s). My instructor(s) has/have the right to withhold assigning a grade if I do not turn in the taped lectures.**

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

ID # \_\_\_\_\_

## CITATIONS

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<sup>1</sup> Lissner, p. 12.

<sup>2</sup> San Diego Mesa College Instructor Handbook, p. 1.

<sup>3</sup> Frequently Asked Questions (FAQ's) - University of Washington DO-IT Program  
[www.washington.edu/doit/Faculty/Rights/Faq/](http://www.washington.edu/doit/Faculty/Rights/Faq/)

<sup>4</sup> Accommodating Students with Disabilities in the Classroom, Individual Accommodation Model (IAM) University of Kansas Center for Research on Learning. Funded by the U.S. Department of Education, p.5. <http://das.kucri.org/iam/instrmat.html>

<sup>5</sup> "Working Together: Faculty and Students with Disabilities." Brochure from University of Washington DO-IT Program [www.washington.edu/doit/Brochures/Academics/teachers.html](http://www.washington.edu/doit/Brochures/Academics/teachers.html)

<sup>6</sup> IAM, University of Kansas, p. 3-4.

<sup>7</sup> FAQ's, University of Washington DO-IT Program.

<sup>8</sup> Kay Runyan, "The effect of extra time on reading comprehension scores for university students with and without learning disabilities," in the Journal of Learning Disabilities, 24, p. 104-108; E.H. Alster, "The effects of extended time on the algebra test scores for college students with and without learning disabilities", in the Journal of Learning Disabilities, 30, p. 222-227; and others.

<sup>9</sup> L. Scott Lissner, "Legal Issues Concerning All Faculty in Higher Education," in Accommodations- or Just Good Teaching?, p. 10.

<sup>10</sup> FAQ's, University of Washington DO-IT Program.

<sup>11</sup> Accommodating Students with Disabilities in the Classroom, IAM, University of Kansas, p.2.

<sup>12</sup> FAQ's, University of Washington DO-IT Program.

<sup>13</sup> Lissner, p. 19.

<sup>14</sup> "Accommodations for Students with Disabilities" - pamphlet from IAM, University of Kansas.

<sup>15</sup> FAQ's, University of Washington DO-IT Program.

<sup>16</sup> Facts on the ADA, Accommodations and Disability, IAM, University of Kansas, p. 8-11. Funded by the U.S. Department of Education; and "Words with Dignity" from Para-Quad.

<sup>17</sup> "Ten Commandments of Etiquette for Communicating with People with Disabilities," National Center for Access Unlimited, 155 North Wacker Drive, Suite 315, Chicago, IL 60606.

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Notes and Questions: