



## Administrative Procedure

### Chapter 5 – Student Services

#### AP 5140 – SUPPORT SERVICES, PROGRAMS AND DISABILITY DISCRIMINATION PROCEDURES FOR STUDENTS WITH DISABILITIES

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The San Diego Community College District provides programs and services to disabled students designed to ensure equitable access to the District's educational programs and services. Academic accommodations are implemented to allow students with disabilities access to the same educational opportunities available to other students.

#### 1. DEFINITIONS

- a. Disability – A disability is “a physical or mental impairment that substantially limits one or more major life activities. An individual with a disability is a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.” SDCCD adheres to Title 5 guidelines when defining disability and determining eligibility.
- b. Academic adjustments, auxiliary aids, and services – Any one or more of the services provided to DSPS students described in Section 56026 and/or educational assistance class instruction authorized under Section 56028.
- c. Fundamental Alteration – Any change to a course curriculum or course of study that is so significant that it alters the required objectives or content of the curriculum in the approved course outline of the course.
- d. Educational Limitation – A disability-related functional limitation in the educational setting. This occurs when the limitation prevents the student from having full access to and equal participation in the educational process, including classes, activities, or services offered by the college to students without disabilities, without specific additional academic adjustments, auxiliary aids, services and/or instruction.
- e. Educational Assistance Classes – Instructional activities offered consistent with the provisions of Section 56000 designed to address the educational limitations of students with disabilities who are admitted to the institution pursuant to Educational Code Sections 76000 et seq. and who would be unable to substantially benefit from general college classes even with appropriate academic adjustments, auxiliary aids, and services. This term replaces Special Classes, as used throughout Division 6 of Title 5.
- f. Academic Accommodation Plan (AAP) – A record of the interactive process between each DSPS student and DSPS faculty regarding the academic adjustments, auxiliary aids, services and/or instruction necessary to provide the student equal access to the educational process.

## 2. REQUEST FOR ACADEMIC ACCOMMODATION

Section 504 of the Rehabilitation Act of 1973 ensures that students with disabilities are allowed academic adjustments and auxiliary aids. Accommodations may include modifying the course delivery and/or evaluation process, access to course materials, course substitution or waiver, and/or assistive technology.

Assistive and Instructional technology are available through DSPS to eligible students to promote equal access to instruction and instructional materials.

- a. Requests for accommodations are determined on a case-by-case basis through an interactive process between the student or prospective student and the DSPS counselor. The interactive and documentation process should include direct and open communication early in the academic accommodation process.
- b. DSPS will respond to requests for accommodation and/or support services in a timely manner.
- c. Students who request academic accommodations are responsible for contacting the DSPS office. Students who request directly to the instructional faculty should be referred to DSPS.
- d. DSPS will make every effort to afford students with communication disabilities primary consideration of their requested form of accommodation.
- e. Students are responsible for providing professional documentation of a qualified disability to DSPS.
- f. Students who believe they may have a learning disability and do not otherwise qualify for DSPS services, may contact DSPS to refer or initiate an assessment to determine and document a learning disability.
- g. The DSPS office, in consultation with the student, shall recommend appropriate accommodations and act as a liaison with the instructional faculty. DSPS shall document the recommendations and provide this documentation to the student. The student will provide this documentation to their instructors, as early as possible in the semester and when accommodation is needed for the course.
- h. There may be circumstances when a particular accommodation may require the modification of some aspects of a course. However, the goal is to ensure that the essential elements of the course are not fundamentally changed. Requests for accommodations that are determined to fundamentally alter the course or program will not be granted.
- i. Instructional faculty must notify DSPS promptly of any disability and/or accommodation-related complaint.

## 3. ACADEMIC ACCOMMODATION RESOLUTION

The student, instructional faculty, or DSPS counselor may dispute the accommodation. If there is a dispute, the original accommodation(s) authorized by DSPS will be provided

during the problem-resolution process. The disputing party is encouraged to follow the informal resolution procedure.

a. Informal Resolution Procedure

- 1) An instructor who has questions or disagrees with an accommodation requested by a student with a verified disability shall promptly contact the DSPS counselor who authorized the accommodation(s).
- 2) A student who disagrees with the academic accommodation(s) authorized by the DSPS counselor shall promptly discuss their concern with the DSPS Dean or Coordinator.
- 3) A student who is not provided a DSPS authorized accommodation by the instructor shall notify the DSPS Office promptly so that an interactive meeting may be scheduled to facilitate resolution.
- 4) The DSPS manager/coordinator shall convene an informal meeting of appropriate representatives (i.e., student, DSPS counselor, instructional faculty, and/or discipline department chair) within five (5) instructional days following the notification of the disputed accommodation(s). Every effort shall be made to resolve the matter informally.
- 5) If a student accommodation complaint is not resolved to the student's satisfaction, DSPS will notify the appropriate administrator when it is unable to resolve a student complaint to provide accommodation.

b. Formal Resolution Procedure (when not resolved during the informal process):

- 1) If there is no agreement with the informal resolution, the student, the instructional faculty, or the DSPS counselor may provide a written complaint to the 504 Officer within 10 instructional days of notification of the informal resolution. Contact information for the College 504 Officer can be located on the SDCCD Complaint Process website.
- 2) The 504 Officer will review the written complaint and carefully research the facts. Written notification of their decision will be provided to the student within 10 instructional days of receipt of the complaint. If the student is not in agreement with the 504 Officer's decision, they will be directed to file a complaint with either the Chancellor of the California Community Colleges or the Federal Office of Civil Rights.

#### 4. REQUESTS FOR A COURSE SUBSTITUTION OR WAIVER

- a. Students who request a course substitution or waiver should file a Petition for Modification of Graduation Requirements or a Petition for Math Substitution as an Academic Accommodation with the appropriate college committee/office/department.
- b. Requests for course substitutions or waivers will be decided by the appropriate committee, department, or office and will include at least one DSPS Counselor when the petition states the request is for academic accommodation. The 504 Officer may be included as determined by the committee chair.

- c. Transfer institutions are not bound by decisions made by the San Diego Community College District regarding course substitutions or waivers. Students are responsible for contacting potential transfer institutions regarding the acceptability of prior coursework.
- d. If the student does not agree with the outcome of the request, they may file a complaint under Administrative Procedure, *AP 3435, Discrimination and Harassment Investigations*.

## 5. REPORTING OF DISABILITY DISCRIMINATION

- a. A student who believes they are being discriminated against based on their disability, and has exhausted informal resolution pathways, will be directed to file a complaint of disability discrimination under Administrative Procedure, *AP 3435, Discrimination and Harassment Investigations*, in which a complaint of Disability Discrimination is described. The contact person is the Site Compliance Officer (SCO) at each campus or the San Diego Community College District's Equal Opportunity and Diversity Office.
- b. The process can be initiated in several ways. Referral to the Site Compliance Officer can be made through DSPS, the 504 Officer, or directly by the student. Contact information for the College Site Compliance Officers can be found on the [SDCCD Site Compliance website](#).

## 6. STUDENT RIGHTS AND RESPONSIBILITIES

Student right and responsibilities are outlined in the Board of Trustees Policy, *BP 5500, Student Rights, Responsibilities, Campus Safety and Administrative Due Process*, and corresponding Administrative Procedures.

Reference: American with Disabilities Act (ADA) (PL 11-336);  
ADA Amendments Act 2008;  
Rehabilitation Act of 1973, Section 504 [34 C.F.R § 104.3 (j) (1) and (k) (3) and § 104.44 (a) and (b) (1) (ii)];  
Family Educational Rights and Privacy Act of 1974; and  
Title 5 of the California Code of Regulations

Approved by  
the Chancellor: June 28, 2023

Supersedes: AP 3105.1 – 04/25/05; 05/07/09; 10/14/10; 03/02/15; 02/23/16; (*Renumbered AP 5140*)