Faculty Guide

for

The College Student with a Disability

SAN DIEGO MESA COLLEGE

DSPS

Revised April 2014

SAN DIEGO MESA COLLEGE

Disability Support Programs and Services

Mission Statement

San Diego Mesa College's Disability Support Programs and Services (DSPS) are committed to eliminating the educational barriers that are unique to students with disabilities by providing specialized programs and services.

The purpose of this Faculty Guide is to provide faculty with information regarding specific accommodations and strategies in working effectively with students with disabilities. This guide will also provide details of legal regulations Mesa College faculty must follow when working with students with disabilities. Accommodations in the classroom and for exams are used to create an equal opportunity for students with disabilities, not to give them an unfair advantage.

PLEASE CONTACT THE DSPS OFFICE FIRST IF YOU HAVE *ANY* QUESTIONS OR CONCERNS.

DSPS Office	(619) 388-2780	Website:	www.sdmesa.edu/dsps
Fax	(619) 388-2460	Email:	mesadsps@sdccd.edu
TTY	(619) 388-2409	Test Proctoring:	dspsproctor@sdccd.edu

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Eligibility for DSPS Services

Disability Support Programs and Services (DSPS) at San Diego Mesa College is an equal access program. The college provides reasonable academic accommodations to qualified students with disabilities. The services are voluntary and confidential. DSPS is prohibited from providing services that duplicate those available to all students. Decisions regarding the provision of DSPS services are made on an individual basis.

Disability groups currently receiving services at Mesa College are:

- Acquired Brain Injury (ABI)
- Blind/ Visual Limitation
- Deaf/ Hard of Hearing (HOH)
- Developmentally Delayed Learner (DDL)
- Learning Disability (LD)
- Mobility Limitation
- Psychological Disability
- Speech and Language Disability
- Other Disabling Conditions
- Temporary Disability (short-term injuries)

Checklist for Eligibility

Students eligible for DSPS services are those who have:

- ✓ Enrolled as a Mesa College student
- ✓ Completed a Mesa College DSPS Application requesting services
- ✓ Provided documentation of a verified disability to Mesa College DSPS
- ✓ Viewed a web-based Mesa College DSPS Orientation
- ✓ Met with a DSPS counselor **each semester** to discuss and request appropriate accommodations in a ***timely*** manner
- ✓ Met with a DSPS counselor **each semester** to maintain the ***Student Educational Contract (SEC).*** (Faculty may request information from DSPS Counselors.)

Faculty members are encouraged to make student referrals to the DSPS Office when deemed appropriate.

Disability-Related Services and Accommodations

Decisions regarding the appropriate accommodations are made on an individualized basis by the counselor in consultation with the student. The DSPS staff will assist the student with the coordination and scheduling of academic accommodations throughout the semester. Typically DSPS students inform faculty of their approved academic accommodations by providing an AAA letter. Although not common, the college may decline to provide approved academic accommodations when they would fundamentally alter academic and/or technical standards. The faculty member should speak with the counselor and student if you believe the accommodations affect curriculum essentials. Accommodations are special services that may include, but are not limited to:

- Accessible Parking
* Alternate Media
- Community Agency Referrals
- Classroom Aides
- Disability Management Counseling
- DSPS Classes (Adapted PE, and Adapted Computer)
- Learning Disability Assessment
- Mobility Orientation
* Note-taking (NCR paper, Alpha Smart, recorders)
    - NCR- The student may try to find a volunteer notetaker in the class. If the student is unable to do so, it is incumbent upon the instructor to get a notetaker for the student. This is a volunteer from your class that will take notes on the NCR and at the end of class, give the student one of the copies. Students sometimes work out other arrangements, such as emailing the DSPS student a copy of the notes that the notetaker has on his/her laptop, etc.
- Priority Registration
* Real-time captioning/Typewell
* Sign Language Interpreting

More information can be found on our district website at: iso.sdccd.edu

* Test Proctoring
- WorkAbility III—Job placement services for students with disabilities

These accommodations will be most pertinent to you.

Computer Access and Assistive Devices

- Adaptive computer hardware and software (located in the High Tech Center LRC Room 110)
- Smart Pens
- Assistive Listening Device (FM System)
- Brailler
- Closed Circuit TV
- Portable spell-checker
- Print magnifier
- Tape Recorder
- TTY
- Wheelchair (short-term loan)

Test Proctoring

According to Federal Law, many students who have disabilities are eligible to take their tests with extended time or with other accommodations. Students must complete DSPS and Test Proctoring Orientations, provide verification of their disability, meet with a DSPS Counselor each semester, and complete the Proctor Request form with the professor's signature, in order to receive this service from DSPS. Students can find this information at http://www.sdmesa.edu/dsps

It is appropriate for the professor to personally provide test proctoring when the professor and student can agree upon the proctoring arrangements. To establish eligibility for test proctoring accommodations, the professor can request the ***Test Proctoring Agreement*** form completed by the DSPS counselor. Please keep in mind that the information you receive is confidential. You may contact DSPS if you have any questions about the accommodation. Additionally, because many professors do not have offices to meet proctoring needs, DSPS has made arrangements to assist professors by providing proctoring services for DSPS-registered students.

It is the student's responsibility to schedule Test Proctoring appointments. Cancelling or rescheduling appointments are also the responsibility of the student. Students are required to schedule Proctoring appointments ***at least 5 working days before the date of the test***. Some accommodations may require additional notice, such as: oral exam components of a foreign language; audio- or video-taping of tests; individual proctoring (scribing). For brailled tests, please contact the student's DSPS counselor, as additional time is usually required or other alternative methods.

DSPS requests that professors personally deliver their tests with the pink copy of the DSPS Test Proctoring Request form to Room I4-405. Alternatively, you can place the test in a sealed envelope in the DSPS mailbox in Room K-108 labeled "Attention: Test Proctor", **at least one day before the test-taking window.** You may also send the exam as an email attachment to: dspsproctor@sdccd.edu. If you **email the exam**, include further instructions noting any other instruction you would normally provide in the classroom before the exam and any materials that are allowed for the exam, e.g. calculator, notes. Please also provide a contact number, if not already provided on the form.

If you cannot meet the suggested timelines above, we appreciate notification, by phone or email, that you will deliver the test in time for the student to take their exam at their scheduled appointment. You can hand deliver your test to a test proctor at the DSPS office.

All tests are returned through campus mail unless professors state on the DSPS Test Proctoring Request form that they will pick up the test in the DSPS Office (I4-405). Please call the DSPS Office at (619) 388-2780 or TTY (619) 388-2409 if you have further questions.

Online professors with DSPS students approved for extended time on tests will be notified by email of the students authorized accommodations.

Assistive Technology

High Tech Center

The DSPS High Tech Center (HTC) provides highly individualized training for students with disabilities in the use of assistive technology. Assistive technology may include; screen readers, voice recognition, text-to-speech and specialized hardware. The HTC is also a resource for students requiring support in the area of basic skill development, access to print materials and computer support for academic classes. Classes taught in the HTC provide students access to essential computer skills and a support system.

Alternate Media – Production of Non-printed Instructional Materials

Alternate media is defined as instructional materials, textbooks, college publications and/or library materials in formats accessible and usable by individuals with print disabilities. Examples of accessible formats are: Book on CD, MP3 audio, large print, Braille, tactile graphics, captioning, and e-text. Alternate Media Services will only be provided to students who have a verified disability and whose disability related functional limitations prevent them from reading regular printed materials. Instructors are encouraged to adopt textbooks early.

Captioning of Audio Visual Materials

Videos and DVDs shown as part of class materials must be captioned. The television's closed-captioned option must be turned on. If you require assistance, please contact the AV department before the day you are scheduled to show the video. If your classroom television does not have a captioning option, the AV department can install a decoding device. The Library AV staff is available to research any needs you may have. If you have captioning needs for online course content, the SDCCD Online staff is available to assist in answering any questions you might have.

Online Web Accessibility

As the creator of your course, you are responsible to follow the Web Accessibility Standards to allow all students to access your class. Some of the items that you may need to include conforming to these standards are as follows:

1. Compliant with browser and system font sizes and color/contrast settings.
2. Completely operable using a keyboard only (no mouse).
3. Functional with leading screen magnification, screen reading, and speech recognition software.
4. Completely understandable without sound.
5. Completely understandable without the use of color.
6. Clear and consistent considering various ways it might be read.
7. Unlikely to trigger photosensitive seizures (flash animation, animated gifs, etc).

Many internet sites are available with tips for improving your online class accessibility. www.webaim.org

This is a free, Web-based interactive multimedia simulative training program. To access the program go to http://dare.lbcc.edu , then select the "Faculty Training Program" and follow the instructions to log-in.

The training program includes:

- Accommodation Guides
- DSPS Terms

- Did You Know Facts and Legal Information
- Confronting Myths
- Legal and Professional Responsibilities
- The Rights of Students Regarding Disability Accommodations

Barrier-Free Syllabus

"Students with disabilities who may need academic accommodations should notify the professor within the first two weeks of instruction. All information will be kept strictly confidential."

A simple statement on your syllabus such as the one above will make an effective introduction for you to any students in your class with disabilities. It informs the student that it is all right for them to approach you and discuss their limitations and what accommodations they will need.

If you are teaching an online course, you may want to put this statement on your syllabus:
"I have made every effort to make this course accessible to all students, including students with disabilities. If you encounter a problem accessing anything in this course, please contact me immediately. Students with disabilities should email me and also contact the college's Disabled Students Programs and Services (DSPS) office."

You may need to have your syllabus made available in an alternative format such as large print, Braille, audiocassette tape or computer disk; the DSPS counselor along with the High Tech Center Instructor will be able to assist you in providing this accommodation to students.

Some students may choose not to use accommodations in your class if their educational limitations are already supported by your teaching/learning style. Students may contact you after the first two weeks of class asking for accommodations. Remember that you are not required to offer any accommodations until the student requests them. This may seem awkward, especially if it is just before the final, but students are not required to use the accommodations.

At times, even notification during the first two weeks of class is not early enough to coordinate some accommodations. When difficulty arises, the DSPS counselor and you, the class instructor, may need to discuss alternatives with the student.

Another statement that you may want to include in your syllabus follows:

"Students with disabilities that need evacuation assistance during campus emergencies should also meet with the instructor as soon as possible to assure the health and safety of all students."

The DSPS department provides an emergency card for students to use in organizing the needs they may have. You may want to request to see that card to assist you in any questions that you may have.

Free Web Based Training Courseware to Assist Faculty in Complying with Disability Law

This is a free, Web-based interactive multimedia simulative training program. To access the program go to http://dare.lbcc.edu , then select the " Faculty Training Program" and follow the instructions to log-in.

The training program includes:

- Accommodation Guides
- DSPS Terms
- Did You Know Facts and Legal Information
- Confronting Myths
- Legal and Professional Responsibilities
- The Rights of Students Regarding Disability Accommodations

Legalese

The Rehabilitation Act of 1973, Section 504 states:

No otherwise qualified handicapped individual in the United States shall, solely by reason of his 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.

The Rehabilitation Act of 1973, Section 508 requires:
Electronic and information technology used by public agencies be accessible to people with disabilities. The law also requires that disabled people have access to information and services comparable to that available to others.

The Americans with Disabilities Act (ADA) of 1990 provides:
A clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. The ADA applies to all institutions of higher education, regardless of receipt of federal funds.

The Americans with Disabilities Act Amendment Act (ADAAA) of 2008 with final regulations in 2011 - made it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the statute. The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis

Title 5 of the California Education Code states:
Any support services or instruction funded, in whole or in part, must:
(a) not duplicate services or instruction which are otherwise available to all students;
(b) be directly related to the educational limitations of the verified disabilities of the students to be served;
(c) be directly related to the students' participation in the educational process;
(d) promote the maximum independence and integration of students with disabilities; and
(e) support participation of students with disabilities in educational activities consistent with the mission of the community colleges as set forth in Education Code Section 66701.

Assembly Bill 422 was passed in California effective January 1, 2000. It requires publishers of instructional material to provide the material at no cost in an electronic format for use by students with disabilities at the University of California, California State University and California Community Colleges. The electronic text supplied by a publisher may be used to produce large print, translated and sent to a Braille embosser or accessed directly with speech synthesizers or refreshable Braille displays.

Board Policy 3105, Academic Accommodations for Students with Disabilities insures compliance with state and federal laws. This board policy includes Administrative Procedure 3105.1 Academic Accommodations for Students with Disabilities and Administrative Procedure 3105.2 Service Animals. It also provides for a consistent and fair review of all academic adjustment requests and dispute resolution.

Mesa College is therefore legally bound to prohibit discrimination against persons with disabilities in the recruitment process, the admissions process and the educational process. Students with documented disabilities are entitled to appropriate academic adjustments or auxiliary aids that will enable them to participate in and have the opportunity to benefit from all educational programs and activities of the college community.

Mesa College does have the right to terminate DSPS services in certain circumstances. The district has adopted a written policy providing for the suspension or termination of DSPS services where a student fails to comply with any of the following:

(a) Responsibility in his/her use of DSPS services and adherence to written service provision policies adopted by the college.
(b) Measurable progress toward the goals established in the Student Educational Contract.
(c) Or, satisfaction of academic standards established by the college.

Board Policy 3108 - Accessibility Standards for Electronic and Information Technology insures compliance with state and federal laws. Individuals with disabilities are guaranteed access to educational institutions and systems of communications under Section 508 and California Government Code Section 11135 which specifies that:
(a) The development, procurement, maintenance and use of electronic or information technology shall comply with accessibility standards of Section 508; and
(b) Accessibility improvements of existing technology will increase the successful education and employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard-of-hearing; and
(c) The college will respond to and resolve any complaint regarding accessibility of its products or services that are brought to the attention of the college/District.

AP 3105.1 - ACADEMIC ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

The purpose of academic accommodations is to allow students with disabilities access to the same educational opportunities available to other students. The procedures herein are intended to provide for consistent and timely processing of requests for academic accommodations.

Section 504 of the Rehabilitation Act of 1973 ensures that students with disabilities are allowed “academic adjustments” and “auxiliary aids.” Accommodations may include the modification of the course delivery and/or evaluation process, course substitution or waiver, as well as allowing for the use of electronic devices. The most common accommodations for the classroom are extended time on tests, note-takers, sign language interpreters, and tape recording of lectures.

Requests for accommodations are determined on a case-by-case basis. There may be circumstances when a particular accommodation may require the modification of some aspects of a course program. However, the goal is to ensure that the essential elements of the course are not fundamentally changed. Requests for accommodations that would fundamentally alter the course or program will not be granted. Direct and open communication is encouraged early in the academic accommodation process.

1. REQUEST FOR ACADEMIC ACCOMMODATION

a. Students who request academic accommodations are responsible for contacting the DSPS office. Students who make a request directly to the faculty should be referred to DSPS.
b. Students are responsible for providing professional documentation of a qualified disability to DSPS.
c. If the student does not have appropriate verification of a Learning Disability, contact DSPS to initiate an assessment to determine and document a learning disability.

d. The DSPS faculty, in consultation with the student, shall recommend appropriate accommodations. The recommendations shall be documented by DSPS and a copy provided to the student. The student will provide this documentation to his/her instructors.

2. ACADEMIC ACCOMMODATION RESOLUTION

The student, classroom faculty or DSPS faculty may dispute an accommodation. If there is a dispute, the accommodation(s) originally authorized by DSPS will be provided during the problem resolution process and subsequent challenges.

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 faculty who authorized the accommodation(s).
2) A student who disagrees with the academic accommodation(s) authorized by DSPS shall promptly discuss his/her concern with DSPS faculty who authorized the accommodation.
3)The DSPS faculty shall convene an informal meeting of appropriate representatives (i.e. student, DSPS counselor, DSPS manager or designee, instructor and/or discipline department chair) within 10 instructional days following the notification of the disputed accommodation(s). Every effort shall be made to resolve the matter informally.

b) Formal Resolution Procedure

1) If there is no agreement with the informal resolution, the student or the instructor of the DSPS faculty may provide a written complaint to the compliance officer responsible for 504 matters within 10 instructional days of notification of the informal resolution.
2) The compliance officer responsible for 504 matters will review the written report and carefully research the facts. Written notification of his/her decision will be provided within 5 instructional days of receipt of the complaint. The student will be provided a written notification of the option to proceed to the formal grievance process as stated in Policy 3100.

3. <u>REQUESTS FOR A COURSE SUBSTITUTION OR WAIVER</u>

a) Students who request a course substitution waiver should file according to the course requirement:

1) When the course is a major requirement, file a Petition for Modification of Major with the appropriate college committee/office/department.
2) When the course is a college-wide academic requirement or a requirement for a major without a corresponding department, file a General Student Petition with the appropriate college committee/office.

b) Requests for course substitutions or waivers will be adjudicated by the appropriate committee, department or office and will include at least one DSPS faculty. 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 proceed to dispute rights in section

<u>Reference</u>: Applicable law includes the following: American with Disabilities Act (ADA) (PL 11-336); ADA amendments Act 2008; Rehabilitation Act of 1973, section 504 [34 C.F.R s 104.3 (j) (1) and (k) (3) and s 104.44 (a) and (b) (1) (ii)]; Family Educational Rights and Privacy Act of 1974: Title 5 of the California Code of Regulations.

Approved by the Chancellor: October 14, 2010
Supersedes: Procedure 3105.1 - 4/25/05, 5/7/09

AP 3108.1 – ACCESSIBILITY STANDARDS FOR ELECTRONIC AND INFORMATION TECHNOLOGY (EIT) – SECTION 508

The San Diego Community College District will permit qualified students with disabilities to access electronic and information technology in district facilities and on district campuses in compliance with state and federal law. Policy 3108, Accessibility Standards for Electronic and Information Technology, was established pursuant to the Americans with Disabilities Act of 1990 (ADA) and Section 508 of the Rehabilitation Act of 1973.

The purpose of this procedure is to ensure that qualified students with disabilities can participate in and benefit from district services, programs and activities, and to ensure that the district does not discriminate on the basis of disability.

This procedure implements Policy 3108 with regards to electronic and information technology on campus.

The technical standards for Section 508 provide criteria specific to electronic and information technology (EIT) acquisition. The term EIT includes, but is not limited to, computers, software, telecommunications products (telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines. It does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.

When developing, procuring, or maintaining EIT, the district shall ensure that those products conform to Section 508 standards, unless a conforming product is not commercially available or, unless a significant difficulty or expense would be imposed on the district. Where an exception is claimed, it will still be necessary to provide the information in a timely manner and in an alternate format suitable for the individual with a disability. Purchasers must also pursue effective acquisition strategies for acquiring EIT products that conform to the applicable standards. Standards and other references are listed in Section E.

1. <u>ACQUISITION OF AN EIT CONFORMING PRODUCT</u>

   a) Employee will identify need and general product specifications, including a market research to determine availability of conforming products.

   b) Refer to district hardware and software standards and conforming EIT products; submit purchase requests with a completed 508 EIT Determination form.

   c) For EIT products not on list; search Section 508 website database for “buy accessible” Voluntary Product Accessibility Template (VPAT).

   d) Submit 508 Determination form and supporting documentation and purchase requisition with appropriate signatures through the usual college/CE process.

2. <u>ACQUISITION OF AN EIT PRODUCT THAT IS NOT FULLY CONFORMING</u>

   a) If a fully conforming product is not found, the most conforming product must be purchased.

   b) Or, if the most conforming product does not meet your needs, you must then explain why.

   c) Submit the 508 Determination form with the requestor’s minimum needs and an explanation of the most conforming product. Include information necessary to meet in a timely manner and in an alternate format suitable for the individual with a disability, such as “additional captioning needed upon arrival.”

3. <u>WEB-BASED PRODUCTS OR SUPPLEMENTAL APPLICATIONS OF A TEXTBOOK</u>

   a) Web development or web course content, refer to Section 508 Checklist. Course content will be reviewed by the Chancellor’s Office in the usual accreditation cycle.

   b) Web-based standards include the ability to have standards built into the development process or to be used with assistive technology.

c) For web standards at SDCCD, refer to the Web principles and standards Procedure 6100.1.
d) The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of section 508 or the Rehabilitation Act of 1973, as amended (29 U.S.C. & 794d), and its implementing regulations set forth at Title 36, Code of Federal Regulations, part 1194. Materials requested may require additional research to assure accessibility.
e) Vendor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services which is brought to its attention and if not currently accessible, authorizes permission for SDCCD to make those materials accessible for students with disabilities. Failure to comply with these requirements shall constitute a breach and be grounds for termination of this agreement" (06.11.2001).

4. COMPETITIVE QUOTATIONS AND ADVERTISED BIDS

a) If the purchase exceeds the mandated bid threshold, it will be subject to advertised, competitive bidding and award by the Board of Trustees as described in the BP 6330. Contact Purchasing Services prior to beginning market research.
b) If the purchase will be less than the advertised bid threshold, but more than $ 200.00 the purchase requisition should recommend at least three suitable products or explain why fewer than three products are available to meet the need.

5. REFERENCES FOR 508 SUPPORT MATERIALS

a) Complete standards are available on the federal Section 508 website, http://www.section508gov/
b) An explanatory guide is available on the Access Board website, http://www.access-board.gov/sec508/guide/
c) Search Section 508 website database for "buy accessible" Voluntary Product Accessibility Template (VPAT), http://www.section508.gov
d) Section 508 Checklist for web development, http://www.webaim.org/standards/508/checklist

Approved by the Chancellor: October 14, 2010
Supersedes: New Procedure

AP 3105.2 Service Animals

The San Diego Community College District will permit qualified students with disabilities to use service animals in District facilities and on District campuses in compliance with state and federal law. Board Policy 3105, Academic Accommodations for Students with Disabilities, was established pursuant to the Americans with Disabilities Amendments Act of 2009 (ADAA) and Section 504 of the Rehabilitation Act of 1973.

The purpose of this procedure is to ensure that qualified students with disabilities can participate in and benefit from District services, programs and activities, and to ensure that the District does not discriminate on the basis of disability.

This procedure implements Policy 3105 with regards to service animals on campus.

1. DEFINITION:

a) Service animal is defined in Title III of the ADAA regulations (28 C.F.R., § 36.104). Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

b) The District shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability (28 CFR 35.136(i)).

c) The District shall consider: the type, size, and weight of the miniature horse and whether the facility can accommodate these features; whether the student has sufficient control of the miniature horse; the miniature horse is housebroken; and whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

If an animal meets this definition, it is considered a service animal under the ADAA, even if it has not been licensed or certified by a state or local government, or by a private agency. A student may choose to produce a San Diego County brass medal identification tag as proof of a service animal. Only dogs are eligible to apply for service animal identification tags (form DAS-195, rev. 07-10) in California. Review of verification documentation and determination by District DSPS personnel for service animals is made on a case-by-case basis. Notification of that review and approval is indicated on the Student ID/Attendance card.

Animals, other than authorized service animals, are not permitted on campus.

2. <u>RESPONSIBLITIES OF PERSONS USING SERVICE ANIMALS</u>:

a) A student with a disability who brings an animal for participation in the services or classes of the District shall be directed to the Disability Support Programs and Services (DSPS) office.

b) The student must provide documentation of his/her disability and a description of the disability related tasks which the animal performs which facilitates access to District programs, services or activities.

c) The student must meet with a DSPS counselor for prior approval and sign the San Diego Community College District DSPS Service Animal Agreement. A service animal sticker will be issued for placement on the Student ID/Attendance card.

d) The care and supervision of a service animal is the responsibility of the student. Civil Code Section 54.2 requires that the owner of the service animal be responsible for any damage done to the premises or facility by the animal.

e) All service animals must be immunized in accordance with State of California Health and Safety Code, §121690. Documentation will be requested.

f) Dogs must work without threatening or disrupting other service animals, students and/or District personnel. A student with a disability who has a service animal that poses a threat to health, safety or program disruption shall be informed that the animal is not an allowable accommodation and cannot be on

campus. Failure to comply with this exclusion may result in a disciplinary action in accordance with Policy 3100.

g) A student with a disability will be limited to one approved service animal.

3. EVALUATION PROCEDURES:

a) Under the ADAA and Section 504, the District may not impose a rule upon individuals with disabilities prohibiting service animals, if the rule has the effect of limiting the participation of the individuals with disabilities in the District's services, programs or activities. However, the District is not obligated to permit the use of service animals, if doing so would result in a fundamental alteration of the District service, program or activity, or would pose a direct threat to the health or safety of others.

b) The District will determine whether the service animal meets the basic ADAA definition as stated herein. This determination is based upon whether the service animal has been trained to provide the specific task or service required by the student because of his/her disability(ies) and whether the animal can actually provide that task or service. If in the judgment of the DSPS professional, the animal cannot perform the identified task or service, the District may exclude the animal from its facilities and campuses.

c) The District will analyze whether the presence of the service animal would actually have a significant effect upon the service, program, or activity involved. The Governing Board of the District designates the District DSPS professionals, in consultation with the program professionals and the Vice Presidents, to make such determination. If the DSPS professionals, in consultation with the program professionals and the Vice Presidents, determine that the use of the service animal causes a fundamental alteration in District services, programs, or activities, the District may exclude the animal from its colleges, campuses, sites, programs and activities. (Title III of the ADAA Regulations, 28 C.F.R., § 36.104).

1) If the District makes a determination that use of the service animal would result in such fundamental alteration, within 5 instructional days of such determination, the designated person(s) shall issue a written statement identifying the reasons for the determination in sufficient detail to meet the District's burden to demonstrate that such alteration would occur. (Title III of the ADAA Regulations, 28 C.F.R., § 36.104).

2) If use of the service animal would result in such fundamental alteration, at the request of an individual with a disability and in accordance with District Policy 3501 and 3501.1, the District shall take any other action that would not result in such an alteration but would nevertheless allow the individual with a disability to participate in District services or programs.

d) The District will make an individualized assessment to determine whether the presence of the service animal poses a significant risk to the health or safety of other persons that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. If the District determines that the presence of the service animal does pose a direct threat to the health or safety of persons participating in District services, programs or activities, the District may exclude the animal from its facilities and campuses. (Title III of the ADAA Regulations, 28 C.F.R., § 36.208).

e) A student with a disability who is denied the use of a service animal by the DSPS Department may file a complaint utilizing the formal resolution process of the Academic Accommodations for Students with Disabilities Procedure (Procedure 3105.1).

Reference: Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
The Americans with Disabilities Act of 1990, 42 U.S.C. § 12101
The Americans with Disabilities Amendments Act of 2008, 28 C.F.R., § 1630

The Americans with Disabilities Act Revised Requirements, 28 CFR 35.136(i)

Approved by the Chancellor: January 10, 2012
Supersedes: Procedure 3105.2 - 9/21/06, 4/2/08, 4/13/10

Confidentiality

The DSPS department understands that reports and other written information pertinent to the student will be kept confidential and maintained in the DSPS office. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Student's rights with respect to educational records are as follows:

- Students have the right to inspect and review their education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
    - o School officials with legitimate educational interest;
    - o Other schools to which a student is transferring;
    - o Specified officials for audit or evaluation purposes;
    - o Appropriate parties in connection with financial aid to a student;
    - o Organizations conducting certain studies for or on behalf of the school;
    - o Accrediting organizations;
    - o To comply with a judicial order or lawfully issued subpoena;
    - o Appropriate officials in cases of health and safety emergencies; and
    - o State and local authorities, within a juvenile justice system, pursuant to specific State law.

SDCCD Policy 3103 Student Directory Information complies with Title V, California Administrative Code, Section 54626 which requires that the District adopt a policy identifying specific categories of directory information which may be released concerning any student who is currently attending District programs.

Administrative Procedure 3001.1 – Student Records, Release, Correction and Challenge procedure implements Board Policy 3001, as well as Section 55020 et seq. of Title 5 California Code of Regulations and shall be construed consistent with Section 76200 et seq. of the California Education Code to achieve conformity with the Federal Family Education Rights and Privacy Act.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. If you are being contacted by parents for information about your student, you are still bound by confidentiality and you may want to refer the student's parents to your Department Chair, Dean, or Vice President. (Source: U.S. Department of Education)