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DAVID S. SPENCE
EXECUTIVE VICE CHANCELLOR
CHIEF ACADEMIC OFFICER

Code: AA-2002-20
March 28, 2002

To: CSU Presidents
From: David S. Spence *David S.*
Subject: **Review of Draft Policy for the Provision of Accommodations and Support Services to Students with Disabilities**

Enclosed for your review is a copy of the draft "Policy for the Provision of Accommodations to Students with Disabilities." This proposed policy was drafted by the Systemwide Advisory Committee for the Provision of Services to Students with Disabilities and represents several years of discussion, consultation, and analyses by campus staff, members of the systemwide committee, and advice from the Office of General Counsel.

We are requesting that presidents coordinate the review of this draft policy by sharing it with their provosts/vice presidents of academic affairs, vice presidents/deans of student affairs, ADA compliance officers, directors of disabled student services programs, and other interested campus staff members. We are also requesting that the Academic Senate of the CSU and the California State Student Association review the draft policy.

Please forward comments about the enclosed draft policy to Ms. Judy Osman, Associate Director, Academic Affairs, Student Academic Support by May 1, 2002. It is our goal to issue the final policy by May 31, 2002. Ms. Osman may be reached at (562) 951-4729 or by e-mail at josman@calstate.edu.

DSS:aj

Attachment

cc: Provosts/Vice Presidents of Academic Affairs
Vice Presidents of Student Affairs
Gary A. Hammerstrom
Christine Helwick
Jackie R. McClain
Richard P. West

Allison G. Jones
Academic Senate of the California State University
California State Student Association
Directors of Disabled Student Services Programs
Members, Systemwide Advisory Committee for the Provision of Services to
Students with Disabilities

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The California State University

Policy for the Provision of Accommodations and Support Services to Students with Disabilities

Introduction

The California State University (CSU) *Policy for Provision of Accommodations and Support Services to Students with Disabilities* prohibits unlawful discrimination against students on the basis of disability in its programs, services, and activities, in accordance with, but not limited to, the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Federal Rehabilitation Act of 1973, as amended, and applicable state laws including, but not limited to, the Donahoe Higher Education Act, Div. 5, Chapter 14.2, Sections 67302, 67310-13 and Section 12926 of the California State government code.

The CSU *Policy for Provision of Accommodations and Support Services to Students with Disabilities* (“Policy”) is designed to be consistent with the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended. The Policy shall be consistent with current applicable federal and state laws and concerning the nondiscrimination of students on the basis of disability.

Definitions and Terms

A **disability** means a physical or mental impairment of an individual that limits one or more of the major life activities, a record of such an impairment, or being regarded as having such an impairment.

An **individual with a disability** means any person who has a physical or mental impairment that limits one or more of the major life activities of such individual, who has a record of such impairment, or who is regarded as having such impairment.

A **qualified individual with a disability** means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. Such an individual must meet the academic and technical standards requisite for admission or participation in the education programs of the CSU campuses. This includes students with disabilities participating in clinical or field placements that are offered as part of a program’s field of study.

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I. CSU Disability Categories for Reporting Purposes

For reporting purposes, the CSU has established six broad disability categories for individuals with a disability:

- A. **Visual limitation:** blindness or partial sight to the degree that it impedes the educational process and may necessitate procurement of accommodations, support services, or programs.
- B. **Communication Disability:** limitation in the processes of speech and/or hearing that impedes the educational process and may necessitate the procurement of accommodations, support services, or programs. Students in this category shall not require interpreting services or real-time captioning.
- C. **Deaf:** limitation in the process of hearing that impedes the educational process and necessitates the procurement of accommodations, support services, or programs. Students in this category may require communication access such as oral or sign language interpreters, note taking services, or real-time captioning services.
- D. **Mobility Limitation:** limitation in locomotion or motor functions that indicates a need for accommodations, support services, or programs. Included in this category are persons who have asthma, cardiovascular problems, or those who have physical limitations that restrict the ability to function without accommodation in the campus environment.
- E. **Learning Disability:** a generic term that refers to the heterogeneous group of disorders manifested by difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities due to neurological dysfunction. Even though a learning disability may exist concomitantly with other disabling conditions (e.g., sensory impairment) or environmental influences (e.g., cultural/language differences or conditions defined in the current Diagnostic and Statistical Manual of Mental Disorders), it is not the direct result of those conditions or influences. The assessment and documentation standards for assessing learning disability and need for support services conforms to national standards and are provided in a separate document.
- F. **Other Functional Limitations:** any other disability, such as a dysfunction of a body part or process, which necessitates the use of accommodations, support services, or programs, and which does not fall within the categories listed above.

For reporting purposes, an individual shall be counted only in one category, that of the primary dysfunction. Temporary disabilities do not constitute a separate category but shall be placed in one of the above categories based on the nature of the disability.

II. Verification of Disability

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The campus director of the program for services to students with disabilities or designee has the authority to verify a disability. Verification may require documentation from a professional qualified to assess the nature and extent of the disability and from recognized and reliable sources in the applicable field that provides appropriate standards.

Where the nature and extent of the disability is obvious, e.g., amputee, blind, quadriplegic, the campus director of the program for services to students with disabilities or designee may verify the disability. In those cases where the director or designee is unable to verify the disability on his or her own, the student shall provide appropriate documentation from a verifying professional qualified to assess the nature and extent of the disability. Documentation may be provided by a licensed physician or, psychologist, audiologist, speech pathologist, licensed clinical social worker, rehabilitation counselor, marriage and family therapist, learning disability specialist, or other appropriate professional. The director or designee shall have ultimate authority to determine disability status, subject to established appeal procedures.

A student who has transferred and received services from a California Community College, the University of California, or any other regionally accredited postsecondary institution as a student with a disability may be eligible for academic accommodations or support services at a California State University campus providing appropriate documentation is received verifying the disability by the criteria used by the CSU. The director or designee shall have ultimate authority to determine disability status, subject to established appeal procedures.

California State University campuses comply with the Family Education Rights and Privacy Act of 1974 (FERPA) and its regulations. Accordingly, each CSU campus shall maintain appropriate confidential records identifying students with disabilities. These records shall include the student's name, address, social security number, nature of disability, support services needed, and verifying statement by the director of disabled student services or designee, or documentation provided by the student. The confidential records will be protected in accordance with FERPA regulations with the purpose of providing appropriate academic accommodations or adaptation of curricula. Information about the student may be released with the student's consent or in accordance with FERPA or other applicable legislation.

III. CSU Policy

The Policy is intended to assure that, subject to and in accordance with the provisions of applicable law, no qualified individual with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of the services, programs, or activities of the CSU and its campuses. CSU will provide appropriate auxiliary aids and support services and make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless it is demonstrated that providing such aids or services or making the

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modifications would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens.

IV. Program Coordination

The CSU president or designee on each campus shall have the primary responsibility for planning, implementing, and coordinating all campus programs, services for students with disabilities, and notifying the campus community on a periodic basis. The CSU Office of the Chancellor shall be responsible for systemwide planning and coordination of programs and services for students with disabilities, and shall address questions and issues.

V. Academic Requirements and Reasonable Accommodations

Academic requirements may be modified, as necessary and appropriate, to ensure that they do not discriminate, or have the effect of discriminating, on the basis of a disability against qualified applicants or students with disabilities. As appropriate, modifications may include changes in the length of time permitted for the completion of a requirement, substitution for specific courses required, and adaptation of the manner in which a required course is conducted.

Academic requirements that are determined to be essential to a program of instruction by a process approved by the academic senate or for any directly related licensing requirement are not regarded as discriminatory. The process should include consultation with the Section 504/ADA coordinator or other individuals knowledgeable about Section 504 and the ADA, as well as consultation with appropriate faculty and administrators. Where appropriate, affected students should also be permitted to provide input into the process. The outcome of the process should include an explanation of why the requirement exists and a diligent assessment of alternatives for achieving the educational goal. The determination of what constitutes an essential academic requirement for purposes of Section 504/ADA shall be in accordance with campus academic planning and approval procedures.

All faculty and staff of a CSU campus share the responsibility for maintaining a campus environment conducive to the fulfillment of the CSU's teaching and public service mission. In attempting to make appropriate academic adjustments, faculty members, the services to students with disabilities staff, and students with disabilities should work together to formulate reasonable accommodations that meet the individual educational needs of qualified students with disabilities while maintaining the academic integrity of the program, service, or activity to be modified. During this consultative process, a student with a disability should be given an opportunity to express a preference among possible accommodations and the stated preference should be considered in the process.

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VI. Communications Technology, Auxiliary Aids, and Services

In accordance with current legislation, CSU campuses must take appropriate steps to ensure that communications, including electronic communications, with students, applicants, and others with disabilities, which include access to pertinent information, the curriculum, and academic resources, are as effective as communications with others. Appropriate access to communications technology, including computer technology, must be provided whether learning takes place on campus or at a distance from the campus.

CSU campuses must furnish appropriate auxiliary aids and services where necessary to afford a student with a disability an equal opportunity to participate in and enjoy the benefits of services, programs, and activities. In determining what type of auxiliary aid and service is necessary, campuses should give primary consideration to the requests of the student with disabilities. However, the campuses are not required to take any action that would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens.

Primary consideration must be given to providing effective electronic communication to students with disabilities in alternate formats of choice. However, pursuant to ADA, campuses are not required to use the newest or most advanced technologies providing the auxiliary aid or service that is selected affords equal access.

VII. Services: Auxiliary Aids and Services and Reasonable Accommodations

The type and amount of support services and accommodations provided to students with disabilities shall be determined by the campus director of the services to students with disabilities program or designee, in consultation with the student seeking the accommodation and, where appropriate, with affected faculty and staff.

Accommodations and support services offered through the campus services to students with disabilities programs may not duplicate services available to all CSU students. Attendants, individually prescribed devices, readers for personal use, or other devices or services of a personal nature are not required under applicable law.

Pursuant to current legislation, accommodations, support services, and programs that are to be available include, but are not limited to:

- Activities to coordinate and administer specialized services, including consultation with faculty for students with special academic needs associated with their disabilities.
- Disability-related counseling and advising, including specialized academic, vocational, and peer counseling.
- Liaisons with campus and community agencies, including referral and follow-up services to these agencies on behalf of students with disabilities.

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- Adaptive technologies (e.g. TDD, CCTV, assistive listening devices, adaptive computer hardware or software) including new devices that may become available with emerging technology.
- Oral and manual interpreters.
- Note takers for writing, note taking, and manual manipulation for classroom and academic activities.
- On-campus mobility assistance to and from college courses and related educational activities.
- Readers.
- Real-time captioners.
- Registration assistance, including priority enrollment, assistance with applications for financial aid, and related college services.
- Transcription services, including, but not limited to, the provision of taped, large print, and Braille materials.
- Special parking, including on-campus parking registration, temporary parking permit arrangements, and application assistance for students who do not have state DMV Disabled Person Parking Placards or Plates. For the students in great financial need an application will be made available for a waiver of parking fees for those students in the possession of a DMV Placard or Plates.
- Supplemental specialized orientation to acquaint students with the campus environment.
- Test-taking facilitation including extended time, adapting (the mode or presentation but not changing the tests content, scope, or depth) tests for, and proctoring test taking by students with disabilities.
- Specialized tutoring or diagnostic assessment, not otherwise provided by the campus, may be offered by campuses electing to provide such services.
- Additional accommodations, support services, and programs may be provided as determined by the needs of students with disabilities.

The director of services to students with disabilities or designee shall be responsible for the recruitment of an adequate pool of qualified persons to serve as interpreters, real-time captioners, readers, note takers, and similar support service personnel. Students with disabilities needing assistance of such persons shall have an opportunity to be involved in the selection process to determine their appropriateness and to ensure that the level of skills of the person under consideration is adequate. California Education Code Section 67306 provides that students may select readers who are not on a director's list, providing a written request is filed.

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VIII. Services to Students in Continuing/Extended Education Programs

The Americans with Disabilities Act does not differentiate state support programs and continuing/extended education or self-support programs. The CSU campus is ultimately responsible to ensure that students with disabilities are provided reasonable accommodations regardless of the type of course in which the student is enrolled. It is the responsibility of the extended/continuing education office on each campus to fund support services for qualified students with disabilities enrolled in extended/continuing education courses, including interpreters, real-time captioners, readers, notetakers and test proctors. This policy is consistent with existing CSU policy that limits the use of State funds to provide educational support services to regularly enrolled students.

IX. Provision of Services and Appeal Procedures

Student requests for auxiliary aids and services and reasonable modifications or accommodations should be made to the office of disabled student services as early as possible in order to facilitate scheduling or acquisition of personnel, equipment, and/or materials. Directors of the program for students with disabilities shall establish campus guidelines to implement the provision of services. Pursuant to Section 504 and the ADA, students with disabilities denied a requested accommodation may appeal the decision through on-campus informal and formal accommodation dispute resolution processes. Each campus shall adopt and publish grievance procedures that incorporate appropriate due process procedures and provide for prompt and equitable resolution of student complaints alleging a violation of Section 504, the ADA and/or CSU policies. The Section 504/ADA civil grievance may also be utilized. Services that have been authorized by the DSS office must continue until the grievance is resolved.

X. Advisory Committees

A. Systemwide Advisory Committee

1. A systemwide advisory committee on services to students with disabilities shall be established by the Office of the Chancellor to review, evaluate, and recommend systemwide educational and administrative policies that address the needs of students with disabilities. The Systemwide Advisory Committee shall meet annually as necessary and maintain and make available summary notes of the meetings.
2. Membership and Terms of Office:
 - a. Chair to be appointed by the Chancellor/two-year term.
 - b. Two Vice Presidents for Student Affairs/two-year term.

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- c. One Provost/Vice President for Academic Affairs/two-year term.
 - d. Three Directors of Services to Students with Disabilities/two-year terms.
 - e. Three students with disabilities/two-year, overlapping terms.
 - f. Three Academic Senate representatives.
 - g. One representative from the Office of the Chancellor's Capital Planning Design and Construction division (ex-officio).
 - h. One representative from Office of the Chancellor's Academic Affairs, Student Academic Support department who shall provide staff support (ex-officio).
3. Membership should include representation from a variety of campuses and disability categories.

B. Campus Advisory Committee

1. Each campus shall establish an advisory committee on services to students with disabilities to assist in the evaluation of current campus policies and procedures relating to students with disabilities, develop plans relating to programs and services for students with disabilities, recommend priorities, review barrier removal priorities as specified in State University Administrator's Manual (SUAM), and develop timelines.
2. Membership
 - a. Members of campus advisory committees shall include students, staff, faculty, and administrators.
 - b. Members shall be appointed by the campus president or designee.
 - c. Membership should include representation from a category of disability, academic disciplines, and other sectors of the campus community.
3. Membership should include representation from a variety of campuses and disability categories.

XI. Reports

A. Enrollment Data and Use of Services

Each campus shall provide data annually on enrollment of matriculated students with verified disabilities, which shall include the primary disability category and service provided.

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B. Systemwide Program Evaluation

1. Pursuant to Education Code Section 67312, the CSU Office of the Chancellor shall:

“Develop and implement, in consultation with students and staff, a system for evaluating state-funded programs and services for disabled students on each campus at least every five years beginning in 1990. At a minimum, the evaluation shall provide for the gathering of outcome data, staff and student perceptions of program effectiveness, and data on the implementation of the program and physical accessibility requirements of California State Building Code, Title 24, and the Americans with Disabilities Act Accessibility Guidelines (ADAAG).”

2. To ensure reporting compliance with enrollment, retention, transition, and graduation trends of students with disabilities, the CSU Office of the Chancellor will work with the California Postsecondary Education Commission to publish the data annually.

C. Policy Review

The Systemwide Advisory Committee shall review the Policy for the Provision of Accommodations to Students with Disabilities every five years beginning in 2007. A report including recommendations shall be prepared for the Chancellor of the California State University.

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