A cademic Accommodation Policy Course Substitution & Waivers

Bakersfield College Policy and Procedures for Providing Academic Adjustments for Students with Disabilities

POLICY

Students with verified disabilities have the right to receive reasonable academic adjustments in order to create an educational environment where they have equal access to instruction. The District is thus responsible to make modifications to academic requirements and practices as necessary without any fundamental alteration of academic standards, courses, educational programs or degrees to ensure that it does not discriminate against qualified students with disabilities. In addition, each district is required to have a policy and procedure for responding to students with verified disabilities who request academic adjustments. Bakersfield College course substitution/waiver policy cannot be used to waive State mandated graduation requirements. Students who inquire about a course substitution or waiver are to be provided with a copy of this document.

PROCESS

Instructions for Completing this Document:

1. To be eligible for this process, the student must have a submitted Graduation Petition on file with the Office of Admissions and Records.
2. The student must meet with a DSPS Counselor the semester prior to the anticipated graduation term to discuss justification for applying for a Petition for Substitution/Waiver of Associate Degree or Certificate Requirements Based on Verified Disability.
3. The student must complete the attached petition.
4. The student must attach documentation verifying their participation in the DSPS program.
5. The student must attach documentation verifying that they used the services authorized by DSPS (i.e., extended time on exams, or extra tutoring).
6. The student must attach documentation verifying the utilization of any Academic Support Services. On campus Academic Support Services can provide written documentation. If other sources have been used, have the person(s) helping you write a letter verifying student’s regular participation in tutoring or study group.
7. Have instructor complete the Instructor’s Evaluation of Student Effort form and have them return it to your DSPS Counselor.
8. Once the application is completed, the student will meet with a DSPS Counselor to ensure they have the necessary documentation to submit the petition.

Background

This policy is based on federal and state legislation, which requires community college districts receiving funding to establish programmatic access as well as physical access to its academic offerings. Two of these regulations are:

34 Code of Federal Regulations 104.44 implementing Section 504 of 1973 Rehabilitation Act:
“(a) Academic requirements. A recipient to this subpart applies shall make such modifications to its academic requirements as are necessary to ensure that such requirements to not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the way specific courses are conducted.

5 California Code of Regulations 56027:
"Each community college district receiving funding pursuant to this subchapter shall... establish a policy and procedure for responding, in a timely manner, to accommodation requests involving academic adjustments. This procedure shall provide for an individualized review of each request. The procedure shall also permit the Section 504 Coordinator, or other designated district official with knowledge of accommodation requirements, to make an interim decision pending a final resolution."
Accommodations

Accommodations of three levels are available. Accommodations may be made 1) in the manner of presentation of the course to permit the student to complete the required course; 2) by substitutions of another course for the required course or 3) through waiver of the course requirement.

Academic requirements that the college can demonstrate are essential to the program of instruction being pursued by the student or directly related to licensing requirements will not be regarded as discriminatory. 34 C.F.R. 104.44

Level I Special Course Accommodations:

Bakersfield College intends all of its graduates to master the competencies required by Title 5 of the California Education Code. The course requirements are established to meet that requirement and students should, where possible, complete the courses required for graduation and/or certificate completion. The College recognizes that most disabilities that preclude a student from completing a course can be overcome by altering the method of course delivery and providing a combination of appropriate accommodations, e.g., facilitation of tutorial assistance, in-class support services, auxiliary aids, test accommodations, a slower paced version of the course, advisement to complete lower level or developmental courses in a sequence. Therefore, for most students with documented disabilities, the first level of accommodation will involve an attempt to complete the course with additional assistance or altered means of delivery.

Level II Course Substitution:

Course substitution will be considered for those students with a verified disability in two circumstances:

1. When the student has attempted and exhausted Level I accommodations and for whom Level I accommodations are not adequate to enable them to complete the course; and
2. When the student can show that his/her disability is of a type or magnitude that any attempt at completing the course would be futile.

The absence of a substitute course does not automatically establish grounds for Level III accommodation, course waiver.

Level III Course Wavier:

Course waiver will be considered on a case-by-case basis and will be granted only when:

1. There is evidence that the student has met all the requirements noted above for substitution, and the Articulation Officer has determined there are no viable substitute courses. A waiver of the course requirement will not be considered a waiver of the student’s responsibility to complete the minimum number of units required by the institution for completion of the course study.
2. Any Course substitution or waiver granted by Bakersfield College is for the purpose of the College’s requirements only and may not be recognized by a subsequent educational institution and/or licensing board.

Procedure

Note: By law, a student is not required to go through DSPS to receive academic adjustments and auxiliary aids. The same procedures are noted below for students exercising this option at Level I, II, or III. Recent verification of the disability and special educational limitations is required whether or not a student chooses to use DSPS services.

Verification of the Disability

1. Where the nature or extent of the disability is not apparent, the student bears the responsibility of presenting recent professional documentation of specific educational limitations to the college before an academic accommodation will be granted.
2. If the student does not have appropriate verification of a disability, the student may start the general DSPS process to request an assessment.

Level I Course Accommodation Procedures

Requests for course accommodation should be presented to the DSPS certificated staff.

1. The student, in collaboration with the DSPS certificated staff, will determine a reasonable and appropriate accommodation(s) based upon his/her educational limitation(s). The student will go through the general DSPS process.
2. If the student disagrees with the academic accommodations authorized by the DSPS certificated staff, he/ she should discuss his/her concern with the professional recommending the adjustment. If the student's concern continues to be unresolved, the student should discuss his/ her concern with the appropriate immediate supervisor of DSPS. Every attempt should be made to resolve the disagreement with the immediate supervisor.
If the complaint is not resolved to your satisfaction you can ask to meet with the Vice President for Student Affairs, 661-395-4204, who is also the BC ADA Coordinator.

3. If the instructor has questions about an accommodation requested by a student with verified disability, the instructor should promptly contact the DSPS staff who authorized the accommodation(s).

4. The accommodation originally authorized by DSPS will be allowed throughout the semester while a resolution is being determined.

5. The interactive process will include meetings and discussions among the instructor, Dean or designee, the student, the appropriate members of the DSPS including the Director and/or the appropriate members of the college community are essential at the outset, and will be completed within five (5) instructional days following the request for the accommodation.

6. Through the interactive process, if either the instructor or the student disagrees with the decision by the Director of DSPS, either the instructor or student must notify the Director of DSPS in writing within ten instructional days. The Director of DSPS will then process to the next level administration.

Level II and III - Course Substitution or Waiver

Requests for Course substitution or waiver shall be submitted by the student to the immediate supervisor of DSPS. Course substitutions or waivers shall be determined by the Director of Enrollment Services and Director of DSPS. The Director of Enrollment Services in consultation with the Director of DSPS shall review cases under any of the following conditions:

a. The student, having made a good-faith effort to complete the required course in question by availing themselves of the accommodations recommended by DSPS certificated staff, has been unable to satisfactorily complete the required course.

b. The student and the DSPS certificated staff member agree that, due to the nature of the disability, even beginning the course with Level I accommodations is futile.

c. The student desires to appeal a DSPS certificated staff member's assessment that the educational implications of their disability is not sufficient to warrant a substitution or, in the most extreme cases, a waiver.

1. First, the Director of Enrollment Services in consultation with the Director of DSPS, and the Articulation Officer will determine if the required course is essential to the student's individual course of study. If the Director's and Articulation Officer decides the course is essential, the substitution request (or in the most extreme cases waiver) shall be denied in order to protect the integrity of the program of study and to protect the student's best interest in pursuing that program. If the course in question is found to be non-essential to the student's plan of study, the Director's and Articulation Officer shall seek to provide an appropriate course substitution.

   a. Articulation Officer will determine if the class is part of ADT (associate degree for transfer) curriculum, or part of a licensing requirement. If this the case, then an alternate course will be required or the request will be denied.

2. If no appropriate substitution course can be found, or in the most extreme cases, if the Director of Enrollment Services in conjunction with the Director of DSPS concludes that a substitute course is inappropriate due to the nature of the disability, a waiver may be granted.

3. The Director of Enrollment Services will forward its decision, in writing, to the student and immediate supervisor of DSPS within ten (10) instructional days.

4. An exception to the above timeline will be made should the Director of Enrollment Services receive the petition so late in the semester that the Director of Enrollment Services would not be able to complete its process while classes are in session. In such a case, the Director of Enrollment Services will review at the earliest possible time during the next session. The timeline for the Director of Enrollment Services decision (within 10 instructional days of receipt) will then apply in the subsequent session.

Appeal Process

1. If the student is dissatisfied, he or she may appeal to the Vice President of Instruction or Vice President of Student Affairs within ten (10) instructional days of receiving a decision at Level I, II or III.

2. If the Vice President of Instruction or Vice President of Student Affairs rejects the appeal, the student has ten instructional days from the time of notification to request the appeal be forwarded to the President.

3. If the President rejects the appeal, the student may pursue the Section 504/Americans with Disabilities Act Complaint Policy.