

# Chapter 132D-315 WAC

## STUDENTS WITH DISABILITIES POLICY

### WAC

132D-315-005 Students with disabilities policy.

#### **WAC 132D-315-005 Students with disabilities policy.**

(1) **Policy statement.** No student shall, on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any college program or activity. Skagit Valley College is committed to providing qualified students with a disability an equal opportunity to access the benefits, rights, and privileges of college services, programs and activities, in the most integrated setting appropriate to the student's needs, in compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and chapter 105, Laws of 1994.

Skagit Valley College is committed to providing reasonable accommodations, including core services, to qualified students with disabilities. The purpose of this policy is to identify the rights and responsibilities of students under ADA/504 and to establish clear guidelines for seeking and receiving reasonable accommodations.

To receive reasonable accommodations, students are responsible for requesting accommodations and documenting the nature and extent of their disability in a timely manner. This policy establishes the scope of and the procedures for requesting those accommodations.

(2) **Scope.** Reasonable accommodations under this policy include, but are not limited to:

(a) Academic adjustments, such as modification of academic requirements and flexibility in test-taking arrangements;

(b) Adjustments in nonacademic services and other rules; and

(c) Auxiliary aids and services.

Skagit Valley College will make those modifications to its academic requirements that:

(i) Are necessary to ensure that those requirements do not discriminate, or have the effect of discriminating, against a qualified student with a disability based on that disability; and

(ii) Do not impose an undue hardship on the college or require alteration of essential program requirements.

Appropriate academic adjustments/reasonable accommodations will be provided to qualified students with disabilities for recruitment, the application process, enrollment, registration, financial aid, course work, academic counseling, nonacademic programs and services.

Section 202 of the 1990 Americans with Disabilities Act states:

No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in or be denied the benefits of the services, programs or activities of

any public entity, or be subject to discrimination by any such entity.

Section 504 of the Rehabilitation Act states:

No otherwise qualified, handicapped individual in the United States shall solely, by reasons of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

(3) **Definitions.** "Reasonable accommodations" in college programs and services, are modifications of those programs, policies, practices, and procedures that enable qualified students with a disability to have an equal opportunity to benefit from and have access to college programs and services and providing auxiliary aids and services.

"Student" is a person enrolled at the college.

A "qualified student with a disability" is one who, with or without reasonable accommodations, meets the academic and technical standards required for admission to, participation in, and/or fulfilling the essential requirements of college programs or activities.

A "student with a disability" is a student who:

(a) Has a physical, mental or sensory impairment that substantially limits one or more of his/her major life activities;

(b) Has a record of such an impairment; or

(c) Is perceived to have such an impairment.

A "learning disability specialist" is a person with a masters degree in special education/learning disabilities.

"Undue hardship" is any excessively costly, extensive, substantial or disruptive modification or one that would substantially alter the nature or operation of the institution or any of its programs or services or threaten the health or safety of the college community.

"Program accessibility" means that all programs and services, when viewed in their entirety, are accessible to persons with a disability.

"Core services" are those services listed in chapter 105, Laws of 1994, that are necessary to ensure students with disabilities are reasonably accommodated at the college.

"Course substitution" is the replacement of a specific course required for a degree program with another course that measures the same learning objectives/skills as the required course.

Disabled student services office and disabled student services coordinator serve district-wide functions.

(4) **Obligations of the college.** Skagit Valley College shall:

(a) Comply with Section 504 of the Rehabilitation Act of 1973 and Section 202 of the Americans with Disabilities Act of 1990, as amended.

(b) Notify students of the college's policy of nondiscrimination on the basis of disability and of steps the student may take if he/she believes discrimination has taken place. This

notice shall be included in all formal correspondence that communicates decisions or policies adversely affecting the student's status or rights with the institution of higher education. This notice shall include the phone numbers of the United States Department of Education, U.S. Office of Civil Rights, and the Washington state human rights commission.

(c) Make available to all students information on the services available to disabled students, including the name and location of the disabled student services coordinator, and the process for accessing those services.

(d) Work with the student, faculty, and staff on a case-by-case basis, to select and provide those accommodations/core services appropriate for each qualified student with a disability.

(e) Develop procedures to protect the confidentiality of information regarding the nature and extent of the documented disability.

(f) Maintain the academic integrity of its program.

(g) Not make preadmission inquiry as to whether the applicant has a disability, except as provided by law.

(h) Work collaboratively with eligible students to determine what accommodations are reasonable and appropriate. The college may require specific documentation from the student's physician to identify the accommodations that are reasonable based on the nature and extent of a student's disability.

**(5) Obligations and rights of students.** The college is obligated to provide reasonable accommodation to a qualified student with known disability. What is appropriate for a student is a case-by-case determination. A student who seeks accommodation under this policy is responsible for documenting the nature and extent of the disability. The college will work collaboratively with the student in determining the appropriate accommodations.

To ensure that needed accommodations are provided in a timely manner, the student shall:

(a) Provide timely notice and documentation of the nature and extent of the disability, and the accommodations requested, to the disabled student services coordinator. Some accommodations may require some time to arrange. Requests for accommodations should be received by the college six weeks prior to the beginning of the quarter for which the request is made, when possible. Lack of advance notice may delay the availability of an accommodation.

(b) Provide such additional documentation on the nature and extent of their disability as the college may require to determine appropriate accommodations. Such documentation may include, but is not limited to, identification of tests administered, test results, description of the covered disability, and recommended accommodations.

(c) Cooperate with the disabled student services coordinator to develop an appropriate curriculum plan and reasonable accommodations.

(d) Promptly notify the disabled student services coordinator of any problems encountered in receiving the agreed-upon accommodations.

**(6) Disabled student services office.** The disabled student services office is responsible for the coordination of services to qualified students with disabilities requiring reasonable accommodations.

The disabled student services office is committed to a reasonable approach in the identification of students with disabilities, including contacting all students who voluntarily self-identify during the college admission or orientation process.

Information regarding a disability will be kept confidential unless the student signs a release of information form.

The office will assist and advise each qualified student with a disability who requests accommodations under this policy in developing an instructional plan, identifying those reasonable accommodations appropriate for the student, and ensuring that the agreed-upon accommodations are provided.

**(7) Reasonable accommodations—Examples by categories.** The process of selecting reasonable accommodations for each qualified student with a disability shall be made on a case-by-case basis, appropriate to the nature and extent of the student's disability.

**(8) Academic modifications.** Academic modifications may include, but are not limited to:

(a) Flexibility in timeliness for completion of courses, certification, and degree requirements;

(b) Substitution of specific courses required for the completion of degrees;

(c) Adaptation of the manner in which specific courses are conducted;

(d) Flexibility in teaching methods and test-taking arrangements;

(e) Flexibility in credits required to satisfy institutional eligibility.

**(9) Auxiliary aids and services.**

(a) Flexible procedures in the admissions process, (early registration or priority registration);

(b) Qualified sign language, oral and tactile interpreters, or other technological alternatives;

(c) Access to adaptive equipment including, but not limited to TDDs, FM communicators, closed caption devices, amplified telephone receivers, closed circuit televisions, low-vision reading aids, player/recorders for 15/16 4-track tapes, photocopy machine able to use eleven-by-seventeen inch paper, braille devices and computer enhancements;

(d) Textbooks and other educational materials in alternative media, including, but not limited to large print, braille, electronic format, and audio tape;

(e) Provision of readers, notetakers, and/or proofreaders; and

(f) Release of syllabi, study guides, and other appropriate instructor-produced materials in advance of general distribution and access beyond the regular classroom session to slides, films, overheads, and other media, and taping of lectures.

**(10) Access.**

(a) Ongoing review and coordination of efforts to ensure campus accessibility, including barrier-free design, signage, identification of hazards of mobility barriers, maintenance of access during construction, snow and ice clearance, and adequate disability parking for all facilities;

(b) Facilitating physical access to programs and services including relocating classes, activities, and services to accessible facilities;

(c) Referral to appropriate on-campus and off-campus resources, services and agencies; and

(d) Accessibility to tutoring, mentoring, peer counseling, and academic advising, if available on campus, for students with disabilities.

**(11) Procedures for course substitutions and waivers.**

**Policy.** Skagit Valley College recognizes that certain disabilities may preclude a student from successfully completing a specific course requirement for a degree (for example, math) even with appropriate accommodations. Skagit Valley College recognizes its obligation to accommodate disabled students without compromising the integrity of the academic program.

Under the ADA, the college is not required to waive essential requirements of a student's program of instruction. Therefore, every student enrolled in a degree program at the college is required to meet the essential requirements of the degree program.

Skagit Valley College recognizes that altered methods of course delivery and/or providing core services will enable most disabled students to successfully complete course requirements, except in unusual circumstances. Therefore, disabled students will attempt to successfully complete required courses with accommodations.

If a student is unsuccessful in completing a course, that student may request course substitution under this policy. Waivers of degree program requirements will be rarely given, and then only after students have attempted, with appropriate reasonable accommodations, to meet those requirements.

**(12) Procedure for requesting course substitution.**

(a) Course substitutions will be approved only when such substitution is consistent with the essential degree requirements.

(b) Requests for substitution for a required course shall be considered only when a qualified student with a disability has demonstrated that, even with academic adjustments and auxiliary aids/services provided by the college, he or she is unable to successfully complete the course solely because of his/her disability.

(c) All requests for course substitution shall be submitted to the disabled student services coordinator in a timely manner and shall include the following information:

(i) A description of the accommodations previously provided to the student for the course;

(ii) An explanation of the relationship of the student's disability to the lack of success in completing the course;

(iii) The proposed substitute course, if known;

(iv) A statement by the student that he/she has made a good faith effort to complete the required course with appropriate accommodations;

(v) A statement from a medical, psychological or learning disabilities specialist who works in the field of the disability which makes this request for substitution necessary; and

(vi) A release signed by the student, authorizing the department chair, appropriate dean or associate dean, and vice-president of educational services to review the documentation on the student's disability and to contact the evaluating doctor, psychologist, or learning disabilities specialist.

(d) The disabled student services coordinator shall forward the request, with documentation through the appropriate approval process as designated below.

**(13) Waiver/substitution committee.**

(a) All requests for course substitutions/waivers shall be submitted through Skagit Valley College's formal waiver process. This process consists of obtaining approval from the appropriate department chair, dean or associate dean and the vice-president of educational services.

(b) Request for a course substitution shall be approved if the proposed substitution meets the learning objective of the degree requirement.

(c) The appropriate dean or associate dean shall respond in writing to all requests for course substitutions within two weeks of receiving the request. The response shall include a brief summary of the basis for the decision.

**(14) Waiver of degree requirements.** Requests for waiver of a program requirement will only be considered when the course substitution is not successful. The waiver request shall be considered in the same manner as provided above.

**(15) Reasonable accommodation—disputes.**

(a) If a student believes that the disabled student services coordinator has not identified or provided reasonable academic adjustments or auxiliary aids, that student may seek review of the coordinator's actions by the dean of guidance and special populations.

(b) The student will submit the appeal to the dean of guidance and special populations. The dean will review the student's position, and respond within five days.

(c) If resolution is not reached the dean will refer the appeal to the formal grievance process.

(d) The decision of the grievance committee is the final decision of the institution.

[Statutory Authority: RCW 28B.50.140. WSR 96-01-077, § 132D-315-005, filed 12/18/95, effective 1/18/96.]