

# MIRACOSTA COLLEGE ACADEMIC ACCOMMODATION POLICY

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## Introduction

While maintaining academic integrity, MiraCosta College is committed to ensuring that students with disabilities receive appropriate accommodations in their instructional activities as mandated by federal and state law and by college policy. The fundamental principles of nondiscrimination and accommodation in academic programs were set forth in the implementing regulations for the 1973 Rehabilitation Act, Section 504. Other applicable laws include the Americans with Disabilities Act, Public Law 108-36, the Family Educational Rights and Privacy Act of 1974, and Title V of the California Code of Regulations.

### I. Academic Accommodation Regulations

Section 504 of the 1973 Rehabilitation Act provides that:

"No qualified handicapped student shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any . . . postsecondary education program or activity . . ." (84.43.a).

"[An institution] shall make such modification to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant. Academic requirements that the recipient [the institution] can demonstrate are essential to the program of instruction being pursued by such student or to any directly related requirement will not be regarded as discriminatory within the meaning of this section. Modification may include changes in the length of time permitted for completion of degree requirements, substitution of specific courses required for completion of degree requirements, and adaptation of the manner in which specific courses are conducted." (84.43(a)).

### II. Overview of Academic Accommodation

A student may request accommodation at any of the following three levels:

- x Level I, Course Accommodation: an adjustment that allows a student with a disability an equal opportunity to complete course requirements;
- x Level II, Course Substitution: the replacement of a required course with an approved alternative course;
- x Level III, Course Waiver: the waiver of a required course.

### III. Level I Accommodation: Course Accommodation

A. Definition: A course accommodation is an adjustment that allows a student with a disability an equal opportunity to complete course requirements. This college recognizes that many disabilities that may preclude a student from successfully completing a course can be overcome with a course accommodation such as test facilitation, use of a note taker, and permission to tape record class sessions. Any student seeking a course accommodation due to a documented disability may request assistance from Student Accessibility Services (SAS).

- B. Eligibility: Any student with a documented disability is eligible to request a course accommodation.
- C. Procedure for requesting a Level I Accommodation: A student requests a course accommodation through SAS. The student must present to SAS verifying documentation of his or her disability from a qualified professional as determined by SAS. SAS considers the educational functional limitations and severity of the disability; determines what, if any, accommodation is appropriate; and facilitates the implementation of that accommodation.
- D. Procedure for resolving a concern regarding a Level I Accommodation:
1. If a student has a concern, he or she should take the appropriate action as indicated below:

Student Concern





specific courses required for graduation. However, the college recognizes that a disability may prevent a student from accomplishing this in the same manner as would a student without a disability. In some cases, a course substitution may be warranted. substitution is recorded on the transcript; however, students must realize that subsequent educational institutions may not recognize a substitution granted by MiraCosta College.

B. Eligibility: A course substitution

- 3) Use of all appropriate and available support services such as tutorial assistance or instructional support classes
- 4) Use of all appropriate and available course accommodation such as test facilitation, use of a notetaker, and permission to tape record class sessions
- (b) A disability of such a magnitude that the student could not successfully complete the course even with Level I accommodation

(3) Evidence that the student is otherwise qualified, such as:

- (a) Success in completing courses
- (a) Success in completing courses

(a)

- b. Evidence that the required course and the substituted course are substantially equivalent in content and/or purpose
- 4. Within thirty instructional days of the filing of the request the ADA Coordinator informs the student in writing of the committee's decision. The ADA Coordinator maintains the files and records of the district relating to course substitution requests.
- D. Procedure for appealing a decision made regarding a Level II Accommodation: If a student is dissatisfied with the decision, he or she may appeal it within ten instructional days. The student sends the appeal to the ADA Coordinator, who forwards it to the college president for a final determination. Within ten instructional days of receiving the appeal, the college president provides a written determination to the student.
- E. Other remedies for appealing a decision regarding a Level II Accommodation:

An appeal to the president is not a prerequisite to the pursuit of other remedies although the college strongly suggests that this appeal process be used first. Also, the student's right to a prompt and equitable resolution of a course substitution appeal will not be impaired by the student's pursuit of other remedies. The other remedies are as follows:

- 1. The student may appeal before the Mira Costa Board of Trustees.
- 2. The student may file a complaint with the Chancellor of the California Community Colleges within thirty calendar days of the event or following the completion of the Course Accommodation Grievance procedure. (The student should obtain from the college's Director of Human Resources the procedure for filing a complaint with the Chancellor.) The address for the Chancellor's Office is as follows:

Chancellor's Office  
 California Community Colleges Forum Building  
 1107 Ninth Street  
 Sacramento CA 95814

- 3. The student may file a complaint with the Federal Office of Civil Rights in San Francisco, California if he or she believes that the college or one of its representatives is violating his or her rights. The address for the Federal Office of Civil Rights is as follows:

U.S. Department of Education  
 Office for Civil Rights-Region 9  
 Postsecondary Education Division  
 Old Federal Building  
 South United Nations Plaza,



## V. Level III Accommodation: Course Waiver

- A. Definition: A course waiver is the elimination of a required course from a student's program of study. The required course must be peripheral to the student's course of study, transfer goals, major, or employment goals, and the student must not require any further classes or training in the specified area.

MiraCosta College intends that all its graduates successfully complete all of the specific courses required for graduation. However, the college recognizes that a disability may prevent a student from accomplishing this in the same manner as would a student without a disability. In rare cases, a waiver may be appropriate. The waiver is recorded on the transcript; however, students must realize that subsequent educational institutions may not recognize a waiver granted by MiraCosta College.

- B. Eligibility: A course waiver may be appropriate provided that 1) *either* the student has made a good faith effort to pass the course *or* his or her disability is of such a magnitude that any attempt to pass the course would be futile and 2) no appropriate course substitution is available. The waived course must be peripheral to the student's course of study, transfer goals, major, or employment goals, and the student must not require any further classes or training in the specified area.

### C. Procedure for requesting Level III Accommodation:

1. The student submits a packet containing the following to the Academic Senate President:

- a. A completed Course Waiver Request Form
- b. All post-secondary transcripts
- c. Documentation of the disability, including one or both of the following:

- (1) Educational verification by a licensed/credentialed professional including

specific test scores and a description of the disability

(2) Evidence of one of the following:

(a) A good faith effort to succeed in the required course, including the following:

1) Consistent and persistent effort in

grievance originated (This faculty member is appointed by the President of the Academic Senate).

3. The CWRC meets, makes a decision regarding the student's request, and forwards the decision to the Americans with Disabilities Act (ADA) Coordinator. In order to make a decision, the CWRC reviews the student packet and then considers the following:
    - a. Evidence that the request would not require a fundamental alteration to an essential component of an institutional or discipline-specific standard
    - b. Evidence that the required course is peripheral to the student's course of study, transfer goals, major, or employment goals and the student will not require any further classes or training in the specified area
    - c. Evidence that the disability could not be addressed with a Level II Accommodation
  4. The ADA Coordinator informs the student in writing of the committee's decision, no later than thirty instructional days after the date of the request. The ADA Coordinator maintains the files and records of the district relating to waiver requests.
- D. Procedure for appealing a decision made regarding a Level III Accommodation: If a student is dissatisfied with the decision, he or she may appeal it within ten instructional days. The student sends the appeal to the ADA Coordinator, who forwards it to the college president for a final determination. Within ten instructional days of receiving the appeal, the college president provides a written determination to the student.
- E. Other remedies for appealing a decision regarding a Level III Accommodation:

An appeal to the college president is not a prerequisite to the pursuit of other remedies, although the college strongly suggests that its appeal process be used first. Also, the student's right to a prompt and equitable resolution to a course waiver appeal will not be impaired by the student's pursuit of other remedies.

Sacramento CA 95814

3. The student may file a complaint with the Federal Office of Civil Rights in San Francisco, California if he or she believes that the college or one of its representatives is violating his or her rights. The address for the Federal Office of Civil Rights is as follows:

U.S. Department of Education  
Office for Civil Rights-Region 9  
Postsecondary Education Division  
Old Federal Building  
South United Nations Plaza, Room 239  
San Francisco, CA 94102

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