

Laney College Section 504 Plan

Laney College has a Disabled Students Programs & Services (DSPS) Coordinator that coordinates services and assistance to students with disabilities. Under the general coordination of the DSPS Coordinator, a team of counselors, adaptive technologist, learning specialist, and the District Interpreting Services Coordinator collaborate to assist with providing information, referral services, and disability related academic adjustments and auxiliary aids. They serve as a connecting link between students with disabilities and the College. This policy will use the term “academic adjustments” to be inclusive of academic adjustments and auxiliary aids.

1. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs and activities that receive Federal funding, including Laney College.
2. The College shall facilitate reasonable, appropriate resources, services, and academic adjustments to allow each qualified person with a documented disability equitable access to educational programs, social experiences, and career opportunities.
3. The Vice President of Administrative Services will act as Section 504 coordinator to oversee compliance in the area of student academic adjustments.
4. The procedure for requesting academic adjustments: Under Section 504, the College will provide reasonable academic adjustments and make such modifications to its academic requirements as are necessary to ensure that the requirements do not discriminate on the basis of disability. If a student with a disability needs reasonable academic adjustments, it is the responsibility of the student to request such academic adjustments in writing (completing intake paperwork at the DSPS office), as well as to provide the College with documentation of the disability (i.e. medical reports of records, diagnostic evaluations, a letter(s) from a qualified medical professional or completion of the disability verification form are examples of such documentation). Students needing academic adjustments should contact the DSPS office before registering for classes, or as early in the semester as they become aware of the need for academic adjustments. Whenever possible, Laney College will facilitate academic adjustments within two (2) weeks or less, however, some academic adjustments may require up to six (6) weeks’ notice to facilitate.
5. Under Section 504, an individual with a disability is someone with a physical or mental impairment that substantially limits one or more major life activities. An individual is considered to be a person with a disability if the individual has the disability, a record of the impairment or is regarded as having the impairment.

It is the College's intention and obligation to provide reasonable academic adjustments to qualified students with disabilities provided the academic adjustment does not create undue hardship on the financial or structural operation of the College or that would fundamentally alter the College’s academic requirements that are essential to the academic program. Reasonable academic adjustments are the provision of an auxiliary aid, or modification of the facility, service or program, which may allow access by a student with a documented disability.

- A. Procedures for Determining Whether Proposed Academic Adjustments are an “Undue Burden”

The College is committed to providing students with disabilities with academic adjustments necessary to ensure that they are not discriminated against on the basis of disability. However, the College is not required to provide academic adjustments that would cause it to incur undue administrative or financial burden.

In determining whether a proposed academic adjustment is an undue burden, the College shall apply the following process:

1. The College recognizes that the burden is on the College to establish that undue financial or administrative burden exists.
2. A decision that a proposed academic adjustment would constitute an undue burden can only be made by the “head of the public entity” or designee. For most programs, the appropriate designee will be the Vice President of Student Services (the “Designee”).
3. The Designee shall first consider all resources available for use in the funding and operation of the applicable Department or Program.
4. The Designee shall consider all relevant factors, such as the nature and cost of the requested academic adjustment, the overall financial resources of the College, and the effect of the academic adjustment on expenses and resources of the College.
5. Where there is a concern that an academic adjustment requested by a student poses a significant health and safety concern, it will conduct a direct threat analysis as found in the U. S. Supreme Court’s decision in *School Board of Nassau County v. Arline*, 480 U.S. 273 (1987).
6. If the College concludes that the proposed academic adjustment is an undue burden, it will provide the student with a written statement of the reasons for reaching that conclusion. Further, the College will engage with the student in an interactive process to determine whether there is an equally effective alternative academic adjustment.
7. If the College concludes that the proposed academic adjustment is an undue burden and it is unable to reach agreement with the student on an equally effective alternative academic adjustment, the College will advise the student of his/her right to file a grievance under the College’s grievance procedure, as well as the right to file a complaint with the U.S. Department of Education, Office for Civil Rights.

B. Procedures for Determining Whether an Academic Adjustment Would Fundamentally Alter College’s Academic Requirements

The College is not required to provide academic adjustments that would lower academic standards or modify academic requirements that are essential to the instruction being pursued or directly related to a licensing requirement.

If the Vice President of Student Services, Vice President of Instruction or a faculty member raises a concern that an academic adjustment would fundamentally alter the course or program requirements, the Vice President of Student Services, in conjunction with relevant individuals (e.g., the department chair and applicable Dean), will determine whether the academic adjustment or an equally effective alternative will be implemented pending a review and determination by the College as to whether the academic adjustment would be a fundamental alteration of a program requirement.

The determination of whether an academic adjustment is a fundamental alteration shall include the following:

- What is the purpose or objective of the course, requirement, standard, testing practice, procedures or rule in question (For example, what is the purpose of a requirement that a student demonstrate a particular skill or pass a test)?
- How is the purpose or objective related to the requirements for the student's program or degree?
- What skills and knowledge must be mastered by students who take the course, or enroll in or complete the degree/program?
- What is the minimum level of mastery that must be demonstrated by students?
- What are the reasons for the chosen instructional methods, evaluation methods, and evaluation requirements?
- Are the answers to these questions generally consistent between all instructors of a course, or in a program?

To address the issue of whether an academic adjustment would fundamentally alter an essential course or program requirement, the College will appoint a committee of objective persons who collectively are knowledgeable about the academic area, any related licensing requirements, any applicable accreditation for the course of study, the student's disability, and academic adjustment methods. The committee will not be limited exclusively to individuals from the department that provides the course or program. The committee will identify the objective of the requirement, taking into consideration the information provided by the instructor, program or department concerning essential requirements, including curriculum approval or course creation documents. The committee will consider whether the requirement is consistent with similar programs at other educational institutions, and with relevant national and expert guidelines; and also consider information from the student.

The committee will determine whether the academic adjustment requested by the student would invalidate or is significantly inconsistent with the objective of the requirement. If not, the academic adjustment will be implemented. If the requested academic adjustment would invalidate or is significantly inconsistent with the objective of the requirement, the committee (or designated members) will promptly and diligently search for alternate academic adjustments in consultation with the faculty member, the Vice President of Student Services, and the student. If identified, alternate academic adjustments not entailing a fundamental alteration or an undue burden will be implemented.

The College will complete this process in a timely manner, within fifteen (15) business days from when the Vice President of Student Services or a faculty member raises a concern that an academic adjustment would fundamentally alter the course or program requirements. The College will ensure that the student is provided the opportunity to give information to the committee and that the student is given prompt written notice of committee decisions within (15) days from when a determination is made.

6. Evaluation and provision of academic adjustments: It is the responsibility of the student with a documented disability to inform the DSPS office of their need for academic adjustment. When the request for academic adjustment is received, the DSPS office will:

1. Request documentation of the disability by a physician or other qualified health professional. Disability verification forms are available from DSPS to facilitate this step.
 2. Review the provided documentation to determine if the student is a qualified individual with a disability, on an individual case-by-case basis.
 3. Consult with the qualified student with a documented disability to determine the appropriate reasonable academic adjustment(s).
 4. Research available on academic adjustments and resources.
 5. Consult with the DSPS coordinator, as necessary, in considering types of reasonable academic adjustments.
 6. Consider the preference of the student with a documented disability. The student's preference will be given first priority, however, the College may provide an alternative, equally effective academic adjustment, giving consideration to price and convenience.
7. Instructors are required to provide academic adjustments per the DSPS academic adjustment letter. In the event they are not able to provide an academic adjustment, they are to work with their Dean to ensure that a student's academic adjustments are met. In cases where the College has approved an academic adjustment and an instructor objects, the College will provide the approved academic adjustment to the student until a final decision has been reached regarding the instructor's objection.

1. If a student is not receiving academic adjustments per the DSPS academic adjustment letter, the student needs to inform the DSPS Coordinator so they can work with the Dean of Student Services to resolve the issue.
2. If an instructor disagrees with the academic adjustment or feels that there is a fundamental alteration to an instructional program, they are to file a complaint with their Division Dean. The Division Dean will review the complaint and determine if the academic adjustment alters the program. During this process, the Division Dean will ensure that the student is receiving the academic adjustment.
3. If the Division Dean determines there is a fundamental alteration of an instructional program or that it is in conflict with a licensing requirement then the Division Dean, Instructor, and DSPS Coordinator will meet to determine and implement an appropriate alternate academic adjustment.

Grievances and Appeals

Section 504/Title II grievance procedures provide for the prompt and equitable resolution of complaints pursuant to and in accordance with 34 C.F.R § 104.7(b) and 28 C.F.R § 35.107(b).

Laney College strives to maintain the highest standards of integrity and fairness in its policy of nondiscrimination on the basis of disability. The Peralta Community College District has adopted a grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. Individuals who believe they have been discriminated against on the basis of disability by Laney College may file complaints pursuant to the following procedures detailed in the Peralta Community College District Unlawful Discrimination and Sexual Harassment: Complaint and Investigation Procedures for Employees and Students Booklet.

(see <https://web.peralta.edu/hr/files/2018/08/Session-1-Tab-5-Complaint-and-Investigation-Procedures-for-Employees-and-Students.pdf> or attached pdf for copy of the booklet)