

This procedure was revised in legal Update 23 (issued on November 11, 2013) to add technology accessibility as a DSPS service.

AP 5140 DISABLED STUDENT PROGRAMS AND SERVICES

References:

Title 5 Sections 56000 et seq. and 56027

NOTE: This procedure is **legally required**. Local practice may be inserted, but must include the following legal minimums. Insert local procedures here and/or reference the DSPS Plan.

The District maintains a plan for the provision of programs and services to disabled students designed to assure that they have equality of access to District classes and programs.

NOTE: **At a minimum**, the procedures, plan, or description of the program and services **must address:**

- procedure for timely response to **reasonable** accommodation requests involving academic adjustments which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee;
 - long-range goals and short term objectives for the program;
 - definitions of disabilities and students eligible for the program;
 - support services and instruction that is provided;
 - **technology and accessibility;**
 - verification of disability;
 - student rights and responsibilities;
 - student educational contract or plan that is developed by a designated person in consultation with the student;
 - academic accommodations;
 - provisions for course substitution and waivers;
 - staffing; and
 - advisory committee.
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NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **green ink** was added during the administrative review on June 4, 2013. This revised document reflects the recommended revisions from legal Update 23 (issued on November 11, 2013).

Date Approved:

*(This is a new procedure recommended by the
Policy and Procedure Service)*

Legal Citations for AP 5140

Cal. Admin. Code tit. 5, § 56027

Title 5. Education
Division 6. California Community Colleges
Chapter 7. Special Programs
Subchapter 1. Disabled Student Programs and Services
☞ [Article 2.](#) Dsps Services

☞ § 56027. Academic Accommodations.

Each community college district receiving funding pursuant to this subchapter shall establish a policy and procedure for responding to, in a timely manner consistent with Section 53203 of this division, 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.

Note: Authority cited: Sections 67312, 70901 and 84850, Education Code. Reference: Sections 67310-12 and 84850, Education Code.

Cal. Admin. Code tit. 5, s 56000

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s 56000. Scope of Chapter.

This subchapter applies to community college districts offering support services, or instruction through Disabled Student Programs and Services (DSPS), on and/or off campus, to students with disabilities pursuant to Education Code Sections 67310-12 and 84850.

Programs receiving funds allocated pursuant to Education Code Section 84850 shall meet the requirements of this subchapter. Any support services or instruction funded, in whole or in part, under the authority of this subchapter 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.

Cal. Admin. Code tit. 5, s 56002

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s 56002. Student with a Disability.

A "student with a disability" or "disabled student" is a person enrolled at a community college who has a verified impairment which limits one or more major life activities, as defined in 28 C.F.R. 35.104, and which imposes an educational limitation as defined in Section 56004. For purposes of reporting to the Chancellor under Section 56030, students with disabilities shall be reported in the categories described in Sections 56032-44.

Cal. Admin. Code tit. 5, s 56004

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s 56004. Educational Limitation.

As used in this subchapter, "educational limitation" means disability related functional limitation in the educational setting. This occurs when the limitation prevents the student from fully benefiting from classes, activities, or services offered by the college to nondisabled students, without specific additional support services or instruction as defined in Section 56005.

Cal. Admin. Code tit. 5, s 56005

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s 56005. Support Services or Instruction.

As used in this subchapter, "support services or instruction" means any one or more of the

services listed in Section 56026, special class instruction authorized under Section 56028, or both.

Cal. Admin. Code tit. 5, s 56006

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s 56006. Determination of Eligibility.

- (a) In order to be eligible for support services or instruction authorized under this chapter, a student with a disability must have an impairment which is verified pursuant to subdivision (b) which results in an educational limitation identified pursuant to subdivision (c) of this section.
- (b) The existence of an impairment may be verified, using procedures prescribed by the Chancellor, by one of the following means:
- (1) observation by DSPTS professional staff with review by the DSPTS coordinator;
 - (2) assessment by appropriate DSPTS professional staff; or
 - (3) review of documentation provided by appropriate agencies or certified or licensed professionals outside of DSPTS.
- (c) The student's educational limitations must be identified by appropriate DSPTS professional staff and described in the Student Education Contract (SEC) required pursuant to Section 56022. Eligibility for each service provided must be directly related to an educational limitation consistent with Section 56000(b) and Section 56004.

Cal. Admin. Code tit. 5, s 56008

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s 56008. Student Rights.

- (a) Participation by students with disabilities in Disabled Student Programs and Services shall be entirely voluntary.
- (b) Receiving support services or instruction authorized under this subchapter shall not preclude a student from also participating in any other course, program or activity offered by the college.
- (c) All records maintained by DSPTS personnel pertaining to students with disabilities shall be protected from disclosure and shall be subject to all other requirements for handling of student records as provided in Subchapter 2 (commencing with Section 54600) of Chapter 5 of this Division.

Cal. Admin. Code tit. 5, s 56010

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s 56010. Student Responsibilities.

(a) Students receiving support services or instruction under this subchapter shall:

- (1) comply with the student code of conduct adopted by the college and all other applicable statutes and regulations to student conduct;
- (2) be responsible in their use of DSPTS services and adhere to written service provision policies adopted by DSPTS; and
- (3) make measurable progress toward the goals established in the student's Student Educational Contract or, when the student is enrolled in a regular college course, meet academic standards established by the college pursuant to Subchapter 8 (commencing with Section 55750) of Chapter 6 of this Division.

(b) A district may adopt a written policy providing for the suspension or termination of DSPTS services where a student fails to comply with subdivisions (a)(2) or (a)(3) of this section. Such policies shall provide for written notice to the student prior to the suspension or termination and shall afford the student an opportunity to appeal the decision. Each student shall be given a copy of this policy upon first applying for services from DSPTS.